

TOWN OF WINTHROP  
MOORING ORDINANCE  
Adopted 3/7/22  
Effective 4/7/22

I. TITLE

A. This ordinance shall be known as the “Winthrop Mooring Ordinance”.

II. AUTHORITY

A. This ordinance is adopted pursuant to the enabling provisions of Article 8, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S. Section 3001 (Home Rule), the provisions of Title 38 M.R.S. Sections 1-13 (Harbor Masters), and the provisions of the Planning and Land Use Regulations Act, Title 30-A M.R.S. Section 4312 et seq. as amended.

III. PURPOSE

A. This ordinance is to ensure that mooring installations do not impair the health, safety, and welfare or result in lower water quality, loss of aquatic habitat or interference with navigation nor substantially infringe on the interests of property owners.

IV. APPLICABILITY

A. This ordinance regulates the installation of moorings for the purposes of securing a watercraft or float plane in a great pond within 200 ft. of the shoreline of the great ponds in the Shoreland Zones of the Town of Winthrop. The Town of Winthrop does not assign mooring sites or privileges under this Ordinance.

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V. DEFINITIONS

- A. Mooring - Shall mean any device designed to float and attached to an anchoring device that secures a watercraft to the bottom of a water body.
- B. Mooring Area - Shall mean an area on a body of water which is defined as the shorefront width of a property held in common or individually and extending two hundred (200) feet from shore into a body of water or 1/3 the distance to the opposite shore, whichever is less, with watercraft moored within this area. To define the limits of a mooring area, property lines shall be extended in a perpendicular line created by the average shoreline of each lot, from the shorefront terminus of that property line. All measurements for the "depth" of a mooring area, or the distance from shore, shall originate from the shoreline and extend out over the body of water and shall be measured in straight lines. In situations of coves, bays, and curving shorelines, said measurements must be made in a manner to minimize the loss of a mooring area and would be done so equally between abutters of mooring areas.
- C. Fairway - Shall mean a navigable channel in a water body, which may, but need not, be marked with channel markers.
- D. Watercraft - Shall mean any craft meeting the Federal or State definition of a watercraft. For purposes of the Ordinance a float plane will be considered a watercraft.
- E. Great Ponds - any inland bodies of water in a natural state have a surface area in excess of 10 acres and any inland bodies of water artificially formed or increased which have a surface area in excess of 30 acres.
- F. Houseboat – A raft, hull, barge or vessel, designed primarily to be used as a commercial establishment or living quarters, rather than navigation.

VI. MOORING SPECIFICATIONS

- A. All anchors shall be constructed to adequately hold a watercraft in any anticipated storm and allowing the watercraft to swing without going into the mooring circle of any other watercraft or over abutting mooring areas.
- B. Bolts, screws, rods, pads, and other metallic fixtures shall be of adequate strength for the mooring and comply with all Environmental Protection Agency and Maine Department of Environmental Protection laws, rules, and regulations.

C. Metal drums, engine blocks, demolition materials, and other materials which may release contaminants, shall not be used in construction of anchoring structures.

## VII. MOORING REGULATIONS

A. One mooring per up to 50 feet of shoreline, two moorings for shoreline of greater than 50 feet up to 100 feet, and additional moorings for increments up to 50 feet thereafter. One mooring per 50 feet of residential shoreline is allowed.

B. The number of moorings for licensed campgrounds, summer youth camps, motels marinas and seasonal cabin/dwelling rental businesses shall be one per 25 feet of shoreline frontage.

C. Moorings are prohibited from blocking or impeding the use of fairways.

D. Nothing in this ordinance shall restrict the Town of Winthrop from owning, leasing, and operating single or multiple moorings on any of the freshwater bodies within its boundaries and within the boundaries of the designated mooring area of town owned or leased properties except that the Town shall follow the requirements and standards of this ordinance.

E. Mooring Fields [SPACE RESERVED PENDING FURTHER COUNCIL DISCUSSION]

D.F. Houseboats whether temporary or permanent are prohibited from mooring or anchoring in the great ponds in the Town of Winthrop.

## VIII. GRANDFATHERING AND DISCONTINUANCE

A. Grandfathering. Existing moorings at the effective date of this ordinance are grandfathered subject to meeting these conditions:

1. The moorings are directly associated with and under the same ownership as an existing residential shorefront lot; or
2. The moorings are directly associated with and under same the ownership as an existing licensed campground, summer youth camp, motel, marina or seasonal cabin/dwelling rental business; or
3. The moorings do not exceed the limitations imposed by this ordinance in

Section VII Mooring Allowances by 100% ; or

4. The moorings are associated with deeded shorefront access easements and/or deeded shorefront access rights; or

4.5. The moorings existing in the south cove of Maranacook Lake as of March 7, 2022. Such moorings must be annually registered with the Mooring Officer by May 1 of each year. Any mooring that is not registered annually will be discontinued and will be removed. There is no fee for the annual registration.

B. Discontinuance. Any mooring that that does not comply with this Ordinance must be discontinued and shall be removed by the owner who placed it within 90 days of this Ordinance becoming effective. Such discontinued moorings will be subject to the enforcement and penalties delineated in Section IX of this ordinance. In such cases, the mooring owner shall provide proof of removal to the Mooring Officer.

IX. ENFORCEMENT AND VIOLATION

A. Enforcement

1. The Town Council of Winthrop shall appoint an individual to carry out and enforce provisions of this Ordinance, and that person for the purposes of this ordinance shall be known as the "Mooring Officer." The Mooring Officer shall serve as the harbormaster for purposes of 38 M.R.S. Ch. 1, and shall be subject to the provisions related therein including training requirements. The Mooring Officer shall be appointed for a term of no less than one (1) year. OPTION 1: shall be an existing employee of the Town Winthrop who shall perform these duties in addition to their other duties, OR OPTION 2: shall be a part-time seasonal employee with responsibilities separate from any other Town employment and shall be subject to all the duties and liabilities of that office as prescribed by municipal ordinances and regulations adopted by the Town Council. The Town Council may establish the Mooring Officer's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the Mooring Officer, and appoint a replacement.

2. Given approval by the Winthrop Town Council, the Mooring Officer may appoint deputies who, under their direction, shall aid in enforcing and carrying out the rules and regulations of this Ordinance.

B. ~~VIOLATIONS~~Violations

1. Enforcement. The Mooring Officer has the authority to enforce this Ordinance. If the Mooring Officer finds that any provision of this Ordinance is being violated,

he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Town above action does not result in the correction or abatement of the violation or nuisance condition, the Town Manager is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality.

2. Fines. Any person who violates any provision of this Ordinance shall be subject to a civil penalty of not less than \$ 100.00 and not more than \$5,000 for each day the violation exists. Each day that such a violation continues to exist shall be considered a separate violation. The violator may be ordered to correct or abate the violation unless the court finds that such action will create a threat or hazard to public health or safety, substantial environmental damage, or substantial injustice. This Ordinance shall be enforced pursuant to 30-M.R.S.A. 4452 and the Town shall be entitled to recover its costs, including attorney fees and expert witness fees if it prevails. The failure to obey the lawful order of a Mooring Officer ~~shall~~may be punished as a Class E crime pursuant to 38 M.R.S.A. 13.

C. APPEAL Appeals

Any decision of the Mooring Officer may be appealed to the Zoning Board of Appeals. An appeal must be submitted in writing Board no later than 30 days after the action or decision appealed from. The Board shall hear and decide any administrative appeal of the Mooring Officer's decision on a de novo basis and may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

The Mooring Officer shall attend all hearings and shall present to the Board all plans, photographs or other material deemed appropriate for an understanding of the appeal. Decisions of the Board shall be in writing and contain a statement of findings and conclusions, as well as the reasons or basis therefore. A copy of the decision shall be sent to the appellant.

All appeals must be made on appropriate appeal application forms provided by the Town. The appeal shall set forth the date and nature of the decision appealed and a concise statement of the basis for the appeal together with any other relevant information as required on the appeal application form.

Appeals from the decision of the Board may be taken to Superior Court in accordance with State law. 30-A M.R.S. § 2691.

X. EFFECTIVE DATE

A. This ordinance becomes effective 30 days after enactment by the Winthrop Town Council pursuant to requirements in the Winthrop Town Charter.

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