

Randolph Harbor Ordinance #984

Town Meeting February 25th, 1992

Amendments are Article III, Sec. 12 and Article X

Article I. PURPOSE

The purpose of this ordinance is to provide for the just and orderly operation of marine activities in Randolph Harbor to promote safety and prevent damage to personal property.

Article II. SCOPE

Hereinafter, any person owning or operating a watercraft within the harbor limits of the Town of Randolph shall conform to the requirements of Title 39 M.R.S.A., this ordinance and any regulations there under.

Article III. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

- Sec. 1 "Board" shall mean Board of Selectmen of the Town of Randolph.
- Sec. 2 "Town" shall mean Town of Randolph.
- Sec. 3 "Harbor" shall mean that body of water of the Kennebec River which is bounded by the Town of Chelsea to the North, the Town of Pittston to the South, the high tide level to the East and to the center of the river Channel as defined by the U.S. Coast Guard navigation charts to the West.
- Sec. 4 "Watercraft" shall mean any craft which is propelled on water and includes but is not limited to the following: row boats, sailboats, rafts, houseboats, pontoon boats, paddle boats, ships, skiffs, canoes, kayaks, etc.
- Sec. 5 "Town Float" shall mean any float, ramp, dock or slip area owned by the Town of Randolph.
- Sec. 6 "May" is permissive.
- Sec. 7 "Shall" is mandatory.
- Sec. 8 "Moorings" shall mean those devices or sites of devices whereby a watercraft is kept in the river while not in use.
- Sec. 9 "Channel" shall mean the deep river bottom area as marked on U.S. Coast Guard Charts.
- Sec. 10. "Anchorage" shall mean the site where a watercraft is temporarily located while held by its own anchor.
- Sec. 11. "Resident" shall mean a person owning or renting property.
- Sec. 12. "Ice Fishing Shack" formerly referred to as smelt shack shall now mean any structure placed on the ice.

Article IV. HARBOR MASTER

- Sec. 1. The Harbor Master is appointed annually by the Board of Selectmen at the regular Town Meeting.
- Sec. 2. The Harbor Master may appoint a deputy or deputies to serve in his/her absence or disability, with the consent of the Board of Selectmen.
- Sec. 3 Compensation. The Board of Selectmen may provide for compensation for the Harbor Master, either by means of an annual salary, or by other appropriate methods.

Sec. 4 Liability. The Harbor Master, or his designee, while engages in the exercise of his lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law shall be immune from any personal liability whatsoever.

Article V. DUTIES

- Sec. 1 The Harbor Master shall be the primary officer responsible for the enforcement of the Rules and Regulations prescribed by the within ordinance. His duties shall also include, but are not limited to, the enforcement of applicable Statutes and Regulations of the State of Maine and Federal Statutes and Regulations relating to the operation of vessels, and relating to the conduct of navigations in the harbor.
- Sec. 2 Orders of the Harbor Master or his Designee: The lawful orders of the Harbor Master or his designee, with reference to navigation and disposal of vessels within the limits of the harbor, shall be obeyed by all persons. Any person who shall obstruct or hinder the Harbor Master or his Designee in the lawful performance of his duties shall be subject to the penalties set forth in the Ordinance.
- Sec. 3 Any duties, responsibilities or other requirements of the Harbor Master under this Ordinance, or pursuant to State or Federal law, may be designated or delegated for enforcement purposes to other qualified individuals. For purposes of this section any other sworn officer of the Town of Randolph shall be deemed to be such qualified individual, but shall not be limited to such officers.
- Sec. 4 The Harbor Master shall maintain a written record of the basic information on each mooring including: Assigned Location, Number, Vessel Description, Owners; Name, Phone Number, Address and any other information deemed useful.

Article VI: MOORINGS

- Sec. 1. The Harbor Master must maintain a chart of the Harbor area, showing all current mooring locations assignments.
- Sec. 2. Each mooring float will be assigned an identifying number which must be marked in a legible fashion on the buoy in at least three inch (3") numerals.
- Sec. 3. An annual fee may be levied by the Town of Randolph for each mooring location as determined by the Board of Selectmen.
- Sec. 4. The owner assumes complete responsibility for the safety and security of his own Mooring. He shall have further responsibility to maintain a floating Mooring Marker which is easily visible at all tides and under normal weather conditions.

Sec. 5. PRECEDENCE OF MOORINGS

1. Within space available the mooring assignments will be ON A FIRST COME- FIRST SERVED BASIS, WITHIN THESE PRIORITY GUIDELINES !
- a. Resident shorefront owners requests for locations immediately adjacent to their frontage
 - b. Resident Commercial
 - c. Resident Pleasure boat
 - d. Resident Commercial w/rented moorings
 - e. Resident owners w/multiple locations
 - f. Non—Resident Commercial
 - g. Non—Resident pleasure

Article VII. ANCHORAGE ZONE

Sec. 1. The intended use of the Town float is solely for the loading and unloading of vessels, the mooring of skiffs, and as a berth for the emergency boat.

Sec. 2. No person shall leave a vessel tied to the outboard side of the Town Float for a period of more than one (1) hour.

Sec. 3. Any person wishing to leave a skiff tied at the Town Float on a permanent basis is required to obtain permission from the Harbor Master.

Sec. 4. If, at the discretion of the Harbor Master, Skiff tie-up space becomes over-crowded, he may require that his permission be obtained for regular skiff mooring privileges.

Sec. 5. First for space must be accorded to resident users.

Sec. 6. Skiffs tied to the Town Float must be properly maintained, be kept bailed, and must be secured in such a manner that they do not interfere with vessels either landing or departing.

Article VIII. vacant

Article IX. OPERATION & PROHIBITIONS

Sec. 1. In all areas where a specific speed limit is not imposed, within the harbor limits as defined in Article 3 Section 3 of this Ordinance, the operator of any vessel shall not proceed at a speed which is greater than that which is reasonable and proper under the circumstances, having due regard for other traffic navigational hazards and any other conditions that may then exist. No vessel shall be operated in a manner which endangers any person, property, nor shall any vessel be operated in a reckless or wanton manner, nor shall any operator of a vessel be under the influence of an intoxicating beverage or of any schedule drug.

Sec. 2. In those areas defined as the Mooring/Anchorage and Slip area no vessel shall exceed Five (5) miles per hour.

Sec. 3. Any vessel operated within the harbor area of the Town of Randolph shall be required to stop upon being hailed by the Harbor Master or his Designee, or upon being signaled by a flashing blue light. The operator of any vessel who fails to stop shall be in violation of this section, and shall be subject to the penalties provided in this Ordinance.

Sec. 4. Nuisance. No vessel shall be operated in a manner which causes a nuisance to other vessels, or to persons located on other vessels, on wharfs, docks, piers, slips or other areas adjacent to the harbor area.

Sec. 5. Wash. All vessels shall be operated at a speed, and with such control and visibility as will prevent their wash from being thrown onto or causing excessive rocking to other vessels. The foregoing shall not limit the necessity of large vessels maintaining sufficient speed to maintain steerage. Nothing herein shall limit liability for damages caused by wash.

Sec. 6. No person shall cause to be left within the harbor any type of vessel which constitutes a derelict, nor shall the harbor be used in any way as a graveyard of vessels.

Sec. 7. Firearms. The discharge of firearms from any vessel located within the harbor shall be prohibited.

Sec. 8. Abandoned Vessels. No person shall cause to be abandoned any vessel, hull, or other water vehicle within the harbor. Any such vessel which has been left unattended for a period of sixty (60) days or more shall be deemed to be abandoned and in such case, the Harbor Master, shall order the last owner of record of any such abandoned vessel to remove same within a specified, reasonable period of time. Upon failure of the owner to do so, the Harbor Master shall cause its removal and/or destruction, with the cost of same being applied to such last owner of record.

Sec. 9. Removal Procedure. In those instances where it is necessary for the Harbor Master to remove a vessel from a particular location, the following procedure shall be used:

- a. Where the owner is on board the vessel, or can be located within a reasonable period of time, the Harbor Master shall request the removal of the vessel to a safe location.
- b. In those instances where the owner/operator cannot be located, where the vessel is unmanned, or where safety precludes a search for the whereabouts of the owner/operator, the Harbor Master shall have the authority of removing the vessel on his own initiative. In these instances, the cost of the removal if any, shall be assigned to the owner/operator of the vessel.

Sec. 10. Liability. In all instances where removal of a vessel is deemed necessary and appropriate, and the Harbor Master or his designee is in exercise of his authority with regard to same, there shall be no liability on behalf of the Harbor Master, his designee of the Town of Randolph in connection with such removal.

Article X. WINTER USE OF HARBOR

Sec 1. Owner of ice fishing shack shall be required to register with the Town Office before placing on the ice.

Sec. 2. An annual fee may be levied by The Town of Randolph for each ice fishing shack determined by the Board of Selectmen.

Sec 3. The owner shall be held responsible for any violation of Environmental Protection Law

Sec. 4. The owner shall be subject. to a fine of not more than one hundred (100.00) dollars as determined by the Board of Selectmen if said shelter is not registered within 72 hours of notification by Harbor Master. Violation Class E Crime The court fee shall be returned to the town.

Sec 5. Ice fishing shack shall be removed from river before ice gets too thin to support weight of shack or if posted by Harbor Master.

Sec. 6. Owners of ice fishing shacks shall label each with two (2") inch lettering, including name, telephone number, registration number and shall appear on the side facing the shore

Article XI. PENALTIES

Sec. 1. Any violation of the terms, conditions, rules and regulation of this Ordinance shall be punished as a Class E crime in accordance with Title 17-A, M.R.S.A. Any fines levied pursuant to that Section shall be for the use and benefit of the Town of Randolph. In addition to those penalties, in terms of fines and imprisonment permitted under Section 17-A, M.R.S.A., the Harbor Master shall have the further authority of restricting any vessel from use of the harbor, and/or from the use of any of the public facilities provided vessel owners by Town of Randolph.

Sec. 2. If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master may recover these costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in District Court.

Article XII. SEPARABILITY

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