



**PORT AUTHORITY RULES AND REGULATIONS
PERTAINING TO THE HARBOR, PORT, AND CHANNELS, WITHIN
THE TOWN OF KITTEY, MAINE**

AMENDED:



TOWN OF KITTERY PORT AUTHORITY RULES AND REGULATIONS PERTAINING TO THE HARBOR, PORT, AND CHANNELS, WITHIN THE TOWN OF KITTERY, MAINE

1		
2	1. DEFINITIONS	4
3	2. HARBOR USE REGULATIONS	9
4	2.1. Speed of Vessels, Reckless Operation, and Wake of Vessels	9
5	2.1.1. Pepperrell Cove including Chauncey Creek	9
6	2.2. Channels	9
7	2.3. Anchorage	10
8	2.4. Buoys other than for Mooring Vessels	10
9	2.5. Public Wharves and Landings	10
10	2.6. Abandoned Boats, Vessels, Wrecks, Etc.	12
11	2.7. Water Skiing, Skin & SCUBA Diving, Aircraft, Sailboards, Jet Skis/Personal Watercraft, 12 and Windsurfing	12
13	2.8. Environmental Protection of the Harbor and Waters of the Town	12
14	2.9. Harbor Use Permits	13
15	2.10. Facility Use Permit	13
16	2.10.1. Kittery-Resident Commercial Vessels	13
17	2.11. Fishing from Town Owned Piers, Floats and Wharves	14
18	3. MOORINGS	14
19	3.1. Assignment of Mooring Sites	14
20	3.3. Mooring Site Permit Application Information	16
21	3.3.1. Application	16
22	3.4. Annual Renewal of Mooring Site Permits	16
23	3.5. Forfeiture	17
24	3.6. Use of Permitted Mooring Sites and Temporary Mooring Site Use Program	17
25	3.7. Mooring Site Resolution of Conflict	19
26	3.8. Adequacy of Moorings	19
27	3.10. Moving or Interfering with Moorings Belonging to Another	20
28	3.11. Transient Moorings, Commercial Service, and Rental Moorings	20
29	3.12. Moored Floats	20
30	3.13. Outhauls	20
31	3.14. Spar Mooring Floats	21
32	3.15. Riparian Rights Mooring Sites	21

33 3.16. Abandoned Mooring Sites 22

34 3.17. Revocation of Mooring Site Permit 22

35 3.18. Disposal of Mooring Tackle 22

36 3.18.1. Order to Remove by Harbormaster 22

37 4. PIERS WHARVES, FLOATS, AND OTHER MARINE-RELATED STRUCTURES..... 23

38 4.1. Authority 23

39 4.2. Permits 23

40 4.3. Application Requirements 23

41 4.4. Application Process 24

42 4.4.4. Scheduling Hearing 24

43 4.5. Findings of Fact 26

44 4.6. Conditions of Approval..... 26

45 4.8. Administration and Enforcement 27

46 5. HARBORMASTER DUTIES AND AUTHORITY 28

47 5.1. Duties 28

48 6. PENALTY 28

49 6.1. Violations 28

50 6.2. Enforcement by Harbormaster 28

51 6.4. Responsibility of Owner 30

52 7. APPEALS..... 30

53 7.1. Appeal of Decisions of the Harbormaster 30

54 7.2. Request for Reconsideration of Decisions of the Port Authority 31

55 7.3. Appeal of Decisions of the Port Authority..... 31

56 8. FEDERAL REGULATIONS 32

57 9. CITIZEN COMPLAINTS 32

58 9.1. Complaint Procedure 32

59 9.2. Action of the Harbormaster 32

60 10. FEES – GENERAL PROVISIONS..... 32

61 11. SEVERABILITY..... 32

62 12. EFFECTIVE DATE and RECORD OF CHANGES 33

63 Appendix A - Record of Changes Compendium 33

64 Appendix B - Fee Schedule 33

65

66 **TOWN OF KITTERY PORT AUTHORITY RULES AND REGULATIONS PERTAINING TO THE**
67 **HARBOR, PORT, AND CHANNELS, WITHIN THE TOWN OF KITTERY, MAINE**

68 These Rules and Regulations are promulgated by the Port Authority in accordance with Article IX
69 Section 9.02 of the Town of Kittery Charter; and are to be construed as having the force and
70 effect of law as municipal ordinances in accordance with Title 38 Maine Revised Statutes (MRS),
71 as may be amended from time to time. These Rules and Regulations apply to watercraft, boating,
72 and the use of waters, within the Town of Kittery (hereinafter the “Town”) and are applicable to
73 any construction lying within the jurisdiction of the Port Authority.

74 **1. DEFINITIONS**

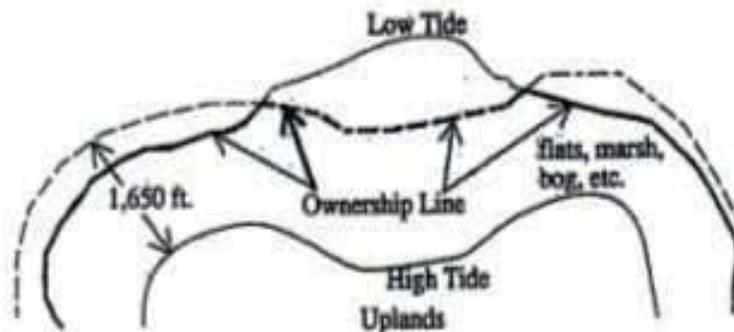
75 Except where specifically defined in these Rules and Regulations, all words used herein carry
76 their customary dictionary meanings. Words used in the present tense include the future and the
77 plural includes the singular, and singular includes the plural; the word “lot” includes the word
78 “plot”; the word “building” includes the word “structure”; the words “shall” or “must” are always
79 mandatory; “occupied” or “used” are considered as though followed by the words “or intended,
80 arranged or designed to be used or occupied”; and, gender-specific words (e.g., she, he, his,
81 hers) include the opposite sex equivalent.

82 **Anchorage Area** – An area of the harbor set aside for the temporary anchoring of vessels.

83 **Anchoring** – To secure a vessel to the bottom within a body of water by dropping an anchor(s)
84 or other ground tackle which is carried aboard a vessel when underway as regular equipment.

85 **Berth** means the place where a vessel lies when at a wharf or pier.

86 **Boundaries (Along Tidal Water)** means any body of water that is naturally influenced by the ebb
87 and flow of the tide. Tidal waters include rivers from their mouths to the point upstream where the
88 ebb and flow of the tides is negligible. Title to land abutting and below the normal high- water mark of
89 tidal water is determined by the title deed and application of state law and common law
90 presumptions. The common law presumption is that a conveyance of land bounded by tidal water will
91 convey title to the low tide mark or to 1650 feet (100 rods), whichever is closer to the normal high-
92 water mark (see figure, below). This presumption of tidal water boundary applies equally to all lands
93 along the ocean, bays, and rivers affected by the tides, even though the tidal river water may contain
94 fresh rather than brackish or salt water. The line of low tide may fluctuate because of accretion and
95 reliction. An owner’s lands will increase or decrease accordingly. Beyond the low tide or beyond
96 1650 feet, whichever is closer to high tide, the State has title.



98 **Channels** means areas of the harbor kept open for navigation or other purpose by rule or
99 regulation of the Port Authority, the Department of Army or other regulatory or legislative body.

100 **Commercial fishing vessel** means a vessel outfitted and utilized for the taking of any marine
101 species for purposes of sale.

102 **Commercial Use** means a vessel used for the principal purpose in the pursuit of one's business
103 or trade for the purpose of earning a livelihood. **The Harbormaster will determine whether a use**
104 **is commercial for the purpose of application to Kittery Port Authority Rules and Regulations.**

105 **Dinghy, Tender or Skiff** means a vessel 12'6" or less in length and 5'0" or less in beam
106 associated with a specific larger vessel and principally used for transportation from the larger
107 vessel to a landing or other vessel.

108 **Dock** means the slip or waterway extending between two (2) piers or projecting wharves or cut
109 into the land for the reception of vessels.

110 **Float** means a platform that floats and is anchored, moored or secured at or near the shore, used
111 for landing or other purposes.

112 **Float-In** means when the town-owned floats are put back in the water in the spring.

113 **Float-Out** means when the town-owned floats are removed and stored for the winter.

114 **Finger Float** means a float extending from the main float of a pier, ramp and float system that
115 creates slips and/or increases the float or pier edge available for docking vessels.

116 **Harbor** means the navigable tidal waters within the geographical limits of the Town of Kittery,
117 Maine.

118 **Harbor/Water Usage** means a fee assigned to mooring and vessel owners for the use of
119 maritime facilities and services provided by the Town and the Port Authority.

120 **Harbormaster** means the Kittery official appointed to oversee the jurisdictional area of the Port
121 Authority and having the authority, duties and responsibilities conferred by state statute and
122 municipal rules, regulations and ordinances.

123 **Industrial Commercial** means any ~~enterprise, whether corporation, partnership, limited liability~~
124 ~~company, proprietorship, association, business trust, real estate trust or other form of~~
125 ~~organization, that is organized for gain or profit,~~ person carrying on any business for gain or
126 profit.

127 **Kittery Port Authority** means an organization as established by Kittery Town Charter.

128 **Knot** means one nautical mile per hour, or approximately 1.15 statute mile per hour.

129 **Landing** means a place for landing or discharging persons or things, as from a vessel.

- 130 **Marina** means a business establishment that has compliant frontage on navigable water and
131 that provides, as its principal use, for hire moorings or docking facilities for vessels and yachts
132 or any pier and float system capable of supplying four (4) or more 15' or greater slip spaces in
133 addition to the main float as of July 5, 2007, but not including float systems in existence before
134 this date. A marina may also provide accessory services such as vessel and related sales,
135 vessel repairs to small craft 19.8 meters (65 feet) or less [in length](#), indoor storage of vessels
136 and marine equipment, vessel and tackle shops, or marine fuel service facilities.
- 137 **Mean Low Water Mark** means approximation of mean-low water made by observation of low tide
138 during a 0.0-foot tide (as determined by the National Oceanic and Atmospheric Administration).
- 139 **Mooring** means a permanent, adequate means of securing a vessel to the bottom in an
140 anchorage, which is not carried aboard a watercraft when underway as regular equipment.
- 141 **Mooring, Commercial** means a mooring utilized by a person in the pursuit of business or trade.
- 142 **Mooring, Commercial Service** means a mooring utilized by individuals or marinas to service
143 boats for repair on a temporary basis.
- 144 **Mooring, Private** means a mooring utilized by a vessel for private use only.
- 145 **Mooring, Rental** means any mooring offered by individuals or marinas for transient or seasonal
146 rental including moorings controlled by private entities.
- 147 **Mooring Site** means a specific point on the ocean bottom in a mooring area assigned by the
148 Harbormaster to a primary owner for a specific vessel and use. Approval of the physical mooring
149 tackle (hardware) is covered separately and is approved by the Harbormaster for the location
150 permitted.
- 151 **Mooring Site Waiting List** means a list or lists of persons, arranged by application number,
152 requesting a mooring site in the tidal waters of the Town.
- 153 **Mooring Site Permit** means the assignment by the Harbormaster of a mooring site. All such
154 mooring site permits are issued by the Harbormaster upon application by the vessel owner
155 according to these Rules and Regulations.
- 156 **Mooring, Town Transient** means moorings available for overnight rental through the
157 Harbormaster.
- 158 **MRS** means Maine Revised Statutes.
- 159 **Navigable Tidal Waters** means all harbors and bays as well as major rivers as far as they can be
160 navigated "continuously" from the sea without obstructions.
- 161 **Not-for-profit entity** means any [enterprise person](#), whether corporation, partnership, limited
162 liability company, proprietorship, association, business trust, real estate trust or other form of

163 organization carrying on any activity within the state consistent with the stated purposes of such
164 organization and operating on a nonprofit basis.

165 **Normal High-Water Mark** means that line which is apparent from visible markings, changes in
166 the character of soils due to prolonged action of the water or changes in vegetation, and which
167 distinguishes between predominately aquatic and predominantly terrestrial land.

168 **Outhaul** means an assembly consisting of a submerged pulley and continuous line between a
169 moored vessel and a fixed point on shore for the purpose of boarding a vessel from the shore
170 without the need of a dinghy.

171 **Person** means an individual, corporation, governmental agency, municipality, trust, estate,
172 partnership, association, two or more individuals having a joint or common interest, firm or, in
173 the case of a corporation or association, any official thereof, or other legal entity.

174 **Pier** means a structure extending into the water from a shore or bank or along a shore or bank
175 which provides for the transfer of cargo or passengers or the berthing for vessels, and includes
176 but is not limited to, wharves, quays and docks.

177 **Pier use permit** means an annual pier use permit or a single-use (daily) pier permit

178 **Pier, Commercial** means any pier that exceeds six (6) feet in width.

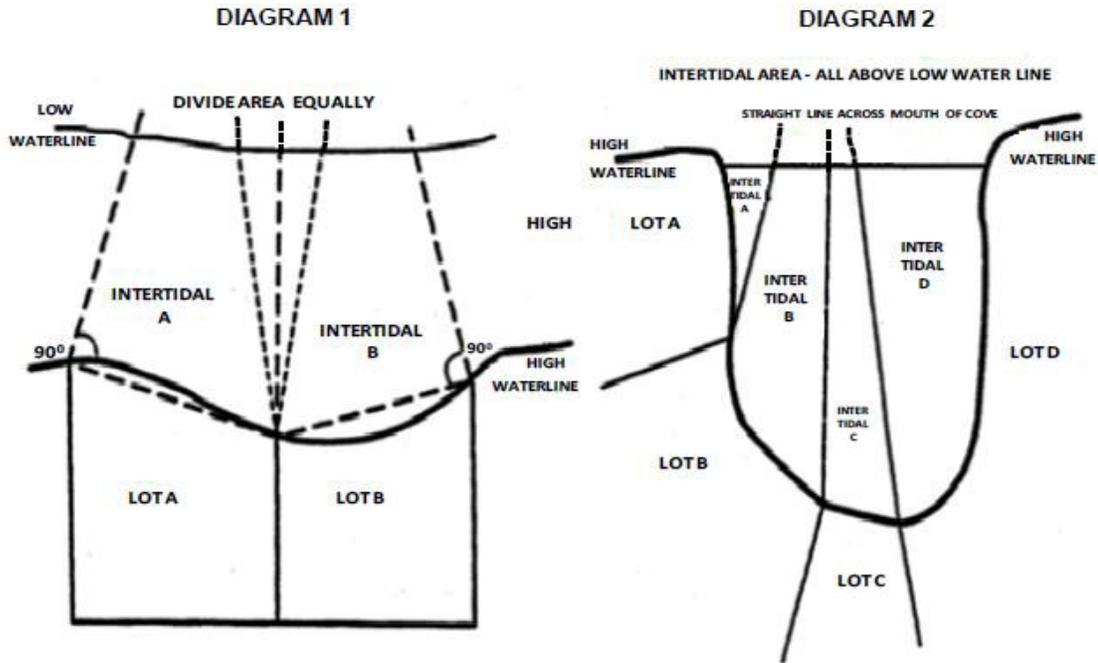
179 **Pier, Residential Development Use, Ramp & Float System** means a pier and/or ramp and float
180 system which is used in common by lot owners or residents of a subdivision or residential planned
181 development. The purpose is to provide waterfront access to the owners of lots in a residential
182 development that has the potential for more than one waterfront lot. The object is to minimize the
183 number of piers, ramps and floats resulting from new development and possible elimination of
184 Riparian Moorings.

185 **Primary Owner** means the person that owns the majority of a vessel and is the first person
186 listed on the vessel registration card.

187 **Riparian Mooring** means a mooring where practicable is issued to individuals that own
188 shorefront rights to a parcel of land that meet the requirement of 38 MRS, §3, Mooring sites.

189 **Riparian water rights** (or simply riparian rights) is a system for allocating water among those who
190 possess land along its path pursuant to Title 38 MRS, §3, Mooring sites:

191 **DIAGRAM for DETERMINING OWNERSHIP of INTERTIDAL LAND**



192

193 **Swim Float** means a structure that is moored on a temporary basis no earlier than June 1 and no
194 later than October 15 for swimming purposes only, with no watercraft tied to the float for any
195 extended periods of time.

196 **Temporary Mooring Site Permit** means a mooring site permit issued or assigned by the
197 Harbormaster on a temporary basis not to exceed one (1) season (May 1st through April 30th) per
198 assignment.

199 **Tidal Waters** means areas where there are two Low Waters and two High Waters generally
200 every 24 hours and 50 minutes. The average High Water rises 8.7 ft. from Low Water in the
201 Kittery area.

202 **Title 16** means Kittery Town Code Title 16, Land Use and Development Code.

203 **Town Resident**, also referred to as "Municipal resident", means any natural person who owns
204 real property in Kittery or resides in the Town for more than one hundred eighty (180) days in a
205 calendar year.

206 **Town Transient Slip Rental** means the float system of docks on Pepperrell Pier available for
207 overnight rental through the Harbormaster.

208 **Vessel** means boats of all sizes propelled by sails, machinery or hand; scows, dredges, shellfish
209 cars and watercraft of any kind.

210 **Wharf** means a structure of timber, masonry, concrete, earth or other material, built on the shore
211 of a harbor, river, canal, or the like, especially one extending parallel to the shore line, so that
212 vessels may lie close alongside to receive and discharge passengers and cargo.

213 **2. HARBOR USE REGULATIONS**

214 **2.1. Speed of Vessels, Reckless Operation, and Wake of Vessels**

215 Vessels must be operated in the harbor at a reasonable and prudent speed with due regard to all
216 prevailing circumstances and in such a manner as to not endanger watercraft, persons or property.

217 **Vessels must be operated so they do not create a wake that does or potentially could endanger**
218 **or damage any person, vessels or property.**

219 Vessels must not exceed the speed of five (5) m.p.h. in the following areas:

220 **2.1.1. Pepperrell Cove including Chauncey Creek**

221 A. From the entrance to Pepperrell Cove channel (Red Nun Buoy #4) to the Town Pier at
222 Frisbee Wharf including the complete mooring area of Pepperrell Cove.

223 B. From the entrance of Chauncey Creek channel to the upper end of Chauncey Creek.

224 **2.1.2. Spruce Creek**

225 **The area from Hicks Rocks Inner Channel below Kittery Point Bridge to ¼ mile north of the Kittery**
226 **Point Bridge in Spruce Creek.**

227 **2.1.3. Back Channel**

228 From Red Nun Buoy #4 at the Southeasterly end of the back channel, up the river to both the
229 North and Southeast sides of Badger's Island terminating at Western end of Badger's Island.

230 **2.1.4. Exception**

231 Nothing in these speed or wake regulations makes unlawful any action necessary for (a)
232 navigational safety; (b) observance of the rules of the road, and emergency missions by
233 emergency or public safety watercraft. The burden is upon any person asserting the exception
234 provided by this Section as a defense to a prosecution for violation of any speed or wake
235 regulation.

236 **2.2. Channels**

237 Channels for the passage of vessels must be maintained in the area under the
238 jurisdictional limits of the Port Authority and kept clear of any and all obstructions.

239 **2.2.1. Channel A**

240 A channel is established from Red Nun Buoy #4 (Fishing Island), one hundred fifty (150)
241 feet wide, to the town wharf at Pepperrell Cove; also, a fifty (50) foot wide deep-water
242 channel at the entrance of Chauncey Creek from Red Nun Buoy # 4 to a line from the
243 southern end of Phillip's Island (which is sometimes known as Moore's Island) to the
244 northern end of Gooseberry Island. Chauncey Creek above this line must be maintained
245 as a mooring area with the Harbormaster laying out mooring sites in such a manner as to
246 ensure that the channel is not obstructed. The Harbormaster may require bow and stern
247 moorings, if necessary, to insure clear passage in this area.

248 **2.2.2. Channel B**

249 A fifty (50) foot channel is established from Red Nun Buoy #6, at Hick's rocks, Northwest
250 and Westward up the back channel between Green Can #3 and Red Nun Buoy #4; up
251 the river to both the North and Southeast sides of Badger's Island, terminating at the
252 Western end of Badger's Island. The center of the channel being determined by the
253 deepest water in the unmarked portions.

254 **2.3. Anchorage**

255 **2.3.1.** The Harbormaster may at any time order any vessel at anchor to change position when it is
256 determined that such vessel is so anchored as to impede navigation or to endanger other vessels.

257 **2.3.2.** Anchoring any vessel or watercraft in all Kittery waters is limited to 14 days maximum, or at
258 the discretion of the Harbormaster.

259 **2.3.3.** Vessels and watercraft anchoring in Kittery waters must not be left unattended for more than
260 seventy-two (72) consecutive hours.

261 **2.4. Buoys other than for Mooring Vessels**

262 No buoy of this type may be placed in channels leading to wharves, nor may such buoys be
263 placed less than three (3) vessel lengths from a mooring for that vessel. The Harbormaster is
264 empowered, in the interest of public safety, to require the removal of buoys.

265 **2.5. Public Wharves and Landings**

266 **2.5.1. Obstruction**

267 No person may obstruct by any means whatsoever, the free use of public piers, docks, floats and
268 other common landing places. Vessels may not remain tied to the wharf or float for a period longer
269 than thirty (30) minutes except by permission of the Harbormaster. Vessels in violation will be
270 removed or caused to be removed by the Harbormaster and charged storage fees.

271 **2.5.2. Tying to Public Facilities**

272 Any vessel tied to public piers, docks, floats, and other common landing areas causing damage to
273 adjacent watercraft or property will be removed or caused to be removed by order of the
274 Harbormaster.

275 **2.5.3. Emergency Repair**

276 Vessels requiring emergency repair may be tied to public piers, docks, floats, or other common
277 landing areas for a maximum of twenty-four- (24-) hours with approval of the Harbormaster.
278 Extension of time is at the discretion of the Harbormaster.

279 **2.5.4. Public Nuisance**

280 No person may loiter, create a public nuisance or partake of alcoholic beverages on public
281 piers, docks, floats, or other common landing areas.

282 **2.5.5. Closure of Facilities**

283 Public piers, docks, floats, and other common landing areas may be closed for reasons of
284 public safety or threats to natural resources.

285 **2.5.6. Town Hoist Use**

286 A. Town hoists may not be used for launching or landing of vessels.

287 B. Loads must not exceed the posted hoist limit.

288 C. The Harbormaster may prohibit a user from using the hoist if found to be operating it unsafely
289 or in violation of the Rules and Regulations.

290 **2.5.7. Swimming**

291 A. No person may dive from, swim or skin-dive without permission of the
292 Harbormaster, within thirty (30) feet of Town-owned floats.

293 B. Persons swimming in mooring fields, anchorages, and channels must have a safety
294 buoy attached to them.

295 **2.5.8. Tying of Dinghies to Town Floats**

296 A. All dinghies, skiffs, or tenders tied to public floats must allow at least ten (10) feet of line
297 between the float and vessel.

298 B. Dinghies more than twelve feet six inches (12' 6") in length may be tied to a public float.

299 C. All dinghies tied to public piers, docks, floats and other common landing areas are to be
300 maintained and bailed free of water. Unmaintained dinghies may be removed and charged
301 storage fees.

302 D. Dinghies must prominently display the mooring number on the inboard side of the transom
303 using numbers no less than two- (2-) inches in height and in contrasting color.

304 E. Except where permitted by the Harbormaster, all dinghies must be removed from public floats
305 before float-out in October of each year. Any unauthorized dinghies remaining after this date will
306 be removed and charged storage fees as set forth in Appendix A.

307 **2.5.9. Storage of Personal Property on Town Piers, Floats, and Landings**

308 A. Personal property, such as ~~but not limited to, traps, bait, line, barrels,~~ cradles, motor vehicles,
309 vessels, and floats may not be stored on town wharves, piers, floats or landings.

310
311 B. A Loading Zone, as designated by the Harbormaster, may be used ~~by permit~~ by mooring
312 holders and Facility Use Permit holders for loading and unloading of gear including ~~but not limited~~
313 to lobster traps, fishing gear and other items in transit. Items in transit mean items are being
314 actively loaded or unloaded to and from vessels.

315 C. Gear may be ~~staged~~ stored or placed by mooring holders and Facility Use Permit holders by
316 permit in designated areas for no more than twenty-four (24) hours at any given time, unless
317 otherwise permitted by the Harbormaster. Gear must be ~~staged~~ placed or stored in a manner that
318 allows ~~that~~ safe access to vessels and public piers, docks, floats and common landing areas ~~are~~
319 not impeded. Gear must be stacked or stored in an orderly manner. The gear stacked or stored

320 from an individual vessel may not exceed one half of any designated storage area on town
321 wharves, piers, floats, or landings at any time.

322 **2.6. Abandoned Boats, Vessels, Wrecks, Etc.**

323 **2.6.1. Abandonment Prohibited**

324 No person may cause to be abandoned any watercraft or related equipment or appurtenances on
325 the shores within the waters of Kittery, whether on a mooring or at anchor. Nor may any person
326 abandon or cause to be abandoned any watercraft, vessel, hull, or any raft at any wharves, docks
327 or permanent floats within the waters of Kittery. No person may abandon any watercraft, vessel, or
328 hull upon any shoreline, dock, pier, wharf, float, mooring, or at anchor except with the express
329 consent and approval of the owner of the dock, pier, wharf, float, mooring, shoreline, or in the case
330 of moored or anchored watercraft, the consent and approval of the Harbormaster.

331 **2.6.2. Presumption of Abandonment**

332 Any watercraft, vessel, hull or raft left within Kittery waters which has been unattended for a
333 period of seven (7) days without the express consent and approval of the owner of the dock,
334 float, mooring, shoreline, or in the case of moored or anchored watercraft, the consent and
335 approval of the Harbormaster, may be declared abandoned.

336 **2.6.3. Abandoned Vessels**

337 When, in the opinion of the Harbormaster, a watercraft, vessel, hull, or raft has been abandoned
338 in Kittery waters, he may take custody and control of such vessel and remove it or cause it to be
339 removed and stored.

340
341 The owner will be responsible to pay all removal and storage fees prior to reclaiming the vessel.
342 If the owner fails to claim the vessel the Harbormaster will dispose of it in accordance with MRS
343 25.

344 **2.7. Water Skiing, Skin & SCUBA Diving, Aircraft, Sailboards, Jet Skis/Personal**
345 **Watercraft, and Windsurfing**

346 **2.7.1.** Water skiing or windsurfing in congested mooring areas, anchorage areas or in speed
347 limited areas in Kittery waters is prohibited. Waterski jumps may be allowed by permit. (with prior
348 permission of the harbormaster)

349 **2.7.2.** Operators of jet skis/personal watercraft must observe the same Rules and Regulations
350 applicable to other vessels.

351 **2.7.3.** Aircraft pilots must observe the same mooring and anchorage rules that apply to vessels
352 and are regulated by applicable state and federal rules, regulations and statutes.

353 **2.8. Environmental Protection of the Harbor and Waters of the Town**

354 **2.8.1. Waste and Refuse.**

355 No person may deposit, throw, sweep, pump or otherwise cause to be deposited into the waters
356 of the Town, or into adjacent waters, any sewage waste, gas or oil or bilge water containing
357 same, dirt, stones, gravel, mud, logs, planks, or any other substance tending to obstruct the
358 navigation or pollute the waters of said harbor or waters adjacent thereto.

359 **2.8.2. Use of Dumpsters**

360 No trash or refuse may be placed on any town float or pier except in designated containers.
361 Seasonal dumpsters are for waste generated on vessels No household trash or refuse of any kind
362 not generated on a vessel may be placed in the dumpster. Recyclable items must be properly
363 deposited in the containers provided as specified in Town recycling regulations. Littering is
364 prohibited.

365 **2.8.3. Oils and Hazardous Wastes**

366 No oil or other hazardous wastes may be deposited in town waste receptacles or left on Town
367 piers, floats, or landings. Such material must be disposed of properly at the Town's designated
368 disposal site as specified in the appropriate waste disposal regulations.

369 **2.9. Harbor Use Permits**

370 **2.9.1. Harbor Use Permits**

371 Vessels principally moored at private docks or private marinas in Kittery waters, for forty-five (45)
372 days or more in a calendar year must obtain a Harbor Use Permit. Kittery residents are exempt
373 from the Harbor Use Permit requirement.

374 A Harbor Use Permit sticker will be issued upon payment of applicable fees and must be displayed
375 on the port bow or other location as approved by the Harbormaster.

376 **2.9.2. Exemptions**

- 377 A. Vessels in boat yards for repair.
- 378 B. Kayaks, canoes, sailboards, rowboats, skiffs, paddleboards, and single person sailboats.

379 **2.10. Facility Use Permit**

380 **2.10.1. Kittery-Resident Commercial Vessels**

381 Commercial vessel owners that are not Kittery mooring holders but have a primary residence in
382 Kittery must obtain a permit to use of the floats, piers, hoists, docks, common landing areas and
383 facilities for commercial use for loading, unloading, and temporary storage and staging placement
384 of gear. ~~as allowed in Section 2.5.9.~~

385 **2.10.2. Non-Kittery-Resident Commercial Vessels**

386 Commercial vessel owners that are not Kittery mooring holders and do not have a primary
387 residence in Kittery must obtain a permit to use of the floats, piers, hoists, docks, common
388 landing areas, and facilities for commercial use including loading and unloading, and temporary
389 storage and placement of gear. ~~Permit holders may not stage gear in designated areas for more~~
390 ~~than twenty four (24) hours.~~

391 **2.10.3. Exemptions**

392 The following are not required to obtain a Facility Use Permit to use the floats, piers, hoists,
393 docks, common landing areas, and facilities for loading, unloading, and temporary storing and
394 placement of gear ~~staging:~~

- 395 A. Kittery mooring holders
- 396
- 397 B. Not-for-profit organizations. This exemption does not apply to for-profit organizations working
398 on behalf of a not-for-profit organization.

399 ~~2.10.4. Commercial Vessel Haulers Permit~~
400 ~~Allows commercial vessel haulers the use the facility for the staging and launching of vessels.~~

401 **2.10.4. Prohibited Use**

402 A. The movement of construction equipment, freight, marine construction equipment, and
403 dredging/ oil-boom related equipment across the piers, floats and launch ramps for transport to
404 or from other sites is prohibited at all Town-owned facilities. Mooring blocks and mooring
405 materials for use in Kittery waters are exempt.

406 ~~B. Staging of fishing gear by non-residents is prohibited. (Mooring permit holders are exempt)~~

407 **2.11. Fishing from Town Owned Piers, Floats and Wharves**

408 A valid Saltwater Fishing license is required to fish from Town facilities.

409 **2.11.1. Town Pier at Frisbee Wharf**

410 Fishing is permitted on the Frisbee Pier and float systems. Fishermen are cautioned to stay
411 clear of all vessels and dinghies that are made fast to the float systems. Fishermen are required
412 to keep the facility clean, and a carry-in/carry-out policy is in effect.

413 **2.11.2. Pepperrell Pier**

414 Fishing from the Pepperrell Pier, the ADA gangway, and transient float system, is prohibited.
415 Violation of this rule is subject to a fine as set forth in Appendix A.

416 **2.11.3. Traip Launch**

417 Fishing is permitted at the Traip Launch. Fishermen are cautioned to stay clear of all vessels and
418 dinghies that are made fast to the float systems. Fishermen are required to keep the facility clean,
419 and a carry-in/carry-out policy is in effect.

420 **2.11.4. Government Street Wharf**

421 Fishing is permitted on the Government Street Wharf. Fishermen are cautioned to stay clear of all
422 vessels. Fishermen are required to keep the facility clean, and a carry-in/carry- out policy is in
423 effect.

424 **3. MOORINGS**

425 These Rules and Regulations are promulgated to meet the requirements of Title 38, Maine
426 Revised Statutes (MRS), Waters and Navigation, Chapter 1, Operation of Vessels, as may be
427 amended from time to time.

428 **3.1. Assignment of Mooring Sites**

429 **3.1.1. Mooring Sites Areas**

430 All mooring sites except as otherwise provided by Title 38 MRS, et. seq. are under the exclusive
431 control of the Harbormaster. When the [number of](#) requests for mooring sites exceed the [number](#)
432 [of](#) sites available, mooring sites must be assigned according to the allocation provisions of this
433 section from established mooring site area waiting lists maintained by the Harbormaster. The
434 mooring site areas are designated by the following letter codes:

435 IS = Isles of Shoals (Landowner or Lessee only)

436 CC = Chauncey Creek including Gerrish Island

- 437 PC = Pepperrell Cove
- 438 FM = Fort McClary to Kittery Point Bridge
- 439 SC = Spruce Creek above the Kittery Point Bridge
- 440 BC = Kittery Point Bridge to Memorial Bridge
- 441 BI = Badgers Island
- 442 PR = Memorial Bridge to Rt. 95 Bridge
- 443 EL = Rt. 95 Bridge to Eliot Line
- 444 OH = Outhauls

445 **3.1.2. Assignment of Mooring Site with No Waiting List**

446 If at the time an individual applies for a mooring site there is no waiting list for that area (except at
447 the Isles of Shoals where the applicant must be a landowner or lessee ~~(or a club transient~~
448 ~~mooring holder?)~~ to be assigned a mooring site) this individual may be assigned a mooring site
449 without regard to allocation provisions of these Rules and Regulations.

450 **3.2. Maintenance of Mooring Site Waiting List**

451 The Harbormaster shall maintain a waiting list for each mooring site area for both commercial and
452 recreational applicants.

453 **3.2.1. Application to the Mooring Site Waiting List**

454 Person(s) may request their name be added to the mooring site waiting list by filling out a mooring
455 site wait list application and paying the application fee. Such fee is due no later than April 15th, on
456 an annual basis in order to remain on the waiting list. Incomplete applications will not be
457 processed.

458
459 **3.2.2.** The applicant must indicate the preferred mooring site area using the area designation
460 codes in Section 3.1.1. An ~~alternative-second~~ mooring site area may be requested.

461 **3.2.3.** The applicant must indicate whether the mooring use will be commercial or recreational.

462 **3.2.4.** Commercial applicants must show credible documentation satisfactory to the Harbormaster
463 that the primary source of income for the vessel to be moored is through the vessel's use and
464 operation. ~~Vessels that do not land a product such as ferry boats, water taxis, fishing charters and~~
465 ~~similar type vessels, must provide proof of insurance to satisfy the Harbormaster that the vessel is~~
466 ~~used and operated as a commercial vessel.~~

467 **3.2.5.** The applicant must be the primary person to whom the vessel will be registered or
468 documented regardless of whether there are multiple owners of the vessel. The name listed on
469 the waiting list may not change excepting in cases of a legal name change of the applicant.

470 **3.2.6.** An applicant may only be listed only once for recreational mooring use and only once for a
471 commercial mooring use per mooring site area

472 **3.2.7.** Waiting list applicants who change their status from recreational to commercial must be
473 assigned to the bottom of the commercial list for area desired.

474 **3.2.8.** The Harbormaster shall assign a mooring using the Mooring Waiting List as the primary
475 method, however, the Waiting List priority may be waived to place only an appropriate vessel on a
476 mooring.

477 **3.2.9.** Once a mooring site is offered to an applicant on the waiting list, the applicant has ten (10)
478 ~~business-calendar~~ days to accept the mooring site, provide required documents, and pay the
479 mooring fee. This may be extended upon approval of the Harbormaster. Failure to comply with
480 this section by the deadline will result in forfeiture of the mooring site and the removal of the
481 applicant name from the waiting list.

482 **3.2.10.** Persons on the waiting lists may decline an offered mooring site on a one-time basis and
483 retain their relative position on the mooring site waiting list. Subsequent refusals of an offered
484 mooring site will result in the person's name moving to the bottom of the list.

485 **3.3. Mooring Site Permit Application Information**

486 **3.3.1. Application**

487 New mooring permit applicants must fill out a mooring site permit application and pay the
488 applicable fees. Such fees are due on an annual basis in order to retain on the mooring. Each new
489 and renewal mooring site permit application must contain the most current legal address of the
490 mooring site permit applicant. The mooring permit holder is responsible for ensuring the
491 Harbormaster has current and accurate contact information for the permit holder.

492 **3.3.2. Vessel Information**

493 Mooring site permit applications must ~~provide~~include a copy of the vessel registration or
494 documentation and proof of excise tax payment for out-of-state registered vessels or federally-
495 documented vessels.

496 **3.3.3. Mooring Tackle**

497 Mooring site permit applicants must provide mooring tackle specifications including anchor type
498 and weight, chain size and length, mooring buoy type, and proof of mooring tackle inspection prior
499 to placing a vessel on the mooring. The mooring site permit holder is responsible for the mooring
500 tackle located or to be located in the mooring site regardless of ownership of tackle hardware.

501 **3.3.4. Vessel identification**

502 The name of the mooring site permit holder recorded on the application and the primary name
503 listed as the vessel owner on the state registration or federal documentation certificate must be the
504 same.

505 **3.3.5.** All mooring permits begin on May 1 and expire on April 30.

506 **3.4. Annual Renewal of Mooring Site Permits**

507 The mooring site renewal application and permit fees and must be received by April 15.

508 **3.4.1.** Annual mooring fees will be based on the vessel listed on the mooring record held by the
509 Harbormaster. Mooring fees will be charged whether the mooring will be used during the permit
510 year.

511 **3.4.2.** The Permit holder must present a copy of their registration each year before the
512 Harbormaster will approval the renewal of the mooring. The permit holder must be the primary
513 owner of the specified vessel in order to renew their permit.

514 **3.4.3.** Failure to submit the renewal application and pay permit fees by April 15 will result in the
515 assessment of late fees and the possible forfeiture of the mooring site.

516 **3.5. Forfeiture**

517 **3.5.1.** If the mooring site renewal application is not received and/or all permit fees and outstanding
518 fines are not paid by May 1, the Harbormaster will initiate revocation of the mooring site.

519 **3.5.2.** Notice of Revocation will be sent by certified mail and first-class mail to the permit holder at
520 the address on record with the Harbormaster. The permit holder may appeal the revocation in
521 accordance with Section 7.

522 **3.5.3.** Mooring sites made available due to revocation will be reassigned after the appeal period
523 has ended.

524 **3.6. Use of Permitted Mooring Sites and Temporary Mooring Site Use Program**

525 **3.6.1. Use of Permitted Mooring Sites**

526 A. Title 38 MRS §3, Mooring sites, expressly forbids those who are granted a private mooring site
527 assignment from transferring that privilege to another person, unless the mooring site was initially
528 granted as a rental mooring site. This section of state law specifically says assignment of these
529 mooring privileges does not confer any right, title, or interest in submerged or inter-tidal lands
530 owned by the state and further says assignments must not be rented unless the provision for rental
531 was part of the agreement when the mooring was originally assigned.

532 B. Rental moorings issued before 1968 are considered grandfathered by the Port Authority and the
533 Army Corps of Engineers. The burden of proving through credible and reliable evidence that the
534 mooring was issued as a rental mooring prior to 1968 rests with persons seeking the rental
535 mooring grandfathered. All holders of rental mooring permits issued since 1968, in order to
536 continue as rental moorings, must show proof that the rental mooring was properly documented
537 with the Army Corps of Engineers and the Port Authority.

538 C. A person who is assigned a private mooring site may not rent, loan, lease, lend, give, bestow,
539 permit, accommodate, allow use of, or give permission to any other person to use the assigned
540 private mooring site (whether or not money or other consideration is exchanged) except as
541 allowed in writing by the Harbormaster on a case by case basis. Mooring sites cannot be
542 transferred between family members except that a mooring site used for commercial fishing
543 purposes may be transferred at the request of, or upon the death of the assignee, only to a
544 member of the assignee's family and only if the mooring site assignment will continue to be used
545 solely for commercial fishing purposes. "Member of the assignee's family" means an assignee's
546 spouse, parent, child or sibling, by birth or by adoption.

547 **D.** Mooring balls removed for the winter must be reinstalled by June 1, regardless whether the
548 mooring site will or will not be used for the permit year.

549 ~~E. Mooring sites cannot be transferred between family members except that a mooring site used~~
550 ~~for commercial fishing purposes may be transferred at the request of, or upon the death of the~~
551 ~~assignee, only to a member of the assignee's family and only if the mooring site assignment will~~
552 ~~continue to be used solely for commercial fishing purposes. "Member of the assignee's family"~~
553 ~~means an assignee's spouse, parent, child or sibling, by birth or by adoption.~~

554 F.E. Only a vessel which is properly registered or documented in the primary name of the
555 mooring site permit holder may be placed on that person's private mooring. The name of the
556 mooring site permit holder as recorded by the Harbormaster and the name listed as the primary
557 vessel owner on the state registration or federal documentation certificate must be the same.

558 G.F. Approved mooring site permits or assignments for the size and type of vessel described on
559 the permit are valid from the date of issuance until April 30. Mooring site assignees may change
560 vessels on their assigned mooring site only with written permission from the Harbormaster. In
561 general, mooring site permits must be limited to the same approximate size and type of vessel
562 unless, in the judgment of the Harbormaster, a change can be made without adversely affecting
563 the Harbor mooring site plan or adjoining mooring site assignees.

564 H.G. The Harbormaster is authorized to seek information from a mooring site permit holder at
565 any time with respect to the use, location, ownership, or any other information relating to the
566 permit application that the Harbormaster deems meaningful. Failure to respond to the
567 Harbormaster's inquiry is a basis for the Harbormaster to revoke the mooring site permit.

568 **3.6.2. Temporary Mooring Site Use Program**

569 A. To achieve the most efficient and extensive use of the limited mooring assets in Kittery, the
570 Harbormaster shall administer a program to assign moorings not being used by the mooring site
571 permit holders to other individuals on a temporary basis.

572 B. A mooring site permit holder must notify the Harbormaster of their intention to place the
573 mooring in the Temporary Mooring program no later than April 1st of each year or later with
574 approval of the Harbormaster. Mooring sites placed in the Temporary Program must be for a
575 minimum of one permit year.

576 C. The mooring permit holder will pay the minimum mooring fee as set forth in Appendix A, to
577 maintain the ownership of their mooring.

578 D. Any mooring placed in the Temporary Program must meet Mooring Requirements in
579 accordance with Section 3.8.

580 E. The Harbormaster shall reassign temporary moorings using the Mooring Waiting List as the
581 primary method; however, the Waiting List priority may be waived to place only an appropriate
582 vessel on a mooring in the Temporary Mooring program.

583 F. A person assigned to a mooring in the Temporary Mooring program must pay the mooring
584 fee and any other applicable fees in accordance with Appendix A.

585 **3.7. Mooring Site Resolution of Conflict**

586 Where mooring site rights of the individuals are claimed to be invaded or pose a danger to
587 property or navigation and protection is sought, the Harbormaster shall assign and indicate to
588 the mooring site permit holder the location which they may occupy for mooring purposes, and
589 shall change the location of those moorings from time to time when crowding or other
590 conditions render the change desirable.

591 **3.8. Adequacy of Moorings**

592 All mooring tackle set in a mooring site must be of sufficient size to hold the vessel for which it is
593 used.

594 **3.8.1.** All moorings must be inspected at least every other year. Inspection must be performed
595 only by individuals or organizations authorized by the Harbormaster and written reports of all
596 inspections must be submitted to the Harbormaster. The mooring permit holder is responsible for
597 all costs associated with mooring inspections.

598 **3.8.2.** All mooring balls must be white and have the assigned mooring number permanently
599 affixed thereon. Such number must be at least three (3) inches high and be clearly visible at all
600 times.

601 **3.8.3.** The Harbormaster may at any time examine any mooring tackle to determine compliance
602 with this section. Except in cases of emergency, the Harbormaster shall notify the owner of the
603 intention to examine the mooring tackle and request the presence of the owner during such
604 examination.

605 **3.8.4.** Mooring tackle found to be inadequate with regards to the requirements of this section
606 must be corrected within forty-eight hours of being so notified or be removed forthwith. Any cost
607 of examination or removal resulting therefrom is borne by the holder of the mooring site permit. If
608 a vessel is required to be moved for reasons of the safety of other vessels, the owner is
609 responsible for all associated costs.

610 **3.8.5.** Registered owners listed on mooring site permit are responsible and liable for any damage
611 caused by their vessel whether such owner is aboard the vessel or not.

612 **3.9. Vessels Moored so as Not to Impede Navigation or to Endanger Other Vessels**

613 **3.9.1.** No more than one vessel may occupy a single mooring site without said vessels being
614 occupied. All mooring sites, whether now existing or hereinafter set, must be in such a way that
615 the vessels will not impede navigation within the harbor, nor endanger other vessels.

616 **3.9.2.** If the Harbormaster finds that any vessel is moored as to impede navigation or to
617 endanger other vessels, the Harbormaster may direct that the owner of the vessel takes
618 corrective action; or in the alternative, may order that the mooring be removed from the site or
619 relocated. In requiring the removal of a mooring because of its danger to other moorings, the
620 mooring last set is to be the first removed.

621 **3.9.3.** Any person so ordered by the Harbormaster, shall take corrective action as ordered within
622 forty-eight (48) hours; provided, however, that if the Harbormaster finds an emergency requiring
623 immediate action to prevent injury to life or damage to property, the mooring or any vessel
624 attached thereto may be caused to be immediately removed and relocated. Any expense
625 involved is to be borne by the owner of the mooring or vessel being removed.

626 **3.10. Moving or Interfering with Moorings Belonging to Another**

627 Except by direction of the Harbormaster, and with permission of the owner, no person may move
628 or interfere with any mooring or vessel. If the Harbormaster deems the situation to be an
629 emergency, action may be taken immediately, notifying the owner of the vessel involved that
630 such action has been taken.

631 **3.11. Transient Moorings, Commercial Service, and Rental Moorings**

632 **3.11.1. Municipal Transient Moorings**

633 ~~Town~~ Municipal Transient Moorings are provided and maintained by the Town for the use of
634 visiting vessels. Such vessels may use these moorings for ~~a period of no longer~~ no more than
635 fourteen (14) consecutive days, or at the discretion of the Harbormaster. A schedule of fees for
636 such usage is set forth in Appendix A.

637 **3.11.2. Non-Municipal Transient Moorings**

638 Non-Municipal Transient Mooring Site Assignments are for the use of visiting ~~of~~ guest vessels.
639 Such mooring sites may not be rented and must be clearly recognizable and identifiable with
640 distinguishing color or markings as determined by the Harbormaster. No vessels may use these
641 mooring sites for a period longer than twenty-four (24) hours, except under unusual
642 circumstances and only with the express permission of the Harbormaster.

643 **3.11.3. Commercial Service and Rental Moorings**

644 Commercial Service and Rental Mooring sites will be allowed only upon the approval of the Port
645 Authority. **New and existing Rental and Commercial Service Moorings/Floats shall have a set**
646 **maximum boat length determined by the Harbormaster. No boat may be placed on the mooring**
647 **that exceeds the established maximum boat length. The mooring fee will be based on the**
648 **established maximum boat length.**

649 **3.12. Moored Floats**

650 Moored floats are authorized only with expressed permission of the Port Authority and only after
651 receiving an Army Corps of Engineers Permit.

652 **3.13. Outhauls**

653 All Outhauls must be approved by the Harbormaster. Person(s) applying for an outhaul must
654 show that they have authorized access to the location requested.

655 **3.14. Spar Mooring Floats**
656 No new spar mooring floats may be installed.

657 **3.15. Riparian Rights Mooring Sites**

658 The Port Authority may permit and assign mooring sites to waterfront property owners
659 demonstrating and claiming such right under the requirements of Title 38 MRS §3, Mooring Sites,
660 under the following conditions:

661 **3.15.1.** The applicant must show legal interest in the property and in the case of joint ownership of
662 property, that the person has legal authority to act for all owners before the application is accepted
663 by the Port Authority.

664 **3.15.2.** A Riparian mooring site may be located only in waters immediately in front of the intertidal
665 land associated with the property as defined in Title 16, Chapter 2, Figure 1. Once a Riparian
666 Mooring has been assigned to a property, it stays with the property and is not subject to the three-
667 year rule.

668 **3.15.3.** A Riparian mooring site may be used solely by the owner of the property for personal use.
669 Such mooring site cannot be used by a third party, either temporarily or permanently, except under
670 the Temporary Mooring Site Use Program.

671 **3.15.4.** A Riparian mooring site may be assigned only if the proposed location of said mooring site
672 has been determined by the Port Authority to be practicable and safe and not impede free
673 navigation or infringe on the rights of others.

674 **3.15.5.** Number of moorings. Only one Riparian mooring site per qualifying waterfront lot may be
675 granted, regardless of the amount of shorefront in excess of the 100-foot minimum requirement
676 and 20,000 sq. ft. minimum lot size, except persons owning shore rights prior to January 1, 1987,
677 are required only to have a 100-foot minimum shore frontage as established by state law.

678 **3.15.6.** Riparian mooring site permits are subject Section 3.3 through 3.5 inclusive of application
679 and renewal processes, fees, and forfeiture, excepting riparian moorings may not be reassigned.

680 **3.15.7. Exceptions**

681 A. An exception to the mooring site location may be granted by the Port Authority if the
682 waterfront property is adjacent to an established mooring field or area and an additional mooring
683 site would result in an unsafe condition. In such cases, the Port Authority may either reassign
684 existing mooring site locations, or, at its discretion, assign the riparian right mooring site to
685 another location. The simple unsuitability of the property location for mooring a particular type of
686 vessel does not justify this exception.

687 B. For the purpose of these regulations, in the case where a property owner's existing mooring
688 fronts their qualifying waterfront lot, it is considered that property owner's riparian mooring site
689 for as long as the person owns the property.

690 C. In the case where a non-qualifying lot has been legally assigned a riparian mooring prior to
691 the adoption of these Regulations, that mooring may continue as a riparian mooring associated
692 with that lot until such time the mooring has either been revoked or abandoned. Should a transfer

693 of ownership of the non-qualifying lot occur, the new owner may continue the use of the riparian
694 mooring subject to the provisions of these Regulations, providing the mooring had not been
695 revoked or abandoned by any previous owner.

696 **3.16. Abandoned Mooring Sites**

697 A mooring site is deemed to be abandoned and the mooring site permit holder's mooring
698 privileges terminated under the following conditions:

699 **3.16.1.** ~~Current m~~Mooring permit holder fails to renew their mooring site permit in accordance with
700 Section 3.4.

701 **3.16.2.** Mooring permit holders ~~s who~~ does not maintain their mooring in accordance with Section 3.

702 **3.16.3.** Mooring permit holders ~~s~~ whose mooring remains unused for three (3) continuous
703 consecutive years. Placement of the mooring in the Temporary Mooring Site Use Program is
704 considered "unused" for the purpose of this section

705 **3.17. Revocation of Mooring Site Permit**

706 **3.17.1.** The Harbormaster has the authority to revoke an ~~individual's~~ person's mooring site permit
707 for any violation of these rules and regulations. Upon revocation, the Harbormaster shall promptly
708 notify the ~~individual~~ person that the mooring site permit has been revoked and the reasons for
709 revocation by certified and first-class mail.

710 **3.17.2.** Mooring site revocation may be appealed to the Port Authority as specified in Section 7.

711 **3.17.3.** Any mooring holder who has had their mooring privilege revoked will forfeit any fees paid
712 up to the time of revocation and be subject to any fines that may apply as set forth in Appendix A.

713 **3.18. Disposal of Mooring Tackle**

714 Upon the abandonment or revocation of a mooring site permit, the mooring tackle must be
715 disposed of as follows:

716 Note: For the purpose of this section the term mooring site permit holder includes the mooring
717 tackle owner if the tackle (hardware) is owned by another person.

718 **3.18.1. Order to Remove by Harbormaster**

719 The Harbormaster must notify the mooring site permit holder by certified and first-class mail of an
720 Order to Remove a Mooring and include the provision of the Rules and Regulations that serves as
721 the basis for removal and the deadline to remove the mooring. Mooring tackle not removed on or
722 before the date set forth in the notice for removal, shall be removed or caused to be removed by
723 the Harbormaster.

724 **3.18.2.** The Harbormaster, at the expense of the mooring site permit holder, shall take whatever
725 action is deemed appropriate, including the removal and storage of the mooring tackle pending
726 sale or other disposition by the Harbormaster.

727 **3.18.3.** An order to remove mooring tackle issued by the Harbormaster may be appealed in
728 accordance with Section 7. An appeal in process does not stay any provisions of this section
729 except that no sale of mooring tackle may occur until an appeal is finally determined.

730 **3.18.4. Unclaimed Mooring Tackle**

731 The owner will be responsible to pay all removal and storage fees of mooring tackle caused to be
732 removed by the Harbor master prior to reclaiming the tackle. If the owner fails to claim the tackle
733 the Harbormaster will dispose of it in accordance with Title 25 MRS-25. Nothing in this section
734 prevents the Harbormaster from retaining and reusing the unclaimed mooring tackle in lieu of
735 selling it.

736 **4. PIERS WHARVES, FLOATS, AND OTHER MARINE-RELATED STRUCTURES**

737 **4.1. Authority**

738 The Port Authority is the approving body for all marine-related structures to be built in the Town
739 below the normal high-water mark. The Port Authority is also the approving authority for any
740 integral infrastructure for water-dependent use which falls within one hundred feet above the
741 normal high- water mark. In those cases, the requirements of the Town Code Title 16, Chapter
742 16.11, Marine-Related Development apply in addition to the requirements of these Rules and
743 Regulations, the Maine Mandatory Shoreland Zoning Act and applicable Federal regulations.

744 **4.2. Permits**

745 **4.2.1.** No wharf, pier, float, or any other marine-related structure may be erected, moved, or
746 otherwise altered without a Building Permit therefor, issued by the Code Enforcement Officer after
747 plan approval is obtained from the Port Authority, as required by these Rules and Regulations and
748 Title 16, Chapter 16.5.2.5, Permit Threshold and in compliance with all requirements of the
749 applicable local, State and Federal requirements.

750 **4.2.2.** A permit for which no substantial work has commenced within one year from date of issue
751 expires. A permit for which work is not substantially complete within two years from date of issue
752 expires. Expired permits may be renewed by the Code Enforcement Officer upon application and
753 payment of a fee, provided that such renewal is sought prior to expiration under these provisions
754 and provided that such renewal meets all relevant rules, regulations, ordinances, statutes and
755 codes in effect on the date that the renewal of the expired permit is requested.

756 **4.3. Application Requirements**

757 All applications for permits must be filed with the Chairman of the Port Authority or designated
758 agent using the form provided for that purpose.

759 **4.3.1.** Plans showing the actual dimensions and shape of the lot to be built upon; the exact size
760 and locations and dimensions of the proposed structures or alterations to existing structures.

761 **4.3.2.** Any other such information as the Port Authority may deem necessary to determine
762 conformance with these Rules and Regulations; Title 16, Chapter 16.11; the Maine Mandatory
763 Shoreland Zoning Act; and applicable Federal regulations.

764 **4.3.3.** The Port Authority may grant a waiver from the specifications of these regulations provided
765 that the Port Authority finds that due to special circumstances of the specific application the
766 granting of a waiver will not adversely impair the public health, safety and general welfare, the use
767 of public waters, navigation, or harm the environment. All such waivers must be supported by
768 sufficient findings of fact.

769 **4.3.4.** The application must be accompanied by an application fee as set forth in Appendix A. No
770 application may be deemed complete by the Port Authority until payment of the proper fees

771 **4.3.5.** Ten (10) sets of all submissions are required.

772 **4.4. Application Process**

773 **4.4.1.** The Chairman shall make a preliminary determination that the application is complete, or
774 waiver requests are submitted for items not included.

775 **4.4.2.** Upon acceptance, the Chairman shall place the application on the Authority's agenda for a
776 Scheduling Hearing and issue a dated receipt to the applicant, which constitutes the official date of
777 submission.

778 **4.4.3.** Where a project contains significant upland development as an integral part of the
779 application, review by the BOA or Planning Board as appropriate is encouraged prior to Port
780 Authority review as indicated in Chapter 16.11.3, Shorefront Development Plan Review of the
781 Kittery Land Use and Development Code.

782 **4.4.4. Scheduling Hearing**

783 A. At the Scheduling Hearing, the Port Authority shall accept or deny the application in
784 accordance with the following:

785 (1) the applicant has legal standing by virtue of vested interest (right, title, or interest) in all
786 properties under consideration;

787 (2) the application is complete in accordance with these regulations and Title 16 (if Appropriate),
788 or the Authority accepts and approves any requests for waivers of submission contents.

789 B. If the Authority accepts the plan, it shall determine if additional information is required prior to
790 Public Hearing, (in which case it may require the applicant to provide such information) and
791 schedule the date for Public Hearing.

792 C. The Chairman shall arrange a mutually agreeable time for a site walk by the Authority prior to
793 Public Hearing.

794 **4.4.5. Public Notice**

795 The Chairman shall cause ~~to be placed a~~ public notice of such hearing to be placed at least seven
796 and not more than fourteen days prior to the scheduled hearing date. The notice must set forth
797 the general nature of the requested approval and be posted at the Municipal Offices and
798 forwarded to the Town Clerks of York and Eliot, in the case of a plan located within five hundred
799 feet of their municipal boundaries, at least ten days prior to the hearing. Placing of public notices
800 is at the expense of the applicant.

801 **4.4.6. Abutter Notice**

802 A. The Chairman shall cause ~~to be sent~~ notice of Public Hearing to be sent to all shorefront
803 landowners whose shorefront property line abuts the same waterbody and is located within 150
804 feet of the applicant's shorefront property line. Notices sent are at the expense of the applicant.
805 Proof of mailing to the address shown in the Town Assessor's property cards satisfies the notice
806 requirement.

807 B. Notice must also be sent to the Code Enforcement Officer, Town Planner, and where
808 applicable, the BOA, Planning Board, and Conservation Commission, at least seven days prior
809 to the Public Hearing.

810 C. Failure to receive said notices does not invalidate any Port Authority action.

811 **4.4.7. Public Hearing**

812 A. An accepted application will normally be scheduled for review and public hearing at the next
813 regularly scheduled meeting of the Port Authority, but no earlier than fifteen days nor later than
814 thirty-five days from the date of Port Authority acceptance. With the concurrence of the applicant,
815 this deadline may be modified.

816 B. The following rules apply to the hearing:

817 (1) The Chairman or acting Chairman shall serve as the presiding officer.

818 (2) The Port Authority may receive oral and documentary evidence, but must exclude evidence
819 which it considers irrelevant, immaterial, or unduly repetitious.

820 (3) The Chairman shall determine the order of presentation by parties represented at the
821 hearing. Each party has the right to proceed without interruption, except that rulings by the Chair
822 prevail.

823 (4) Any party may be represented by agent or attorney.

824 (5) Any Town official having an interest in the application may present into evidence a written
825 summary of findings and recommendations.

826 (6) The Port Authority may continue the hearing to another time and location, including the site
827 of the project, as it deems necessary.

828 **4.4.8. Port Authority Action**

829 A. The Port Authority shall act to approve, approve with conditions, disapprove, or continue
830 plans within thirty-five days of plan acceptance unless the applicant agrees in writing to extend
831 the period (not to exceed 120 days).

832 B. In the case of an extension such plan must automatically be scheduled for the agenda of the
833 next regularly scheduled meeting after the extended period and action completed whether the
834 applicant has accomplished the purposes for which the continuance was granted or not.

835 C. An applicant or interested party may request reconsideration of any decision by the Port
836 Authority as outlined in Section 7 of these Rules and Regulations.

837 **4.4.9.** The applicant is responsible for the application fee in addition to all expenses associated
838 with application process.

839 **4.5. Findings of Fact**

840 **4.5.1.** Action by the Port Authority must be based on sufficient findings of fact which support
841 compliance with all required standards of these Rules and Regulations, (or grant waivers for those
842 things requested) applicable requirements contained in the Title 16, Chapter 16.11 Marine-Related
843 Development, Development Application and Review (Findings of Fact), of the Maine Mandatory
844 Shoreland Zoning Act (Title 38 MRS §435-439), applicable requirements of the Maine Department
845 of Environmental Protection, and applicable requirements of the US Army Corps of Engineers.

846 **4.5.2.** If it is mutually agreeable to the Port Authority and the Applicant, the official, approved
847 minutes of the meeting may be accepted as the written findings of fact.

848 **4.6. Conditions of Approval**

849 An approval by the Port Authority is a form of an agreement between the Town and the applicant,
850 incorporating as elements the application, the findings of fact, and such conditions as the Port
851 Authority may impose upon approval.

852 **4.7. Performance Standards**

853 **4.7.1.** All applications for permits under this section must comply wholly with the requirements of
854 Title 16, §3.2.17 (Shoreland Overlay Zone), and Title 38 MRS §435-439, and any other applicable
855 federal or state requirements. These requirements apply to all development within 250 feet,
856 horizontal distance, of the normal high-water mark of any river or saltwater body. These
857 requirements also apply to any structure built on, over, or abutting a dock wharf or pier, or any
858 other structure extending beyond the normal high- water mark of a water body or within a coastal
859 wetland shown on the Official Shoreland Zoning Map.

860 **4.7.2.** The construction of any piers, docks, wharves, and other structures and uses extending
861 over or beyond the normal high-water mark of a water body or within a wetland must comply with
862 all applicable requirements of Title 16.

863 **4.7.3.** Non-commercial private piers may have a maximum width of 6 feet as measured parallel to
864 the shoreline and be limited to the minimum size necessary to accomplish their purpose. Except
865 for temporary ramps and floats, the total length of a ramp, pier and float structure may not
866 extend more than 150 feet beyond the normal high-water mark and piers not extend more than
867 100 feet beyond the normal high-water mark nor extend below the mean low water mark,
868 whichever is shorter.

869 **4.7.4.** The maximum height of the pier deck may not exceed six (6) feet above the normal high-
870 water mark, and the handrails not exceed 42" without the specific approval of the Port Authority.

871 **4.7.5.** Commercial piers are limited to the minimum size necessary to accomplish their purpose.
872 They may not extend beyond the mean low water mark except with credible proof by the applicant

873 that the extension is necessary for the water-dependent use of the pier. The maximum height of
874 the pier deck may not exceed six (6) feet above mean high water mark and the handrails not
875 exceed 42", without a showing of necessity and specific approval of the Port Authority.
876 Documentation required for an application for a commercial pier, in addition to all other
877 requirements of these Rules and Regulations, must set forth credible proof of the commercial
878 usage and include at least the following:

879 A. Written documentation as to the nature of the commercial enterprise and why the applicant is
880 requesting a pier that ~~doesn't~~does not meet the non-commercial private pier standards noted in
881 ~~G3~~4.7.3, above;

882 B. Written proof of a valid commercial enterprise, such as commercial fishing license, articles or
883 organization/incorporation for the business;

884 C. Documentation of their ownership in the commercial business or enterprise;

885 D. Any additional documentation required by the Port Authority for determining the commercial
886 use and operation of the commercial pier.

887 **4.7.6.** Piers, wharves, and pilings must be set back at least 25 feet from property lines and 50
888 feet from other structures that are fixed in place below the normal high- water mark and not owned
889 or controlled by the applicant unless a letter of permission is granted by abutting or other
890 controlling property owner. If abutting property owners reach a mutual agreement regarding
891 structures which have a lesser setback, which does not interfere with navigation, is practical and is
892 consistent with the intent of these regulations, that setback may be authorized by the Port
893 Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a
894 condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate
895 official charged with the responsibility for maintaining records of title to or interest in real property in
896 the Town .

897 **4.8. Administration and Enforcement**

898 **4.8.1.** Once Port Authority approval is granted, an applicant must apply, within one year of the
899 date of approval, to the Code Enforcement Officer for a Building Permit prior to commencement of
900 any work on the site or the approval terminates. When circumstances are such that a plan that has
901 received Port Authority approval is required to be reviewed by another agency (e.g. DEP, Planning
902 Board, BOA), then the one-year time period for obtaining a building permit from the Code
903 Enforcement Officer is stayed while:

904 A. The plan is pending before that agency, from time of submission to time of decision inclusive,
905 verified by documentation from that agency and

906 B. The decision of such agency is being reviewed by any appellate board or judicial court, from
907 the time an appeal is filed to the time when an appellate board or judicial court renders the last,
908 un-appealed decision necessary to allow the applicant to obtain a building permit from the Code
909 Enforcement Officer, verified by documentation from that appellate board or judicial court.

910 C. In all cases, the Port Authority may extend the effective date of its approval for up to one
911 additional year provided the renewal is sought before the initial approval terminates and the permit

912 meets all Port Authority requirements in effect on the date that the request for the renewal is
913 sought.

914 **4.8.2.** The Code Enforcement Officer shall revoke any Building Permit issued if, after due
915 investigation, it is determined the Permit holder has violated any of the provisions of the Port
916 Authority approval, Title 16, or any applicable code, law, or statute.

917 **5. HARBORMASTER DUTIES AND AUTHORITY**

918 **5.1. Duties**

919 In addition to, and concurrent with the authority authorized by state statute, the Harbormaster shall
920 enforce all provisions of these Rules and Regulations pertaining to harbors and tidal waters under
921 the jurisdiction of the Port Authority and the State of Maine and shall cooperate with other
922 Governmental agencies in enforcing their regulations. Under the supervision of the Port Authority,
923 the Harbormaster shall:

924 **A. Preserve and regulate navigation within the waters defined in these Rules and Regulations**

925 **B. Assign mooring sites, ensuring that the mooring tackle is kept in safe condition, and maintain**
926 **an accurate plot of the location of all mooring sites in the Town.**

927 **C. Direct the removal of vessels, if necessity or emergency requires.**

928 **D. Regulate the use of town owned wharves, piers, docks, landings or floats**

929 **E. Inquire into and prosecute all offenses occurring within the Port Authority's jurisdiction.**

930 **F. Keep such records as the Port Authority may require.**

931 **G. Enforce State and Federal marine safety laws and regulations and promote safe boating**
932 **practices.**

933 **6. PENALTY**

934 **6.1. Violations**

935 Whoever violates any of these rules or regulations or refuses or neglects to obey lawful and
936 reasonable orders of a Harbormaster, duly authorized deputy, or other law enforcement officer,
937 given pursuant to these Rules and Regulations or State statute, or obstructs a Harbormaster in
938 the execution of duties, may result in the loss of facility use privileges, mooring site privileges in
939 the Town, and pay a fine as set forth in Appendix A.

940 **6.2. Enforcement by Harbormaster**

941 The Harbormaster, duly authorized Assistant Harbormaster, or any other law enforcement officer
942 authorized to enforce laws within the Town, is authorized to enforce all provisions of these Rules
943 and Regulations as well as all applicable State statutes. The Harbormaster is authorized to take
944 all necessary proceedings to seek the recovery of fines authorized thereunder and all such fines
945 and penalties recovered inure to the Town.

946 **6.3. Additional Enforcement Authority for Violations of State Statute**

947 **6.3.1.** In addition to the civil penalties imposed hereunder for violations of these Rules and
948 Regulations, Title 38 MRS, as may be amended from time to time, provides additional sanctions

949 for violations of statutes that may be enforced by the Harbormaster as provided by law. Among
950 these statutes and sanctions are the following:

951 **6.3.2.** 38 MRS §13, Failure to obey orders of Harbormaster: “A person is guilty of failure to obey
952 an order of a Harbormaster if the person intentionally, knowingly or recklessly fails to obey any
953 lawful ~~and reasonable~~-order of a Harbormaster authorized pursuant to this subchapter. Failure to
954 obey ~~such lawful and reasonable~~-an order of a Harbormaster is a Class E Crime.”

955 **6.3.3.** 38 MRS §281, Speed restrictions: “Whoever operates any watercraft, vessel, water skis,
956 surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality
957 or upon any of the offshore waters within the jurisdiction of this State at a speed greater than is
958 reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or
959 shores, and for any other conditions then existing ~~is~~ shall be guilty of a Class E Crime.”

960 **6.3.4.** 38 MRS §282, Endangering persons or property: “Whoever operates any watercraft,
961 vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters
962 of any municipality or upon any of the offshore waters within the jurisdiction of this State in a
963 manner which endangers any person or property ~~is~~ shall be guilty of a Class E Crime.”

964 **6.3.5.** 38 MRS §283, Operating Recklessly: “Whoever operates any watercraft, vessel, water skis,
965 surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality
966 or upon any of the offshore waters within the jurisdiction of this State recklessly ~~is~~ shall be guilty of
967 a Class E Crime.”

968 **6.3.6.** 38 MRS §284, ~~Operating~~ Operation under influence of drugs and liquor: “Whoever operates
969 any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon
970 the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this
971 State while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana ~~is~~ shall
972 be guilty of a Class E Crime.”

973 **6.4. Responsibility of Owner**

974 **6.4.1.** The owner(s) of a vessel are held equally responsible together with the operator of said
975 vessel for any administrative violation of these rules and regulations by said operator

976 **6.4.2.** The owner(s) of the vessel are not liable for moving violations which are the fault of the
977 operator of the vessel whether permission to operate the vessel was granted unless they have
978 contributed to the fault by neglect or knowledge.

979 **6.4.3.** If the Harbormaster removes a vessel as set forth in these rules and regulations, such
980 removal is at the cost and risk of the owner of the vessel in addition to any storage fees.

981 **7. APPEALS**

982 **7.1. Appeal of Decisions of the Harbormaster**

983 **7.1.1.** Any person aggrieved by a decision of the Harbormaster under these Rules and
984 Regulations (other than a decision to pursue a violation of these rules and regulations and/or state
985 statute in a court of competent jurisdiction) may appeal such decision to the Port Authority within
986 thirty (30) calendar days from the date said decision is rendered in writing by the Harbormaster.

987 **7.1.2.** Such appeal must be filed in writing with the Town Clerk setting forth the reasons for the
988 appeal. The filing will be stamped as received by the Clerk. The Clerk shall deliver the appeal to
989 the Chairman of the Port Authority for the purpose of scheduling a hearing of the appeal.

990 **7.1.3.** The Port Authority shall hold a hearing within forty-five (45) days of stamped receipt by the
991 Town Clerk of such appeal (Normally the next scheduled meeting).

992 **7.1.4.** The Port Authority shall hear all relevant evidence presented to it during the hearing by the
993 Harbormaster and appealing party. Either side may present witnesses or evidence in support of
994 their respective positions. The Chairman of the Port Authority shall serve as the presiding officer
995 and determine the admissibility of testimony in evidence. This hearing is held on an informal basis
996 with strict rules of evidence not applying.

997 **7.1.5.** After hearing the Port Authority shall decide the appeal with a minimum of five like votes and
998 render a decision which may affirm, reverse or modify the decision under review, or may remand
999 the matter to the Harbormaster for further proceedings in accordance with the terms of these rules
1000 and regulations. The decision of the Port Authority, which must be recorded in the minutes of the
1001 meeting, must set forth sufficient findings of fact as appropriate. The Chairman shall provide the
1002 appellant written notification of the decision of the Port Authority outlining the findings of fact within
1003 10 days of the decision.

1004 **7.2. Request for Reconsideration of Decisions of the Port Authority**

1005 **7.2.1.** An applicant requesting reconsideration of a Port Authority decision or other aggrieved
1006 person(s) who appear and participate in the hearing before the Port Authority may request a
1007 rehearing of such decision provided it is made within fifteen (15) calendar days from the date of
1008 said decision is rendered and providing the request contains new or substantially expanded
1009 information which provides sufficient grounds for reconsideration of the decision.

1010 **7.2.2.** Any such request for reconsideration must be filed in writing with the Town Clerk setting
1011 forth the reasons for the request. The filing will be stamped as received by the Town Clerk. The
1012 Clerk shall deliver the request for reconsideration to the Chairman of the Port Authority for the
1013 purpose of scheduling a hearing on the request for reconsideration

1014 **7.2.3.** The Port Authority shall hold a hearing within forty-five (45) days of receipt by the Town
1015 Clerk of such request. (Normally the next scheduled meeting).

1016 **7.2.4.** During the hearing either the applicant requesting reconsideration, or other aggrieved
1017 person(s) who are in opposition to the decision may present witnesses or evidence in support of
1018 their respective positions.

1019 **7.2.5.** After the hearing the Port Authority shall take the request for reconsideration under
1020 advisement and must issue a decision agreed to by voting minimum of five like votes which may
1021 affirm, reverse or modify the decision under review. Failure to achieve a five-like vote majority will
1022 reaffirm the original decision.

1023 **7.2.6.** The decision of the Port Authority must be recorded in the minutes of the meeting and set
1024 forth findings of fact as appropriate. The Chairman shall provide the requester written notification of
1025 the decision of the Port Authority within ten (10) days of the decision.

1026 **7.3. Appeal of Decisions of the Port Authority**

1027 Applicants or other aggrieved parties may appeal the decision of the Port Authority directly to the
1028 Superior Court, within forty-five (45) calendar days pursuant to the rules and procedures
1029 established for M.R.C.P. 80(B) Appeals.

1030 **8. FEDERAL REGULATIONS**

1031 Nothing herein may be considered as interfering with Federal laws applicable to the coastal
1032 waters, tidal waters, tidal rivers and harbors of the state. Where the requirements of these
1033 Rules and Regulations conflict with other laws or rules, the more restrictive, or that imposing
1034 the higher standard, governs.

1035 **9. CITIZEN COMPLAINTS**

1036 **9.1. Complaint Procedure**

1037 Persons aggrieved by a violation of any regulation contained herein may file a complaint with
1038 the Harbormaster giving the following information:

1039 A. Date and time of violation;

1040 B. Vessel causing violation, including description and if possible, name and identifying number;

1041 C. Owner, if known;

1042 D. Operator or master of vessel, if known;

1043 E. Nature of violation;

1044 F. Damage or injuries cause, if any; and

1045 G. Witnesses, including name, address and telephone number

1046 **9.2. Action of the Harbormaster**

1047 If the Harbormaster determines, based on the complaint and any other investigation
1048 undertaken, that probable cause exists to believe that a violation of any regulation has
1049 occurred, the Harbormaster shall either:

1050 **9.2.1.** Issue a written warning to the alleged offender; or

1051 **9.2.2.** Issue a citation and proceed to enforce any violation of these regulations as provided herein
1052 in a court of competent jurisdiction; or

1053 **9.2.3.** Take other such action as authorized by these regulations or other applicable local, state, or
1054 federal laws

1055 **10. FEES – GENERAL PROVISIONS**

1056 The schedule of fees for such fines, permits, and applications, established by the Port Authority in
1057 accordance with Title 38 MRS et. seq. is set forth in Appendix A, Fee Schedule. (Note:
1058 Government and military vessels are exempt from all fees outlined in this section.)

1059 **11. SEVERABILITY**

1060 If any section, subsection or any portion of these Regulations is declared by any court of
1061 competent jurisdiction to be invalid for any reason, such decision is not deemed affect the validity
1062 of any other section, subsection or any other portion of these Regulations; to this end, the
1063 provisions of these Regulations are hereby declared to be severable.

12. EFFECTIVE DATE and RECORD OF CHANGES

These Rules and Regulations are effective 30 days from the date of approval noted in the document header as found in Regular meeting minutes and remain in effect until altered or repealed by the Port Authority. The record compendium of all Port Authority Rules and Regulation changes is shown in Appendix B.

Appendix A - Record of Changes Compendium

Appendix B - Fee Schedule



KITTERY PORT AUTHORITY RULES & REGULATIONS

Appendix A

PORT and HARBOR FEE SCHEDULE

Purpose: Fees established for permitting, licensing, services, application, appeal, or the like, ordained in the Port Authority Rules and Regulations, are set in this corresponding fee schedule authorized by resolution of the Port Authority, appended and incorporated therein by reference.

A. Fines

- | | |
|--|--------------------|
| 1. Failure to remit payment to the Town | \$50.00 |
| 2. Rules and Regulations violation <u>unless otherwise specified</u> | \$50.00 |
| 3. Refusal or neglecting to obey any lawful and reasonable order; obstruction of a Harbormaster; or, committing a civil violation | \$50.00 |
| 4. Failure to display the Kittery Port Authority decal | \$25.00 |
| 5. Fishing from the Pepperrell Pier, the ADA gangway and transient float system | \$50.00 |
| 6. Failure to remove dinghy by float-out: | \$100.00 |

~~**NOTE:** All dinghies, skiffs, and tenders, must be removed from Town owned floats before float out of each year.~~

B. Mooring Site Fees

- | | |
|---|---|
| 1. Mooring Sites: | \$ 68 .00 per foot; Minimum \$ 150 <u>200</u> .00 |
| 2. Non-Municipal Transient Mooring sites: | \$ 68 .00 per foot; Minimum \$ 150 <u>300</u> .00 |
| 3. Rental* Mooring Sites: | \$ 68 .00 per foot; Minimum \$ 150 <u>300</u> .00 |

~~**Note:** Annual mooring fees will be based on the vessel listed on the mooring application and or registry held by the Harbormaster regardless of whether or not the vessel will be on the mooring or not during the season. If changes in vessel occur in accordance with Section E-f then the new information will be used~~

(*Marinas & others authorized as a result of grandfathering or KPA motion)

- | | |
|--|---------|
| 4. Mooring Renewal Late Fee | \$50.00 |
| 5. Moored Floats: Same as mooring fees above, plus Harbor/Water Usage Fees for each vessel. | |

NOTE: If, with the permission of the KPA and any other agency with jurisdiction, one side is used for rental, the fees noted in 2 and 3 above apply to the rented side. The Harbormaster may approve occasional use of an unused side by a visiting vessel at his discretion.

6. Public Memorial Mooring Sites: (Approval Required) No fee

~~7. Mooring Site Hold Fee for Moorings Entered into the Temporary Mooring Program — \$150.00~~

C. Pier Facility Use Permits.

Kittery Mooring Holders are Exempt

1. ~~Non-Resident Commercial Fishing Facility Permit~~ Kittery Resident Commercial Vessels

a. Single Use: _____ ~~\$50-75~~ per visit/

~~a.b. Seasonal Use:~~ _____ ~~\$1015.00~~ per foot-season

2. ~~Commercial Facility Use Permit~~ Non-Kittery Resident Commercial Vessels

a. Commercial Fishing

• Single Use: _____ \$150 per visit;

• Seasonal Use: _____ \$30 per foot

b. Coast Guard Inspected Passenger Vessels

c. Single Use: _____ \$150 per visit

d. Seasonal Use: _____ \$30 per foot

e. Other Commercial Uses

Single Use: _____ \$75 per visit

~~b.~~ Seasonal Use: _____ \$15 per foot

~~3. Commercial Boat Haulers rigging/staging Permit To Be Stricken \$45-~~

D. Harbor Water Use Fee (Section 2.9.1) \$200.00

~~D.E.~~ **E. Transient Mooring & Slip Fees:** (Maximum of 14 days or at the discretion of the Harbormaster)

1. Town Transient Mooring Rental _____ \$35 per night

2. Town Transient Slip Rental Per Night:

a. Off Season from Float-in to June 14th and Labor Day to Float-out _____ \$4045.00 per night

b. In Season June 15th to Labor Day: _____ \$2 per foot/minimum \$65 per night

~~Monday — Wednesday~~ _____ ~~\$40.00~~

~~Thursday — Sunday~~ _____ ~~\$60.00~~

3. Receptacle Hook-up _____ \$15.00
per night for first two consecutive nights; \$10 per night for each night thereafter

E.F. Boat Launch Ramp Fees:

Day and Season Launch Passes are available at Town Hall or Harbormaster's Office at Pepperrell Cove. Passes must be visible on trailer or vehicle dashboard.

1. Seasonal Launch Fees:

Resident	\$50.00
Non-Resident	\$ 100 125.00
Seasonal Launch Fee, Elders (65 and over) and active duty military:	\$40.00

2. Daily Launch Fees:

Non-motorized:	\$5.00
Motorized: Resident	\$10.00
Motorized: Non-resident	\$20.00

G. Dinghy Fees:

Dinghy seasonal tie up (all Town Piers, Floats and Ramps):

Resident	\$ 45 50.00
Non-Resident	\$ 100 120.00

NOTE: Only mooring holders may tie up dinghies on a seasonal basis.

H. Other Fees:

1. Outhaul:	No fee
2. Mooring Site Wait List (Annually):	\$10.00
<u>Applicants on the Wait List prior to January 1, 2019</u>	<u>\$10</u>
<u>All Others</u>	<u>\$20</u>

I. Recoverable Expenses:

- Moving a Vessel: The Harbormaster shall charge a fee to be paid by the master or owner of the vessel, which charge, together with the cost of the crew for removing that vessel, the Harbormaster may collect by a civil action in the District Court as set forth in Title 38, MRS, Section 5.
- Removal of Tackle: Any cost of examination or removal of mooring tackle resulting from removal of tackle is to be borne by the holder of the mooring site permit.
- ~~Sale of Mooring Tackle: Should the mooring tackle not be redeemed the Harbormaster shall proceed to sell the same in a commercially reasonable manner on the date as specified~~ Storage of Vessels, Mooring Tackle, or Equipment: any cost associated with the storage of a vessel, mooring tackle, or equipment caused to be removed from the water or facilities by the Harbormaster. \$50 per day

J. Pier, Ramp, and Float, Application Fees:

- Application Fee: \$~~100~~25.00
- Applicant Service Account (ASA) (Minimum) \$145.00

NOTE: Pursuant to Town Code Title 3, Chapter 3.3, applicants requesting appeals, approvals, licenses, or permits, which involve services as listed therein, are required to establish an ASA with the Town Treasurer when the expense threshold is greater than \$250.00. Such funds are to be used to pay other direct costs necessary to complete the application process, not including application fees as shown in this Appendix.

3. General Penalty for Land Use and Town Code Violations ~~(Daily): ~~\$500.00~~~~ Per
Town Ordinance