

Approved at Special Town Meeting – May 27, 2008

**TOWN OF MACHIASPORT, MAINE**  
**MARITIME MANAGEMENT ORDINANCE**

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# **ARTICLE I- INTRODUCTION**

## **1. AUTHORITY**

This ordinance is adopted under the authority granted in Titles 12, 17, 30, and 38 (MRSA), and 33 (CFR) as amended, and the Home Rule provisions of the Constitution of the State of Maine.

## **2. PURPOSE**

This ordinance is to establish regulations for marine activities occurring within or directly affecting the area(s) within Bucks Harbor and the other coastal waters within the Town of Machiasport in order to ensure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource.

## **3. JURISDICTION**

The provisions of this Ordinance shall govern all maritime activities on and within the tidal waters located within the boundaries of the Town of Machiasport, Maine and to all land areas at an elevation below the normal high water mark and to all piers, parking lots, beaches and other public facilities serving the maritime resource.

## **4. REPEAL**

All prior Harbor Management Ordinances of the Town of Machiasport are hereby repealed.

## **5. RULES OF CONSTRUCTION**

Captions and headings within this ordinance are an integral part of the Ordinances and are intended to be utilized in determining the meaning and applicability of the sections they identify.

## **6. CONFLICT**

Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States Government with respect to enforcement of navigation, shipping, or anchorage and associated laws of the State of Maine.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation, or statute, the provision imposing the greater restriction shall control.

## **7. EFFECTIVE DATE**

The effective date of this ordinance is 15 days after initial enactment by a properly held Machiasport Town Meeting.

## **8. AMENDMENT**

Any amendment to this ordinance shall be adopted by the registered voters in the Town of Machiasport.

## **9. TOWN LIABILITY LIMITED**

In addition to the immunities from liability and the limitations and defenses provided under the Maine Tort Claims Act, Title 14, sections 8123, 8111 and 8112, a Harbormaster who, in the performance of statutory duties as set forth in this ordinance causes any damage to property or injury to a person shall not be liable for damage or injury, unless the damage or injury is a direct result of the gross negligence, gross recklessness, bad faith or intentional misconduct of the Harbormaster.

## **10. PUBLIC AVAILABILITY**

This ordinance, its appendices and associated regulations are a matter of public record and are available at the Machiasport Town Office.

# **ARTICLE II- DEFINITIONS**

1. ANCHORING - To place a device fastened with chain or line in the bottomland to hold a vessel or watercraft in position.
2. AQUACULTURE - Commercial or scientific marine farming for finfish, shellfish, other marine life and/or plants, using pens, nets, floats, stakes and/or other equipment.
3. ASSISTANT OR DEPUTY HARBORMASTER- Appointed assisting officer to the Harbormaster.
4. AUXILIARY- Any vessel having both sails and either inboard or outboard motor and which may be propelled by its sail or its motor, or both.
5. BEACHES - All land lying between a body of fresh- or salt water and the base of a bluff. In cases where there is no bluff present, then the "beach" shall be all land lying between such body of water and the naturally occurring beach grass or the upland vegetation if no naturally occurring beach grass is present. Primarily includes, but not limited to: Finn Beach, Jaspers Beach, Pettegrow Beach, Grays Beach, Starboard Cove (Beach), Starboard Creek Beach, Mill Point Beach, Big Bay/Holmes Bay Beach, Little Bay/Wyman's Cove Beach, Point of Flats/Randall Flats Beach, Sanborn Cove Beach, and Larrabee Cove Beach.
6. BERTH - A place where a boat lies when at anchor, on a mooring or at a pier or wharf.
7. BOATYARD -- A facility for servicing any type of watercraft, as well as providing supplies, provisions, storage and/or fueling facilities, with or without facilities for the retail sale of boats, motors and marine equipment.
8. BUOY, NO-WAKE – A marker defining an area beyond which no wake is allowed.
9. BUOY, NAVIGATION – A marker defining a channel or other navigable waters.

10. CHANNEL/FAIRWAY - Areas of the harbor kept open for navigation or other purposes by rule or regulation or ordinance of the Town of Machiasport, Dept. of Army Corp of Engineers, State of Maine or other regulatory or legislative body.
11. COASTAL STRUCTURE - Every coastal erosion control structure plus all caissons, catwalks, docks, floating docks, floats, piers, pilings, wharves and other fabrications designed to give access to or through, permit work on or in or facilitate the use of any wetland, barrier dune, bluff or water body. Moorings shall not be included in this definition.
12. COLONIAL ORDINANCE – An ordinance passed by the Massachusetts Bay Colonies between 1641 and 1647, during which Maine was a district of same, that is now part of Maine common law and extends private ownership of shoreline property to the mean low water mark and extinguishes all public rights in privately owned tidelands except for fishing, fowling, and navigation.
13. EMERGENCY - A situation of imminent or proximate danger to life or property in which time is of the essence.
14. EXCURSION BOAT - A vessel used on a commercial basis to take passengers to sea from any port or place within the Town of Machiasport and which returns those passengers to the point of origin without an intervening stop at any port or other land not located in the Town. As used herein, the term "to sea" shall mean into any harbor, bay or other waters within or adjoining the Town of Machiasport, including the Atlantic Ocean. This term shall include a vessel employed on a commercial basis for party-fishing trips (commonly called a "party boat"), a vessel used for sight-seeing trips or tours (e.g., a whale-watching boat), a dinner cruise vessel or a vessel employed on gambling trips outside the territorial waters of the State of Maine.
15. FAMILY MEMBER - parent, child or sibling, by birth or adoption, including a relation of the half blood, or an assignees spouse.
16. FEDERAL NAVIGATION PROJECT (FNP) – A Dept. of Army Corp of Engineers dredging area which includes commercial anchorage and a channel to a controlled depth.
17. FISHING STATION - A shorefront business renting or selling bait, tackle, boats or other fishing supplies and equipment for use on the site or at nearby locations.
18. FLOAT- A floating platform attached to the shoreline or a wharf to which boats may tie alongside or upon which tenders may be stored.
19. FLOAT, MOORED - A floating platform, not attached to or associated with a pier or wharf, anchored, moored, or otherwise secured.
20. FLOATING BUSINESS - A building constructed on pontoons, raft, float or hull and not secured to a pier or wharf that is used as a place of business, including but not limited to waterborne hotels, commercial buyers, restaurants, marinas or marina-related businesses.
21. HARBORMASTER - An official appointed by the Board of Selectmen and employed by the Town of Machiasport, to enforce the provisions of this ordinance and assume certain duties and responsibilities as prescribed by Title 38, MRSA, § 1 as amended, and perform those duties prescribed by Town of Machiasport Job Description and/or those duties as assigned by the Town Board of Selectmen.
22. HOUSEBOAT - A building constructed on pontoons, raft, float, barge, or hull that is used primarily for single or multifamily habitation rather than for cruising or navigation.
23. INNER HARBOR – The harbor off Finn Beach within Bucks Harbor whose entrance is defined by the point of land on the southern shore of the inlet and a pier on the northern

- shore of the same inlet – see Bucks Harbor map (from Machiasport Maritime Plan) in Appendix F.
24. LENGTH OVERALL (LOA) – Overall vessel length from stem to the after-most appendages.
  25. LENGTH WATER LINE (LWL) – Length of vessel from waterline level at bow to the aft-most water line level.
  26. LOBSTER/SHELLFISH/FISH CAR - A floating temporary storage container built to store product before marketing. These floating units require a mooring and are moored in a mooring field.
  27. MARINA - A facility for the berthing and fueling of any type of watercraft not prohibited by this ordinance. The term "marina" shall not include the term "boatyard," nor include out-of-water boat storage, restaurant or repair facilities, motels, apartments or similar activities or uses.
  28. MARINE VENDOR - Any person, having no established or fixed place of water dependant business in the Town buying, selling, trading or offering for sale tangible commodities from the Bucks Harbor Public Pier or any of the piers, floats or boats attached thereto and where delivery is made at the time of sale. The word “marine vendor” shall include the words ‘hawker’, ‘huckster’ and ‘pedlar’.
  29. MEAN HIGH WATER (MHW) – The line on the shore established by the average of all high tides. Established by survey based on available tidal data (preferably over a period of 18.6 years because of the variation in tide). In the absence of such data, less precise methods to determine the mean high water mark include physical markings , lines of vegetation or comparison of the area with an area having similar physical characteristics for which tidal data are readily available.
  30. MOORING - Permanent ground tackle for retaining vessels or watercraft in a fixed position.
  31. MOORING BUOY - A floating object anchored in place to mark a mooring position.
  32. MOORING, COMMERCIAL – Designation by the Army Corps of Engineers for a set of moorings which require their permits and control. Includes the following:
    - a. Lobster/fishing cars
    - b. Floats
    - c. Moorings used for multi-purposes
    - d. Service moorings
    - e. Rental moorings
    - f. Structures that are below MHW mark.
    - g. Salmon Pens
    - h. Navigation buoys
    - i. No-wake buoys
  33. MOORING, INDIVIDUAL NON-COMMERCIAL - Mooring for individual vessel or watercraft owner used for his or her private use.
  34. MOORING PERMIT - A permit issued annually by the Harbormaster to an applicant, authorizing the applicant to utilize a specific mooring space for a specific size and type of vessel or watercraft, for a period of one (1) year.
  35. MOORING, RENTAL – Mooring for which any type of fee is charged including moorings offered by marinas for transient or seasonal rental and moorings controlled by

- yacht clubs if the annual membership fee includes a club controlled mooring, and moorings rented periodically or on a short term basis.
36. MOORING, SERVICE – Moorings as used by marine facilities.
  37. MOORING SPACE - A specific location assigned by the Harbormaster.
  38. MOORING, WINTER - Small mooring ball/buoy to mark a mooring location to replace a principal mooring for the off season.
  39. MUNICIPAL RESIDENT- A person who occupies a dwelling in the Town of Machiasport for more than 180 days in a calendar year.
  40. NON-RESIDENT COMMERCIAL MARINE ENTERPRISE - A Commercial Marine Enterprise owned by a non-resident of the Town of Machiasport. (See Marine Vendor).
  41. OFFICE OF HARBORMASTER- Refers to all personnel working for this office including but not limited to the Harbormaster, Assistant/Deputies, volunteers, contractors, and/or hired individuals.
  42. OIL - Any and all petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, and crude oil.
  43. OUTER HARBOR - That body of water in Bucks Harbor entered from seaward and marked by an imaginary line drawn from the outside of Dry Rock across to the seaward side of Bar Island and into the entrance of the Inner Harbor and to the bar at Bar Island. See Bucks Harbor map (from Machiasport Maritime Plan) in Appendix F.
  44. PENNANT- The line or means by which a vessel or watercraft is made fast to the mooring buoy.
  45. PIER- Any structure built out onto the water for use as a landing place (see WHARF).
  46. RESIDENT COMMERCIAL MARINE ENTERPRISE - A business or corporation owned by a resident of the Town of Machiasport and located in the Town of Machiasport in business for the purpose of sales, storage or maintenance of boats; services to boatyards or marinas or the general public; buying, trading, selling or offering for sale a tangible marine commodity.
  47. RIPARIAN OWNER - A person, who owns a minimum of 100 feet of land/property abutting tidal waters/shore.
  48. SHALL AND MAY - ‘Shall’ is mandatory; ‘May’ is permissive.
  49. SUBMERGED LAND - Land which is ordinarily submerged beneath the waters of a stream, pond, lake or other freshwater body, and all land lying seaward of the mean **low**-water line of any tidal waters.
  50. TENDER - A dinghy, skiff or other boat expressly used for the purpose of transporting persons and/or material, from the shoreline, pier, or wharf, to a boat or vessel or watercraft moored or anchored on the waters of Machiasport.
  51. TRANSIENT VESSEL - A vessel the operator or owner of which seeks a temporary place to berth within a defined cove, harbor, inlet, river, or channel.
  52. TIDAL WATERS -- All waters bordering on or within the Town boundaries subject to fluctuations in depth from normal tidal action and/or peak lunar tides, including but not limited to the ocean, sounds, bays, inlets, harbors, coves and estuaries, as well as brackish streams, creeks, embayments and ponds, and those freshwaters immediately adjacent thereto.
  53. VESSEL - Boats of all sizes propelled by sail, machinery or hand, plus scows, dredges, and craft of any kind.

54. WATERCRAFT - Any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water other than a seaplane.
55. WATER SCOOTERS - A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind a vessel.
56. WHARF - Any permanent non-floating structure normally used as a point of transfer for passengers and/or goods or for temporary or continuous attachment by a vessel or watercraft. (See PIER).
57. WORKING WATERFRONT - A protected harbor providing access during any tide for mooring, loading and unloading of boat and catch, and space to work on gear, as well as on-shore access to public roads, parking for trucks and trailers, and maritime services. Working waterfront also includes clam flats.
58. YACHT CLUB - A private association of persons organized to promote recreational boating.

### **ARTICLE III - MARITIME COMMITTEE**

The Machiasport and Bucks Harbor Maritime Committee (the Maritime Committee) will replace the existing Machiasport (Bucks Harbor) Maritime Committee (the Harbor Committee) and serve as appointees of the Selectmen. (See Article XII)

### **ARTICLE IV – OFFICE OF THE HARBORMASTER**

The Office of the Harbormaster, acting under the direction of the Machiasport Board of Selectmen shall have full authority to enforce all regulations affecting the Harbor and Coastal Waters of Machiasport to the fullest extent permitted by law and to promote safety throughout the maritime environment. The geographical area of responsibility includes maritime waters from the mean high water mark seaward to the town line beaches, piers, launching areas, associated parking areas and waterfront rights of way within the Town of Machiasport.

Work is performed under the supervision of the Machiasport Board of Selectmen. The Office of the Harbormaster works independently and serves as a first responder for Local, State, and Federal Agencies. Where applicable, the Office of the Harbormaster works with others including but not limited to the Machiasport and Bucks Harbor Maritime Committee, agencies, and other town committees and boards.

The Harbormaster shall not make arrests or carry a weapon unless approved by the Machiasport and Bucks Harbor Maritime Committee and Board of Selectmen and only after completion of the requisite course at the Maine Criminal Justice Academy.

Job descriptions for the Harbormaster and Assistance Harbormaster are provided in the Machiasport Maritime Handbook. (See Article X.)

## **ARTICLE V - PROHIBITED ACTS**

### **1. PURPOSE**

The purpose of this article is to set forth provisions for the safe and orderly operation of the Tidal waters of the Town of Machiasport to ensure safety to persons and property, and to minimize conflicts between various users.

### **2. DISRUPTIVE CONDUCT**

It shall be a violation of this ordinance for any person to disrupt the safe and lawful activities, or in any way threaten the public safety, in or around the docks, wharfs, moorings, floats or tidal waters of the Town of Machiasport.

### **3. ANCHORING**

Within Machiasport waters anchoring is permitted for those vessel(s) or watercraft that:

- A. Do not interfere with moored boats or moorings.
- B. Do not impede the movement of other water craft.
- C. Do not interfere with or block or obstruct a channel, fairway, clear zone, pier or wharf.
- D. Are not left unattended in Machiasport and/or Bucks Harbor for more than four (4) hours.

### **4. HOUSEBOATS**

Houseboats are prohibited from mooring or anchoring in all tidal waters of the town unless located at a marina which provides the following:

- A. A permanent float, dock or slip from which the houseboat may be directly boarded from land.
- B. A connection to the marina water supply by means of an individual anti-back flow valve.
- C. A sewer connection to an approved sewage system.
- D. An all weather supply of electricity.
- E. Parking as permitting by the rules and regulations of the marina.
- F. Compliance with the applicable Land Use Codes.

Coastal cruising houseboats that are properly equipped to meet U.S.C.G. regulations are considered as standard pleasure boats.

### **5. FLOATING BUSINESSES**

Floating businesses may operate within the tidal waters of Machiasport if the following procedures are followed:

- A. Presentation to the Harbormaster of a business plan summary and a scale drawing of the float(s) size(s) and anticipated mooring configuration, so that a preliminary assessment of the room required and location can be made.



- B. If the Harbormaster determines that room and a suitable location are available he will provide a checklist of state and federal permits which must be obtained, verified and copied to file before final approval will be taken under consideration.
- C. Space for moorings will be allocated according to Article VI.
- D. Once all necessary permits are presented and verified, the Harbormaster will make a final determination concerning the application.
- E. If the decision is unacceptable to the applicant he/she may appeal the decision to the Machiasport Board of Appeals.

**6. NOISE AND LIGHTING**

It shall be noted that Bucks Harbor and other maritime areas within the Machiasport working waterfront can generate noise and light 24 hours per day. Notwithstanding the above, it shall constitute a nuisance to cause noise in an unreasonably loud manner and/or to illuminate areas so as to disturb neighboring vessels or watercraft, their occupants, navigation, or land residences.

**7. UNSEAWORTHY VESSELS/WATERCRAFT**

A person, firm, corporation or second party shall not moor, anchor or tie-up a vessel or watercraft of any kind whatsoever which is any of the following:

- A. Un-seaworthy or is in a badly deteriorated condition,
- B. Likely to sink or to damage docks, wharves, floats or other vessels or watercraft, or
- C. Likely to injure persons or to become a menace to navigation, except with the express written permission of the Harbormaster.

This restriction shall not apply to vessels or watercraft in immediate distress as a result of current emergencies.

**8. OPERATION OF VESSELS/WATERCRAFT**

- A. Speed of Vessels - It shall be unlawful for any person to operate any vessel or watercraft in a manner that will cause a wake in Bucks Harbor, or any other Machiasport harbors, coves, or inlets that have moorings or anchored vessels or watercraft, wharves/piers, persons, property or objects that could be disturbed or damaged by excessive wake or speed or is contrary to the provisions of Title 38 Section 281, MRSA as amended. In no event shall a vessel or watercraft exceed a speed of five (5) miles per hour in the above areas.
- B. Reckless Operation - No person shall operate any vessel or watercraft in a reckless or negligent manner or while under the influence of intoxicants or drugs so as to endanger the life, limb or property of any person, or in a manner contrary to the provisions of Title 38, Section 283, MRSA, as amended.
- C. Infected Vessels - Whenever a vessel arrives in the Town of Machiasport having on board any person(s) afflicted with a contagious disease or suspected of being afflicted with such disease, the master, commander, or pilot thereof, and the Health Officer of the Town Of Machiasport shall comply with the provisions of Title 22, MRSA, as amended.

- D. Abandonment - No person shall abandon any derelict watercraft, watercraft for salvage, vessel or watercraft, within the geographic limits covered by this ordinance, including, but not limited to town owned beaches, parking lots, piers, and other tidal areas without the permission of the Harbormaster. The Harbormaster shall be the sole determiner as to what constitutes a watercraft that is derelict. Any such property left unattended for a period of sixty days, shall be deemed abandoned. The Harbormaster may order the owner to remove the same within fifteen days. In default of removal or in event the Harbormaster is unable to identify the owner or master of the vessel or watercraft or object after reasonable efforts, the Harbormaster may undertake its removal or destruction at the cost of the owner. Watercraft salvaged by firms licensed by the State to do salvage work shall be excluded from this section.

**9. PUBLIC BEACHES/PUBLIC LANDINGS and CONNECTING PUBLIC PARKING LOTS**

- A. On public beaches, landings or associated public parking lots the following activities are not permitted:
- i. Overnight camping except in designated areas.
  - ii. Fueling except in designated areas.
  - iii. Disposal of litter and trash except in appropriate trash containers. NOTE: If no trash containers are available or those available are full, it is the responsibility of the individual to dispose of his/her trash properly.
  - iv. Disposal of petroleum products, metal, liquids, gases, wood products, traps, fiberglass items.
- B. On public beaches, landings or associated public parking lots no vessel, boat cradle, trailer, watercraft, vehicle, fishing gear or personal item may be:
- i. Left on public beaches over five (5) days except for bait containers, lobster car and/or float storage in designated areas with permission of the Harbormaster. After the above time period the items will be considered abandoned and may be removed by the Town at the owner's expense.
  - ii. Repaired, if such repair requires more than 72 hours, without approval by the Harbormaster. The location of any repair work must be such as not to interfere with the normal flow of traffic and use.
- C. On public beaches, landings or associated public parking lots all vessels, watercraft, cradles, trailers, vehicles, fishing gear or personal items must be:
- i. Parked in such a manner as to take up minimum space.
  - ii. Positioned in order to keep boat launching areas clear.
- D. Extenuating circumstances (hazard, weather, etc.) limiting adherence to the above provisions should be reported to the Harbormaster.

**10. DUMPING OF SEWAGE, OILS AND HAZARDOUS WASTE-**

No person, firm, corporation, or other legal entity shall discharge, spill, or permit to be discharged sewage, trash, litter, garbage, gas, oil, bilge water containing gas or oil, or other pollutants from a vessel, watercraft, vehicle, or any other source into the tidal waters within the boundaries of the Town of Machiasport, beaches, landings, parking lots or onto the ice or banks

thereof in such a manner that the same may fall or be washed into such waters or in such a manner that the drainage therefrom may flow into such waters.

**11. TAMPERING WITH OR BOARDING VESSELS OR OTHER PERSONAL EQUIPMENT WITHOUT PERMISSION**

It shall be a violation of this ordinance, for any person willfully to board, break-in, enter, damage, move, or tamper with any vessel, watercraft, mooring, or other personal equipment belonging to another person(s), or any part thereof, located within the Town of Machiasport, unless authorized by the rightful owner of the above as provided for in this ordinance or permitted under State or Federal Law.

Under circumstances of imminent hazard to vessels and other moored or anchored property and also for the purpose of investigating damage, ordinance violations, emergencies, or crime, the Harbormaster has the right to enter to investigate, but will first attempt to contact the owner(s) or agent.

**12. OBSTRUCTION OF CHANNELS, LAUNCH RAMPS, OR BERTHING SPACES, AND REMOVAL OF VESSELS.**

- A. It shall be unlawful to tie up or anchor a vessel, watercraft or other objects in violation of the mooring provision of this ordinance in such a manner as to obstruct mooring areas, ramps, channels or clear zones or to permit or carelessly sink or allow to be sunk any vessel, watercraft or other objects in any channel, mooring area, or berthing space, which shall impede navigation or cause damage to vessels or watercraft therein.
- B. The Harbormaster may in the interest of safety and clear navigation order any such vessel, watercraft, mooring, personal equipment (fishing gear) or other objects to move or be moved at the owner's expense.
- C. If the Harbormaster receives a complaint from an owner, master, or operator of any vessel, that another vessel or watercraft is obstructing free movement or safe anchorage, he shall investigate the situation and order such other vessel or mooring to move to an appropriate location, if necessary.
- D. If the Harbormaster should observe a condition in which a vessel, watercraft, fishing gear or other objects is obstructing the free movement or safe anchorage of another vessel or watercraft he may order the other vessel, watercraft, fishing gear or object to move or be moved at the owner's expense.
- E. If any vessel, watercraft or object is anchored within the channel limits or clear zones established by the Town of Machiasport the Harbormaster shall order the vessel, watercraft or object to move. If space is available the Harbormaster may designate the location to which the obstructing vessel, watercraft or object may proceed to anchor.
- F. No lobster traps shall be set in a way that interferes with any mooring or moored boat or channel. The Harbormaster may instruct the owner to move lobster traps out of any mooring area.

### **13. PROHIBITED ACTIVITIES WITHIN BUCKS HARBOR**

Prohibited activities within Bucks Harbor include:

- A. water skiing or related activities,
- B. shelling of shellfish unless the shells are removed from the Harbor area and disposed of in a legal and proper manner,
- C. dragging for shellfish or unauthorized setting of nets,
- D. mooring of a vessel greater than 65 feet,
- E. placement of a mooring or moorings for rental purposes,
- F. operating a personal water craft.
- G. use of Municipal pier by commercial vendors except for scheduled and contracted fuel deliveries (See Article VIII.)

### **14. VESSELS PER MOORING**

No person shall permit or place more than one vessel or watercraft unattended on a mooring in the Town of Machiasport. Exception: vessels or watercraft temporarily tied up to a float or mooring attended by the owner in the performance of an activity.

### **15. NEGLECTING TO REMOVE OR REPLACE MOORINGS**

In case of the neglect or refusal of the master of any vessel or watercraft to remove his mooring or to replace it by one of different character, when so directed by the Harbormaster, that 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 master or owner of that vessel or watercraft the sum of \$100 for either of those services rendered and the necessary expenses.

Before removing a mooring or a buoy, the Harbormaster shall notify the master or owner, if ownership can be determined, by mail at his last known address of the action desired of him, of the fine, and the fact that the mooring will be removed. If the matter is not settled to his satisfaction within 2 weeks, the Harbormaster may take the action provided for in this section.

### **16. AIDS TO NAVIGATION**

No person shall install a navigation buoy or a no-wake buoy in Machiasport waters without first obtaining the approval of the United States Coast Guard and the Machiasport Harbormaster.

## **ARTICLE VI- MOORING(S)**

### **1. PURPOSE**

The purpose of this article is to set forth the provisions for the safe and orderly placement, use, type and administration of all moorings and mooring spaces within the tidal waters of the Town of Machiasport and to ensure safety to persons and property of the anchorage users.

## **2. MOORING REGISTRATION**

- A. Persons desiring to place moorings in Machiasport shall apply for mooring permits and assignments with the Harbormaster. Each permit is valid for four (4) years subject to the payment of an annual permit fee. Permits may be renewed.
- B. The Harbormaster shall decide on the number of moorings available in Bucks Harbor and other mooring areas throughout the tidal waters of Machiasport.
- C. A mooring location will be determined according to availability of space, and size of vessel and watercraft.
- D. If space is not available all others will be assigned a place on a Mooring Waiting List.

## **3. PROCEDURE**

- A. On or before June 1<sup>st</sup> of each year, applications and/or reapplications for mooring permits must be submitted to the Harbormaster.
- B. On or before June 1<sup>st</sup> of each year, all applicable mooring fees will be due from all mooring permit holders. Also due biennially will be proof of the required mooring inspection. Any mooring assignee who does not submit his/her application and pay the mooring fee, if applicable, by this deadline may forfeit his/her mooring assignment, at the discretion of the Harbormaster, and it may be reassigned to other applicants who are eligible and have asked to receive a mooring location.
- C. For those who have no mooring permit from the previous year applications may be obtained at the Town Office and all fees paid to the Town of Machiasport. This does not guarantee mooring location.
- D. All mooring holders will be given:
  - i. a written mooring permit signed by the Harbormaster,
  - ii. a mooring number to attach to their mooring buoy, and
  - iii. a mooring location (this may mean moving a mooring).
- E. For those seeking permits the Harbormaster will review the application(s) and issue a decision in writing within 15 days to the applicant.
- F. FEES - The Board of Selectmen with the recommendation of the Maritime Committee shall set applicable mooring/maritime fees. All mooring fees are non-refundable. See Machiasport Maritime Handbook for a list of fees, Article X.

## **4. MOORING ASSIGNMENT:**

- A. No mooring(s) will be permitted in Machiasport waters without approval of the Harbormaster. Each year the map of all moorings will be updated to show permitted mooring locations.
  - i. BUCKS HARBOR – The Harbormaster shall maintain a mooring plan using a mapping grid system to stagger moorings according to a plan with consideration for depths, type and size of vessels or watercraft, the Federal Navigation Project and channels.
  - ii. NON - BUCKS HARBOR WATERS - At present no crowding problem is foreseen in these areas. The Harbormaster will determine when an over populated problem exists and will set up a mooring plan for that area.

- iii. RIPARIAN OWNERS - It is the intent of this ordinance to give priority as per state law(s) under 38 M.R.S.A. to shore land owner(s) with 100 feet of frontage or more and a lot of 20,000 square feet or more. This does not apply to the Federal Navigation Project area in Bucks Harbor or in channel areas. Qualified owners will be permitted one (1) mooring if space is available, the mooring fits into the mooring plan, and can be located immediately adjacent to their frontage. Condominiums, townhouses, or any other similar multiple ownership parcels of land are considered as one parcel for purposes of allocating a mooring to riparian owners.
- B. All moorings not located in the correct location shall be moved by the mooring owner at his/her own expense in accordance with the instructions of the Harbormaster. In the event of the failure of the owner to comply with these instructions, the Harbormaster shall move or remove the improperly located mooring and the cost shall be borne by the owner of the relocated mooring.
- C. A mooring owner with a permit valid during the previous year and, not using his/her mooring, may request an extension of one year on that permit. After the initial one-year extension, the Harbormaster may grant additional extensions from year to year if there is no qualified party on the waiting list for this description of mooring location or there are extenuating circumstances.
- D. A permit holder no longer qualifying for, or desiring not to renew, his/her permit shall so inform the Harbormaster. The Harbormaster shall then offer that assigned location to the next qualified and suitable applicant on the waiting list. Ground tackle placed at the assigned location may be offered for sale by the current permit holder and, if bought by the new holder and qualifying for that location, and if it is also of sufficient size and character, the mooring may be left in place or moved to a different location as assigned by the Harbormaster. Otherwise, its owner must remove all ground tackle.
- E. The Harbormaster shall be promptly notified by the owner of the mooring of a proposed change in the size of the vessel or watercraft to be registered to a mooring. A change in size of the vessel or watercraft may require a change of location and/or upgrading of the mooring.
- F. The Harbormaster shall be promptly notified if a mooring is to be used for a vessel or watercraft not registered to it. A vessel or watercraft not registered to a specific mooring may not exceed 30 days of use per season on that mooring.
- G. Moorings may be moved at the discretion of the Harbormaster as needed.

## **5. MOORING INSPECTIONS**

- A. All moorings shall be inspected by the mooring holder every two (2) years. Proof and a summary of the inspection shall be submitted to the harbormaster. Details of the mooring assignment and inspection routines will be written by the Harbormaster.
- B. Until a certified mooring inspector/business is available to the town of Machiasport it will be the responsibility of the mooring holder to check, or have checked, and certify in writing to the Office of the Harbormaster, that his/her mooring is in a safe condition and suitably sized for its intended use.

- C. Any changes to the mooring including ownership must be immediately reported to the Harbormaster's Office.
- D. The Harbormaster may inspect or arrange for an inspection of any mooring at the owner's expense (including its appurtenances, gear and tackle) at any time.
- E. More frequent inspections may be required depending on maritime conditions.

**6. ABANDONMENT**

- A. Abandonment of assignment - The Harbormaster shall deem abandoned any mooring assignments substantially unused by the applicant for his/her vessel or watercraft for a period of more than one year. Subsequent application for a mooring number assignment by that person must be in accordance with the procedure outlined for new applications, including placement in chronological sequence on any applicable waiting list.
- B. Abandonment of tackle - Any registered mooring holder who abandons or forfeits a mooring space is responsible for removing and disposing of the tackle. Failure of the formerly registered holder to remove such tackle shall constitute abandonment thereof. Such tackle may be removed by the Harbormaster at the expense of the formerly registered mooring holder.

7. **TERMINATION:** All persons who had been assigned a mooring the entire previous year whose mooring assignment is to be terminated by the Harbormaster for reasons of non-compliance with the Maritime Ordinance or any other reason shall receive written notification from the Harbormaster no later than March 1<sup>st</sup>. This notice shall state the fact of termination, the reason for termination, and inform the applicant of his/her right to appeal the decision of the Harbormaster to the Machiasport Board of Appeals. (See Article XI.)

**8. WAITING LIST**

- A. When the number of applications exceeds the number of spaces available in any town-designated mooring area the Harbormaster shall maintain a chronological waiting list of all applicants who did not receive a mooring assignment in the mooring area of their choice.
- B. No person may be placed on the waiting list without first satisfactorily completing an application form and payment of all applicable fees.
- C. All persons wishing to remain on the waiting list must annually re-instate their application and pay a waiting list renewal fee.
- D. A person desiring a place on the waiting list may apply at any time by making out a mooring application form, paying the fee (to be paid each year) and filing it with the Harbormaster. These lists will be in a chronological order according to the ten (10) priorities listed below with a completed application form and filed with the Harbormaster.
  - i. Resident Riparian owner
  - ii. Non Resident riparian owner
  - iii. Resident Commercial Fisherman
  - iv. Resident/Recreational

- v. Resident Commercial Marine Enterprise
  - vi. Non resident Commercial Fisherman
  - vii. Non resident Recreational
  - viii. Non resident Commercial Marine Enterprise
  - ix. Resident Subsequent
  - x. Non Resident Subsequent
- E. In an exception to the waiting list, moorings located within the Federal Navigation Project shall be treated in accordance with Federal regulations that allow one mooring to resident and non-resident commercial fishing vessels on equal terms.
  - F. If less than 10% of the currently assigned moorings are held by non-residents using the moorings for noncommercial purposes, or if less than 10 percent of the currently assigned moorings are held by non-residents using the mooring for commercial purposes, the next available mooring shall be assigned to the first applicant on the waiting list meeting that description. If both user categories, non-resident/noncommercial and no-resident/commercial, are allocated less than 10 percent of the moorings, the next available mooring shall be assigned to the first person on the waiting list in the category with fewer moorings. This subsection shall govern mooring assignments until each user category described in this subsection has 10 percent of the allocated moorings. If there is no applicant on the waiting list within the categories described in this subsection, the next available mooring shall be assigned according to the priorities described in the waiting list.
  - G. Spaces will be assigned to those applications on the waiting list according to vessels or watercraft meeting the criteria for the space available.
  - H. Those individuals not accepting an offered mooring assignment will be moved to the bottom of the chronological list within each priority group of the waiting list.
  - I. An applicant's name may appear only once on the waiting list. Multiple applications under a single name or household shall be subject to review by the Harbormaster and the Maritime Committee.
  - J. A copy of these waiting lists shall be posted in the Town Office and shall be provided to the Maritime Committee and made available to the public.

#### **9. SUBSEQUENT MOORINGS (ADDITIONAL MOORINGS)**

Applications concerning second or subsequent moorings of any type held by one person, entity or household shall be processed by the Harbormaster, who shall consider each application and limit moorings to the number of vessels or watercraft owned and registered to the owner's name. The owner must show a need and if approved must show use. No mooring will be allowed without a bonafide registered/permitted vessel or watercraft. No subsequent moorings will be allowed in the Federal Navigation Project area. Tender moorings are not considered subsequent.

#### **10. CHANGE OF LOCATION:**

- A. All moorings shall be subject to change in location, at the owner's expense, when it is deemed by the Harbormaster to be in the best interests of the town, the safety of the harbor or waterway, or required to comply with the provisions of this ordinance.



- B. No person shall place, alter or shift a mooring or buoy of any type within the tidal waters of the Town of Machiasport without written permission of the Harbormaster.
- C. The moving or relocation of any mooring as a result of dredging of Bucks Harbor will be completed at the owner's expense.

#### **11. TRANSFER OF PERMITS**

- A. A mooring assignment may be transferred only
  - i. at the request or death of the assignee,
  - ii. to an assignee's family member, and
  - iii. if the mooring assignment will be used for commercial fishing purposes.
- B. Nothing in this Ordinance conveys any property rights in a mooring assignment in the Town of Machiasport.
- C. If unassigned, the mooring reverts to the town and shall be assigned to the next eligible applicant.
- D. A mooring assignment may be temporarily provided to another vessel or watercraft (in excess of one week but no more than one month) upon notification and approval of the Harbormaster. The Harbormaster must be informed of such accommodation of a guest vessel for any period greater than 3 days.

#### **12. TOWN OWNED MOORINGS**

A town-owned NO WAKE BUOY/SPEED BUOY will be located at the approximate channel entrance of Bucks Harbor. The time of placement and location of buoy will be contingent upon ice and weather conditions.

#### **13. FEDERAL NAVIGATION PROJECT (FNP):**

The Federal Navigation Project (FNP) area is depicted in the Machiasport Maritime Handbook. (See Article X.)

Moorings located within the FNP shall be treated in accordance with federal regulations as open to all on equal terms for resident and non-resident commercial vessels and with equal fees for all users. Moorings will be assigned within the FNP as follows:

- A. Vessels that are not eligible must be moored outside of the FNP area at a distance of 3 times the low water dredged depth. (See the Machiasport Maritime Handbook for FNP coordinates.)
- B. Commercial boats that are eligible will be required to use a mooring in this area first to ensure sufficient room for all users in the remainder of harbor.
- C. All commercial boats that are eligible and are on a waiting list will be assigned to the dredged area first.
- D. The following types of moorings are not permitted in the FNP areas:
  - i. Lobster Cars
  - ii. Floats
  - iii. Service or Rental Moorings
  - iv. Salmon pens
  - v. Structures below MHW
  - vi. Multi-purpose moorings

#### **14. APPLICABLE STATE AND FEDERAL PERMITS**

Any and all state and federal permits required are the responsibility of the applicant and copies must be kept on file at the Town Office.

#### **15. FLATS MOORING:**

- A. Flats moorings shall be:
  - i. located and built of such construction as the Harbormaster may approve.
  - ii. marked by the numbering system noted above.
- B. Flats moorings will be included within the mooring limitation count, and they:
  - i. must comply with other Sections of this Ordinance,
  - ii. must be restricted to adjoining upland owners.
- C. The Harbormaster shall limit the number of flats moorings and their location so as to prevent a navigation problem, harm to the habitat and resources in the foreshore, and to ensure safety or access to beach or shellfish digging areas.

#### **16. STRUCTURES ABOVE AND BELOW MHW**

Pier(s), wharf(s), pier floats, gangways are subject to all required local, state, and federal rules, regulations, and permits.

- A. All public or private piers, wharf(s), gangways and floats attached to any public or private piers, floats, or wharfs require:
  - i. Approval by the Harbormaster for any modifications, repairs (except in emergency) add-ons, or changes.
  - ii. Compliance with town policy and be subject to any permits and fees.
  - iii. Approval and guidance by the Planning Board for major changes to piers.
  - iv. Filing at the town office of all state and federal applications and permits.
  - v. Maintenance to serviceable specifications including but not limited to peripheral equipment.
- B. It is the responsibility of all users to report damage to the Office of the Harbormaster.

#### **17. CHANNEL(S)/ FAIRWAY(S) AND CLEAR ZONES:**

No anchored or moored boats, floats or floating obstructions can swing within one hundred (100') feet of piers/wharves or attached floats. The locations of the Federal Clear Channel and other local channels are depicted in the Machiasport Maritime Handbook. (See Article X.)

#### **18. UNAUTHORIZED MOORING USE LIABILITY**

If a mooring is used by an unauthorized vessel or watercraft that causes damage to that vessel or watercraft or to the mooring or to another vessel or watercraft as a result of such unauthorized use, the mooring owner shall not be liable. In addition, the owner of the unauthorized vessel will be responsible for making any and all repairs to the damaged mooring and/or to any vessels damaged as a result of his/her unauthorized use of the mooring.

## **ARTICLE VII- AQUACULTURE**

### **1. PURPOSE**

The purpose of this article is to set forth provisions for the safe and orderly operation of aquaculture facilities in the tidal waters of the Town of Machiasport to ensure safety to persons and property, and to minimize conflicts between various users.

### **2. AQUACULTURE SITES**

All aquaculture sites are subject to all Federal, State, and Local Laws, regulations and Ordinances and may require a shore land permit from the Town Of Machiasport. Aquaculture sites will be registered with the Harbormaster.

### **3. AQUACULTURE MOORINGS**

Aquaculture pens temporarily placed in the Bucks Harbor mooring field will be considered in transit and be allowed only 30 days on site. Placement and movement of any such temporary pens must be approved by the Harbormaster. A copy of all aquaculture permits, including associated pier permits, shall be kept on file at the Town Office.

## **ARTICLE VIII**

### **USE OF THE MACHIASPORT MUNICIPAL PIER**

The Municipal Pier in Bucks Harbor is a public pier built to improve and facilitate access between land and water for both recreational boaters and commercial fishermen (to include other ocean harvesters: scallop or urchin divers or draggers, mussel draggers, clam diggers, worm diggers, line and trawl fishermen, seaweed harvesters).

Though harvesters are welcome to unload their day's harvest onto or across the pier and parking lot into their own vehicles for transport to wholesalers, dealers, or their representatives, the wholesalers, dealers, and their representatives are prohibited from using the pier and parking lot in their business.

A maximum of three deliveries of fuel (known and posted through the Harbormaster's Office) may be contracted for sale at the pier per week.

The basic rules for use of the pier are as follows:

- A. All boats are allowed to tie up for a maximum of two hours for loading, unloading, repair, maintenance, or other work.
- B. No boat may be left unattended at the pier.
- C. If a boat has used the pier for two hours and another boat arrives for which there isn't room, the first boat must leave.

- D. If a boat-owner has a project which is very likely to use more than two hours, and/or requires special equipment (like a boom truck, for instance) he/she should inform the Harbormaster for permission, and make arrangements. (Those needing a day or more for a boat project should plan on using either Finn or Pettegrow Beach, and should inform the Harbormaster of their intentions.)
- E. A boat in an emergency needing dock space has precedence getting it even if other boats must be moved to provide room.
- F. No vehicles, boats, or gear may be stored on the pier or parking lot. (The Harbormaster must be consulted for any special permission for temporary storage.)

## **ARTICLE IX – PENALTIES**

### **1. VIOLATIONS SUBJECT TO STATE LAW**

The master or owner of any vessel or watercraft or any other person who violates any of the provisions of this ordinance, for which a specific penalty is not set forth herein, or for which a specific penalty is not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties set forth in 30-A M.R.S.A. § 4452.

Violations of this Ordinance, which also constitute violations of State laws with regard to speed restrictions, reckless operation of a vessel or operation of a vessel under the influence of drugs or liquor, as, set forth in 38 M.R.S.A. § 281 - 285 shall be subject to the penalties set forth in state law.

### **2. ABATEMENT**

A violator of this Ordinance shall also be subject to an order of abatement of the violation as set forth in 30-A M.R.S.A. § 4452; and that violator shall further be subject to an action by the town of Machiasport, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violations of this Ordinance.

### **3. REGULATIONS**

The Maritime Committee in consultation with the Harbormaster, and upon approval by the Board of Selectmen, shall promulgate rules and regulations, including fees, governing the use of vessels or watercraft, docks, piers, slips, (public) beaches, associated (public) parking facilities, (public) right of ways, floats, moorings, and marine activity within the tidal waters of Machiasport. Violations of the Maritime Regulations shall be considered a violation of this ordinance and carry such penalty as may be provided for therein.

## **ARTICLE X – MACHIASPORT MARITIME HANDBOOK**

One of the principle duties of the Maritime Committee and Harbormaster is the writing and publication of the Machiasport Maritime Handbook (Maritime Handbook).

The purpose of the Maritime Handbook is to provide detailed instructions and procedures for a wide range of subjects that must be addressed to implement the Maritime Management Ordinance. A sample Table of Contents is as follows:

- A. Moorings- Minimum Standards
- B. Anchoring Areas
- C. Fueling Areas
- D. Beach Regulations
- E. Fees
- F. Penalties and Abatements
- G. Application Forms
- H. Federal Navigation Project
- I. Federal Channels
- J. Job Descriptions
- K. Other Topics (as desirable or necessary)

The Maritime Handbook will be written by the Maritime Committee and Harbormaster and after a public hearing sent to the Board of Selectmen for approval by a majority vote.

Amendments, too, will originate with the Maritime Committee for approval by the Selectmen after a hearing.

All requirements and procedures stipulated in the Maritime Handbook will have the authority of the Maritime Management Ordinance.

## **ARTICLE XI - APPEALS**

Any and all persons aggrieved directly or indirectly by a written decision or order of the Harbormaster or any other town official, who has authority to act under this Ordinance, may appeal said decision or order. Such appeal must be in writing, directed to the Machiasport Board of Appeals, and filed with the Town Clerk on the Appeal Request Form within twenty-one (21) days of said decision or order.

The request must state with specificity, the decision, order, ruling or act, or failure to act, that is the basis for the appeal. A copy of the relevant permit application or other written determination by the Harbormaster or other official must be attached.

The Machiasport Board of Appeals, upon hearing the appeal, may affirm, modify or set aside the decision, order or ruling in accordance with state law and the guidelines and procedures stated in the Machiasport Board of Appeals Ordinance. The Board will render its decision in writing within thirty (30) days of the date the appeal request is delivered to the Town Clerk.

The Harbormaster may, at his sole discretion, stay any of his orders pending appeal. The appellant may be required to post security or obey other restrictions imposed by the Harbormaster during the pendency of an appeal if an order is stayed. Any decision, order or

ruling of any other town official, authorized under this ordinance, shall not be stayed pending appeal.

An appeal of a decision of the Board of Appeals may be pursued by the aggrieved party or parties to the Maine Superior Court, in accordance with Maine Rules of Civil Procedure 80B.

## **ARTICLE XII - Machiasport and Bucks Harbor Maritime Committee**

### **1. CREATION OF THE MACHIASPORT AND BUCKS HARBOR MARITIME COMMITTEE**

On the date of the adoption and approval by the town voters of this Maritime Management Ordinance the Machiasport and Bucks Harbor Maritime Committee (Maritime Committee) will replace the existing Harbor Committee.

### **2. BY-LAWS OF THE MARITIME COMMITTEE**

#### **A. MEMBERSHIP**

1. Maritime Committee members will be appointed for three (3) year staggered terms (and be reappointed for additional terms) by the Board of Selectmen.
2. There will be no more than seven (7) members appointed to the Maritime Committee.
3. Committee members should represent a broad spectrum of the Town.
4. The seven (7) members (from each of the following categories) will be as follows: Three (3) commercial fishermen; one (1) recreational boater, two (2) waterfront property owners, and one (1) non-boating interest.
5. When a member is absent from the committee for three consecutive meetings he/she may forfeit membership on the committee. A vacancy will be declared by a majority vote of the Maritime Committee.
6. The Machiasport Harbormaster will serve on the Maritime Committee in an advisory role.

#### **B. QUALIFICATIONS**

1. A desire to be an active volunteer on behalf of the Town without prejudice.
2. Knowledge of ocean, harbors and maritime heritage.
3. Full time resident (greater than 180 days/year) and registered voter of Machiasport.
4. Committed to attend meetings and work toward goals to benefit the Town.

### **C. MEETINGS**

1. The Maritime Committee will meet regularly as established annually by the committee.
2. The Committee will annually in July elect a Chair, a Vice-Chair and a Secretary.
3. The Chair and Harbormaster will prepare the agenda. Members may propose items to be placed on the agenda.
4. All meetings will be announced to the public.
5. The Harbormaster should attend all meetings and be a non-voting advisor.
6. A quorum will consist of 51% of the total members of the committee.

### **D. VOTING**

1. Each committee member has one vote.
2. If a member wishes to abstain he/she must state the reason for the abstention.

### **E. SUBCOMMITTEES**

- by the
1. The Chair may appoint a Subcommittee from time to time for the purpose of addressing a specific topic. When the work is declared complete Chair the Subcommittee will cease to exist.
  2. Subcommittees may invite additional participation and assistance from the community for specific tasks.

### **F. DUTIES AND RESPONSIBILITIES OF THE COMMITTEE**

- and
1. To oversee the Machiasport Maritime waters and report to the Board of Selectmen.
  2. To conduct regular meetings as determined by the committee.
  3. To recommend policies, rules and regulations for Machiasport tidal waters, harbor entrances, boat ramp, public pier and beaches.
  4. To review existing and proposed Rules, Regulations and Ordinances for use of the harbors, beaches and the public pier and to recommend propose changes.
  5. To recommend policies and ordinances for mooring in Machiasport waters.
  6. To advise as to the care, maintenance and management of public piers, beaches and facilities.
  7. To recommend policy for public access to the shore and to develop and plans.

8. Upon the request of any reviewing authority, provide review and comment on the construction of piers, wharves, bulkheads, and floats within maritime waters of Machiasport.
9. To make recommendations to the Harbormaster on the annual budget, including town appropriations and fees.
10. To assist the Selectmen in the review of qualifications for the person seeking employment as Harbormaster.
11. To prepare the Maritime Handbook.
12. To propose amendments to the Maritime Handbook.

**G. CHANGES AND AMENDMENTS TO THESE BY-LAWS**

Changes to these By-Laws must be reviewed by the committee and recommended [by a majority vote] to the Board of Selectmen. The Board of Selectmen will approve all changes to the By-Laws.

**ARTICLE XIII – SEVERABILITY AND APPROVAL**

SEVERABILITY – Should any portion of this Ordinance be declared invalid or unenforceable by a court, the other provisions of this Ordinance shall remain in full force.

EFFECTIVE DATE: This Ordinance was voted upon and approved at a Town Meeting dated May 27, 2008 and this Ordinance shall take effect upon that date.

\_\_\_\_\_  
Philip C. Rose, Selectman

\_\_\_\_\_  
Michael Murphy II, Selectman

\_\_\_\_\_  
Margaret Flaherty, Selectman

CERTIFIED BY: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

(Affix Seal)

Committee Recommended on April 20, 2008  
Public Hearing held on April 29, 2008  
Special Town Meeting held on May 27, 2008