

# Sorrento Harbor Ordinance

(as Amended October 17, 2022)

## **1. Purpose**

The purpose of this ordinance is to establish the rules by which the municipality will keep open convenient channels for the passage of vessels in the harbors and waterways of the Town of Sorrento, and to establish the boundary lines of such channels, and to assign suitable portions of their harbors for anchorages, all in accordance with 38 M.R.S.A. ch. 1; and to provide for the public safety in accordance with 30 M.R.S.A. S 2151.1.A by promoting safe mooring, anchoring and passage of vessels. This ordinance is adopted pursuant to the police power as set forth in 30 M.R.S.A. S 2151, the specific authority granted to municipalities with respect to Harbor Masters as set forth in 38 M.R.S.A. ch. 1, and the power of municipal home rule as set forth in 30 M.R.S.A S 1917 and Article VIII-A of the Constitution of the State of Maine.

## **2. Harbor Master**

2.1 The selectmen will appoint a Harbor Master annually pursuant to 38 M.R.S.A. S 1. The Harbor Master will take office on April 1 each year. The Harbor Master will be appointed Constable of the Town of Sorrento. He/she will have the duties and powers prescribed by law and this ordinance.

2.2 The Harbor Master shall be at least 18 years old, a U.S. citizen, and a Maine resident.

2.3 The selectmen may appoint a Deputy Harbor Master.

2.4 In the event that the Harbor Master owns moorings, he/she shall not rent, lease, or make available such moorings to any person for a fee or other consideration, and if he/she does so, he/she shall forfeit the office immediately.

2.5 The Harbor Master shall have jurisdiction over activity within the Sorrento Town Waters up to the high tide mark.

## **3. Harbor Limits**

3.1 Sorrento Harbor: Sorrento Harbor includes all of the body of water between the mainland and Dram Island and the westerly portion of Preble Island. It is bounded on the east by two small islands located between Sorrento Harbor and Eastern or Lower Point Harbor defined below. To the west it is bounded by an imaginary line running from the westerly end of Dram Island bearing approximately North 20° East (magnetic) to the end of Bean Point.

3.2 Eastern or Lower Point Harbor: Eastern or Lower Point Harbor includes all of the body of water between the mainland and the easterly end of Preble Island. Its westerly boundary is the two small islands located between Eastern or Lower Point Harbor and Sorrento Harbor defined above. Its easterly boundary is an imaginary line extending from the easterly end of Preble Island on the shortest possible line to the farthest east point of Doane's Point.

3.3 All other coastal waters fall under the jurisdiction of the Town.

## **4. Moorings**

4.1 No person shall place a mooring within the Sorrento Town Waters as described above unless:

- (1) He or she has filed an application for a permit with the Harbor Master, setting forth such information as shall be requested by the Harbor Master, and
- (2) The Harbor Master has issued a written permit to the applicant, stating the location of

the mooring; the permitted size, type, and scope of the mooring; and the size and type of the boat to be moored. Maximum scope is to be 2.5 to 1 at high tide as measured from the stone to the bow chock.

(2) He/she has paid the appropriate fee as detailed in current schedule of mooring fees.

4.12 With the exception of working commercial vessels, no moorings shall be occupied and no vessels shall be anchored in Sorrento waters during the winter mooring period from November 1 to April 15. Exceptions must be approved by the Harbormaster.

4.2 Any permit issued pursuant to section 4.1 above shall not exceed one year.

4.3 No mooring ropes of a type that float, including but not limited to polypropylene rope, shall be used within Sorrento Town Waters.

4.4 The Harbor Master is empowered to require that any mooring be moved at any time at the owner's expense. Failure to move or remove a mooring at the request of the Harbor Master will be a violation of this ordinance.

4.5 The Harbor Master will issue no permit for mooring unless he is satisfied that the information set forth in the application is adequate to ensure that the mooring and vessels attached to it will not become a danger to persons or property.

4.6 The Harbor Secretary will issue no more than 15 non-resident rowboat and mooring permits to pleasure vessel owners for Sorrento Harbor in any calendar year. The Harbor Secretary will issue no more than 10 non-resident mooring permits for Eastern or Lower Point Harbor in any calendar year. The Harbor Master shall deem abandoned any non-resident mooring assignments substantially unused by the applicant for his/her vessel for a period of more than two seasons. Subsequent application for a mooring number assignment by that person must be in accordance with the procedure outlined for new applications, including placement in chronological sequence on the waiting list.

4.7 The Harbor Master will maintain a public record of the ownership of moorings, their placement, and to whom they are assigned.

4.8 It is prohibited to moor houseboats in Sorrento Town Waters.

4.9 All mooring assignments shall be used exclusively for the personal use of the applicant and exclusively for the vessel listed on the mooring application: exception must be approved by the Harbor master.

4.10 Mooring buoys shall be white with a horizontal blue stripe with assigned number attached. All moorings will be marked with a poly ball. No wooden mooring poles allowed.

4.11 Standards for Single Point Mooring System: The following shall be the minimum specifications for all new moorings, and replacement mooring parts, in Sorrento Town waters:

<u>Boat Length</u>	<u>Mushroom*</u>	<u>Rock Size</u>	<u>Bottom chain</u>	<u>Top chain</u>	<u>Nylon size</u>
Less than 18 ft.	75 lb*	500	1/2	1/2	1/2
18 but < 26 ft.	150*	1500	5/8	1/2	5/8
26 but < 36 ft.	N/A*	3000	3/4	1/2	3/4
36 but < 46 ft.	N/A*	4000	7/8	5/8	1

**\*Must be approved by Harbor Master**

## **5. Rules of Harbor Use**

5.1 Vessels shall be operated within Sorrento Town Waters in a safe and prudent manner.

5.2 No person shall operate a vessel within Sorrento Town Waters in a manner which threatens danger to any person or property.

5.3 There shall be no waterskiing or jet skiing within the Sorrento and Lower/Eastern Harbors or creating a wake in these areas.

5.4 All commercial fishing is prohibited within the Sorrento Harbor and Lower/Eastern Harbor mooring areas as defined by “No Commercial Fishing” buoys.

5.5 It is prohibited to dump garbage or other pollutants into Sorrento Town Waters.

## **6. Shore and Flats; Docks**

6.1 Areas between high and low water lines within the Sorrento Town Waters shall be kept clear of refuse and abandoned property at all times. The Harbor Master may, upon reasonable notice to the landowner if readily available, and always consistent with the laws and constitution of the State of Maine and the United States, come onto any land and remove debris, refuse, and abate any nuisance. The Town of Sorrento may recover the costs of removal in any proceeding to seek penalties or equitable relief pursuant to Section 10 below.

6.2 Public docks, piers, floats, and ramps shall be kept clear of all traps, vehicles and all other materials at all times. No boats shall be placed on top of the Town dock or floats. No boats constructed of metal or with outboard or inboard motors and no rowboats longer than 12 feet may be secured to the town dock more than one daylight hour, or between sundown and sunrise. Rowboats are required to have a 12 foot painter, and are required to be tied to the dock with 10 feet of slack. It is prohibited to drag lobster crates, bait trays or any other material that can cause damage. Dumping or spilling of bait/fish residue, hazardous material or any other substance that causes an order or residue to remain is prohibited.

6.3 The town launching ramp and beach at Sorrento Harbor may not be used by non-residents for commercial fishing use. Seafood commercial use by residents is limited to a three-quarter ton truck.

6.4 Any watercraft berthed at the town dock, or within the harbor, shall be kept in a safe and presentable condition at all times and must be maintained in a “bailed out” condition.

6.5 Motors, generators, bilge pumps, television sets, and radios shall not be used when such operations create a nuisance or unreasonably interfere with the ability of any person to use his or her property.

6.6 Boats shall not be placed on the town beach or town ramp for longer than one hour without permission for temporary placement issued by the Harbor Master. The time limit for the use of the Town launching ramp shall be 15 minutes.

6.7 All boat cradles shall be removed from publicly owned harbor areas when not in actual use.

6.8 No person may do repair work on boats at any town owned float or pier without obtaining permission from the Harbor Master before the work is commenced. The Harbor Master may withhold permission if he deems that the intended repair work will cause danger to persons or property, or will create a condition prohibited under this ordinance, or will cause public inconvenience.

6.9 No boat trailers and no vehicles over three quarter ton may park in town pier parking lot from May 1 through October 31.

6.10 Use of the public dock by commercial vessels carrying passengers for hire is prohibited.

## **7. Locations of Moorings**

The Harbor Master shall assign mooring sites to applicants in accordance with the following priorities:

- 7.1. Shore-front owners requesting locations adjacent to their respective properties shall have first priority;
- 7.2. Resident commercial vessel owners shall have second priority;
- 7.3. Resident pleasure boat owners and persons renting residences in Sorrento shall have third priority;
- 7.4. Non-resident pleasure vessel owners shall have fourth priority;
- 7.5. Non-resident commercial vessel owners shall have fifth priority.

Notwithstanding the foregoing, the number of nonresident moorings shall always be at least equal to the minimum number of non-resident moorings required under 38 M.R.S.A S 7 as amended from time to time.

## **8. Fees**

8.1 Fees are established by the Sorrento Board of Selectmen, and may be increased or decreased as necessary at any time. All fees accrue to the Town of Sorrento for the operation of the harbor.

8.2 Fees established by the Board of Selectmen will be posted in a schedule of fees available at the town office.

8.3 Fees must be paid by July 15.

## **9. Appeals of Decisions of Harbor Master**

Any person may appeal a decision of the Harbor Master to the Board of Selectmen. Any such appeal shall be made within ten days after the date upon which the person is notified of the decision of the Harbor Master if the notification is verbal or in a written form that is personally delivered. If the Harbor Master's decision is mailed, the person shall have 13 days from the date of mailing to appeal the decision. Appeals shall be in writing and shall state in detail (1) the intended conduct of the appellant; (2) the decision of the Harbor Master; and (3) a statement setting forth the reasons why the decision of the Harbor Master is not consistent with this ordinance or with state or federal law. The written appeal shall contain all of the information necessary to enable the selectmen to pass upon the merits of the appeal. The applicant or the Harbor Master may request a hearing, when he or she will appear in person or with witnesses, and state their case through oral testimony or other evidence. An appeal of the decision of the Selectmen may be taken pursuant to Rule 80B of the Maine Rules of Civil Procedure.

## **10. Penalties**

Any person who violates any part of this ordinance shall be liable to the Town of Sorrento for the following penalties:

**A.** The minimum penalty for a specific violation shall be \$25 and the maximum penalty shall be \$2,500. Each day that the penalty exists shall be a separate violation.

**B.** In addition, the offender shall pay to the Town of Sorrento an amount equal to reasonable attorney fees, expert witness fees, and other expenses incurred by the town in the prosecution of any proceeding to enforce the provisions of this ordinance, including proceedings in equity to abate any nuisance or other condition in violation of this ordinance.

**C.** Failure to pay Harbor fees will result in denial of all future harbor permits until all back fees are paid.

## **11. Severability**

If any part of this ordinance shall be found to be in violation of law, then the remaining parts of this ordinance, not found in violation of law, shall remain in effect.

12. **Effective Date**

The effective date of this ordinance is 15 days after enactment. This ordinance, as amended, was passed by a majority of registered voters present at town meeting on August 16<sup>th</sup>, 2017.