

## **Isle au Haut HARBOR AND WATERS ORDINANCE**

### **Jurisdiction:**

The rules and regulations of the Isle au Haut Harbor and Waters Ordinance shall apply to activities occurring within or directly affecting the area within Isle au Haut Harbor and Isle au Haut Waters.

### **Harbormaster:**

- A. Appointment:** The Harbormaster shall be appointed by the Board of Selectmen.
  
- B. Duties and Powers:** The duties and responsibilities of the Harbormaster are prescribed by Title 38 M.R.S.A. In addition, the Harbormaster, acting under orders of the Town Manager and Board of Selectmen, shall have full authority in the interpretation and enforcement of all regulations affecting Isle au Haut Harbor and Isle au Haut Waters. The Harbormaster shall, pursuant to state law, designate the areas of the Isle au Haut Harbor and Isle au Haut Waters to be used for moorings and anchorages.
  
- C. Term:** The Harbormaster shall serve at the pleasure of the Board of Selectman for a one-year-term.

**D. Compensation:** The Board of Selectmen shall set the Harbormaster's compensation.

**Moorings:**

**E. Mooring assignment priorities:** Assignments for the privilege of maintaining a mooring in Isle au Haut Waters and Isle au Haut Harbor shall be made in the order received according to the following ordered priorities:

1. 1) Full-time commercial fishing vessel
2. 2) Part-time commercial fishing vessel.
3. 3) Commercial Vessel.
4. 4) Pleasure Vessel.
5. 5) Guest Mooring/Rental Mooring,

Whenever practicable, request of riparian owners for moorings adjacent to their uplands shall be honored.

**F. Assignment of Location.** On approval, the Harbormaster shall mark a suitable location for the vessel. Moorings must be set at the mooring locations designated by the Harbormaster. Initial placement and any relocation of moorings must be approved by the Harbormaster. Any change in the size of boat moored at a location must be approved by the Harbormaster. Moorings outside Isle au

Haut harbor within the town of Isle au Haut waters will only be allowed for riparian owners adjacent to their uplands. and only when practicable.

**G. Mooring Tackle.** The float/pick-up buoy or ball attached to said mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel, owners shall inspect moorings every two years. The Harbormaster may in his/her discretion cause a mooring to be hauled for inspection at any time at the owner's expense if the mooring has not been inspected as required by this ordinance or the harbor master has reasonable cause to believe the mooring is unsafe.

**H. Transfers.** Mooring assignments may not be transferred except for the following specific circumstance: at the request or death of the assignee, only to a member of the assignee's family and only if the mooring will continue to be used for commercial fishing purposes. For the purpose of this section, "member of assignee's family" means an assignee's parent, child or sibling, by birth or adoption, including a relation of the half blood or an assignee's spouse.

### **Prohibited Acts**

The following actions are violations of this ordinance:

- A. To refuse to obey a lawful order of the Harbormaster,
  
- B. To refuse to conform to any Harbor regulation or ordinance,
  
- C. To anchor a watercraft in a cable area.
  
- H. For transient vessels/watercraft to moor at locations other than those specifically designated by the Harbormaster for their use.

## **Houseboats**

There shall be no Houseboats within Isle au Haut harbor or Isle au Haut waters.

## **Town Float:**

No personal belongings bait or unattended items shall be left on the town float.

No watercraft over 16ft shall be left unattended at the town float for more than 1/2 hour without harbormaster permission.

No watercraft shall inhibit the landing of the mailboat.

## **Penalty/Enforcement**

The provisions of this ordinance shall be enforced by state, county or local law enforcement as well as the Harbormaster of the Town of Isle au Haut. Personnel, services, and equipment of any other federal or state agency may be utilized for enforcement of this ordinance.

An officer having vested authority shall, pursuant to authority provided by law and with or without warrant or other process, arrest or summons any person if he/she has reasonable cause to believe such person has committed an act as prohibited by this ordinance.

## **Definitions.**

**Isle au Haut Waters:** Isle au Haut Waters as described in this ordinance shall include all waters within the Isle au Haut Town Limits.

**Isle au Haut Harbor:** Isle au Haut Harbor as described in this ordinance shall include the water from “the narrows” to the two channel markers at the north end (closest to point lookout) of the coast guard navigation project.

**A. Commercial Vessel:** A commercial vessel is any vessel used to produce income.

**B. Pleasure Vessel:** A Pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel-user's/owners income.

**C. Riparian Owner.** A riparian owner is any person who owns shore property in Isle au Haut.

**E. Houseboats,** A building constructed on a raft, barge or hull that is used primarily for single or multifamily habitation; if used for transportation, this use is secondary.

**F. Watercraft,** "Watercraft" means any type of vessel, boat or craft used or capable of being used as a means of transportation on water other than a seaplane.

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