

TOWN OF WINTHROP
MOORING ORDINANCE

Proposed 8/2/21

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 in the Shoreland Zones of the Town of Winthrop.

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.

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 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.

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.
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.
3. The moorings do not exceed the limitations imposed by this ordinance in Section VII Mooring Allowances by 100%.

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 he 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 be appointed for a term of no less than one (1) year 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

1. The Mooring Officer shall determine whether provisions of this ordinance have been violated. The Town Manager or their designee, together with the Mooring Officer, shall assess the nature and severity of the violation and shall take the necessary course of corrective action, which may include assessment of a penalty. 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 be punished as a Class E crime pursuant to 38 M.R.S.A. 13.

C. APPEAL

1. Decisions of the Mooring Officer may be appealed in writing to the Winthrop Town Council, within 30 days of the decision being issued.

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.