

WHARF and FACILITIES ORDINANCE TOWN OF TREMONT

SEC: 101 Authority: This Ordinance is enacted in accordance with 30-A MRSA Section 3001,.

SEC: 102 Purpose: After May 11, 1993, the following rules and regulations shall govern the operation, maintenance and use of the Town of Tremont Wharf and Facilities

- a. All commercial vessels docked, loading, unloading, engaged in repair or maintenance of the vessels or equipment as set forth in Paragraph c. of this Section shall pay an annual fee to the Town of Tremont based on the overall length of each vessel and whether it is a resident vessel as described below and in the definitions within this ordinance:
 1. Resident vessels shall pay the amount of \$12.50 per foot up to 50' or \$25.00 per foot over 50' or vessel may tie up at a daily rate of \$25.00 day without paying the per foot fee provided the daily fee is paid in accordance with Section 103. Minimum annual fee of \$200.00.
 2. Non-resident vessels shall pay the amount of \$18.00 per foot up to 50' or \$50.00 per foot over 50' or vessel may tie up at a daily rate of \$50.00 day without paying the per foot fee provided the daily fee is paid in accordance with Section 103. Minimum annual fee of \$400.00.
- b. Students 18 years of age or younger engaged in commercial fishing in vessels of 20' or less shall pay a fee of \$25.00 for an annual wharf permit.
- c. No person, company or corporation shall engage in providing repair services, transportation, fuel, repair, equipment or maintenance of vessels or to equipment or facilities situated within the bounds of the Town of Tremont Wharf, unless each such person, company or corporation has on board a vessel or vehicle a valid permit issued under this Section for such use and is in a position to make such permit available upon request by a designated Tremont Town official.

The fee payable to the Town of Tremont shall be \$437.50 annually for each such permit or a day use permit may be utilized at the rate of \$25.00 per day as described in Section 103.

- d. Each commercial entity transporting marine products off the Wharf or Town property shall obtain a permit in accordance with Section 103 of this ordinance authorizing such transportation and shall pay a \$2,500.00 annual fee to the Town of Tremont. Any owner/operator of a fishing vessel with a valid Wharf Use Permit shall be relieved of the fee in this section if said owner/operator is transporting his product and his product only. There will be no combining of product between individual fishermen without the \$2,500.00 permit. There will be no \$25.00 daily fee. Any other commercial uses shall be permitted only by agreement with the Board of Selectmen.
- e.1. A fee of \$100.00 per year for permits, shall be paid to the Town of Tremont by resident owners or lessees of boats 14' in length or under, moored at designated floats on a space-available basis at float spaces specifically authorized for such moorings. (Except for the Seal Cove Facility see a.2.)
- e.2. A fee of \$200.00 per year for permits shall be paid to the Town of Tremont by non-resident owners or lessees of boats 14' in length or under, moored at designated floats on a space-available basis at float spaces specifically authorized for such moorings. (Except for the Seal Cove Facility see a.2.)
- e. The operator of a vessel in possession of a valid Wharf Use Permit may moor a tender or boat 14' in length or less at specifically designated floats on a space-available basis.
- g. No commercial fuel services will be allowed on the Wharf.
- h. Parking below the crest of the hill at the Wharf will be by permit only, Monday through Friday, 4:30 a.m. to 12 noon.
- i. The Town of Tremont Selectmen may enter into agreements or contracts with commercial entities regarding Wharf usage that are financially beneficial to the Town.

SEC. 102-A a.2. Seal Cove Ramp and Floats:

- a. Resident vessels shall pay a fee of \$200.00 per commercial fishing vessel and its dinghy per year, and a fee of \$100.00 per dinghy per year for any dinghy not associated with a commercial vessel, for the use the Town Landing Facilities at Seal Cove.
- b. Non-resident vessels shall pay a fee of \$400.00 per commercial fishing vessel and its dinghy per year, and a fee of \$200.00 per dinghy per year for any dinghy not associated with a commercial vessel, for the use of the Town Landing Facilities at Seal Cove.
- c. The Town of Tremont Selectmen may enter into agreements or contracts with commercial entities regarding Seal Cove that are financially beneficial to the Town.

SEC. 103 Permits: Applications for Wharf Use Permits must be obtained from the Tremont Town Office. Following approval and payment of the prescribed fee, a key to the lock box for the hoist control will be issued and decals will be issued which must be affixed to the vessel or vehicle described in the application, and will be valid for 1 year from September 1, through August 31, On September 2 the keys to the lock box shall be updated and holders of unpaid wharf permits will no longer have access to the hoists. Vessels or vehicles not displaying a valid decal will not be permitted to use the Wharf unless they have paid a daily fee of \$25.00 to be paid in advance at the Town Office.

Wharf Permits shall be capped at a ratio of 75% for resident permits to 25% non-resident permits. This shall be accomplished by not issuing new non-resident wharf permits until the ratio is obtained. (This will not affect wharf permit holders that predate the adoption of this amendment)

SEC. 104 Berthing: Overnight use by vessels and vehicles is strictly forbidden without written permission of the Harbor Master.

SEC. 105 Gear/Bait on Wharf: No gear shall be left on the Wharf for more than 24 hours from the time first placed there. Gear may be left beyond this time limit only with prior approval of the Harbor Master. No bait shall be left on the Wharf. No vehicles shall be left unattended on the Wharf or they will be towed at owner's expense. No gear or bait shall be left unattended At the Seal Cove Town Landing Facility.

SEC. 106 Trash and Debris: Depositing of trash, waste oil and debris on the Wharf is expressly prohibited. No dumping of bait from Wharf, Ramp, Floats or other areas within the scope of Town Property is allowed. There will be no culling of marine products such as urchins, dead crabs or lobsters at the Wharf. Deliberate incineration of wastes or other matter from vessels may constitute pollution of marine environment and is expressly prohibited.

SEC. 107 Enforcement: Enforcement of the provisions of this Ordinance is delegated to State and local law enforcement officers and the Harbor Master of the Town of Tremont. Personnel, services and equipment of any other agency of State or Federal government may be utilized in performance of this provision. Any officer having vested authority shall, pursuant to authority provided by law and with or without warrant or other process, arrest any person if he has reasonable cause to believe such person has committed an act as prohibited by SEC. 102-108 of this Ordinance. The Town of Tremont Town Manager, in consultation with the Town Selectmen, shall prescribe the forms for permit necessary to constitute a valid permit. The Harbor Master may, in the interest of maintaining appropriate law and order, in his sole discretion, elect to temporarily suspend the use of any permit granted. Such suspension will normally not be made except in emergency situations.

SEC. 108 Penalty: Failure to comply with or violation of any of the provisions of this Ordinance will result in a fine of not less than \$100.00 nor more than \$2,000.00 to be recovered in Hancock County, Maine, District Court, on complaint of officials named in SEC. 107 of this Ordinance. The Court may enter restraining orders or prohibitions and/or minimum fines of \$100.00 and maximum fines of \$2,000.00 in each instance. Each day a violation exists constitutes a separate violation.

SEC. 109 Severability: In the event any section or subsection of this Ordinance shall be declared invalid for any reason by any court having jurisdiction, such decision shall not be deemed to affect the validity of any other section or subsection of this Ordinance.

SEC. 110 Definitions:

1. Resident Vessel: is a Vessel on which is paid excise taxes that remain within the Town of Tremont
2. Non-resident Vessel: is a Vessel on which is not paid excise taxes that remain within the Town of Tremont

Passed at Town Meeting May 11, 1993
Amended at Town Meeting May 9, 1995,
May 15, 2001, May 14, 2003 and
May 11, 2004
May 10, 2005
May 11, 2010