

**Town of Friendship, Maine**  
**Town Wharf Ordinance**

Enacted on June 11, 2002  
Amended on March 18, 2008  
Amended on March 21, 2011  
Amended on March 18, 2014  
Amended on March 16, 2015

This certifies that the within ordinance is a true copy of the **Town of Friendship, Town Wharf Ordinance** enacted by voters of the Town of Friendship at a Special Town Meeting on **June 11, 2002**

This ordinance was amended on March 18, 2008, March 21, 2011, and March 18<sup>th</sup>, 2014 and March 16<sup>th</sup>, 2015.

This version will supersede any other versions you may now have on file.

Sincerely,

Joel Fearn  
Town Clerk

# TOWN OF FRIENDSHIP TOWN WHARF ORDINANCE

## A. PROCEDURES

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**1. Purpose:** The Town of Friendship owns and operates one public wharf. The purpose of the wharf, maintained at the Town's sole expense, is to provide access to the water for all Town residents and taxpayers. The Wharf Ordinance is hereby enacted to regulate the use of the Town of Friendship Town Wharf for that purpose. However, the Town Wharf shall be posted in two or more conspicuous places stating that the Town assumes no responsibility for personal injury or property damages and that the use of the Town Wharf is at the user's sole risk.

**2. Authority:** This Ordinance is adopted pursuant to the Home Rule authority granted by state statute, 30-A M.R.S.A. section 3001 *et seq.*, and the Maine Constitution.

**3. Severance:** If any provision or clause of this Ordinance or application thereof to any person or persons is held to be invalid, such invalidity shall not effect the validity of other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, those provisions of this Ordinance are declared to be severable.

**4. Conflict:** Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States Government or the State of Maine.

**5. Definitions:** All terms used in this Ordinance shall have their common dictionary definition except those expressly defined below; attached hereto is a diagram to assist in interpreting the Ordinance.

**Dock:** Dock, as used in this Ordinance, shall mean the wooden structure that attaches from land to the ramp and the end float on the Town Wharf.

**Float:** Float, as used in this Ordinance, shall mean the wooden floats on the south and east sides of the dock. Currently, two floats, the end float and the side float, are attached to the dock.

**Powerboat:** Powerboat, as used in this Ordinance, shall mean any floating object designed and used primarily for self-propelled navigation on the water including lobster boats.

**Ramp:** Ramp, as used in this Ordinance, shall mean the aluminum plank that connects the dock to the floats that are supported by or are in the water.

**Skiff:** A light rowboat or motor boat, sometimes called a dinghy, of 14 feet or less in length.

**Town Wharf:** The Town Wharf consists of the above mentioned ramp, dock and floats.

**Violators:** Violators, as used in this ordinance, shall mean the person actually observed or reasonably believed to be in violation of this ordinance, or the owner of any boat, vehicle or gear in violation of this ordinance, or both.”

**6. Applicability:** The Town Wharf is located at the end of Town Landing Road and currently consists of one ramp, one dock and two floats. In order to ensure access and safety, including fire and ambulance access, at all times, the following regulations have been enacted governing the use thereof.

## **B. REGULATIONS**

### **1. General Provisions:**

(a) There shall be no unattended vehicles, including cars, trucks, ATV's or motorcycles, parked on the Town Wharf. An attended vehicle may be parked while unloading and loading only. An attended vehicle is a vehicle the operator of which is present on the Town Wharf.

(b) The center of the dock, ramp and floats must be clear at all times to allow emergency vehicle access. No gear or other objects may be piled in front of ladders. The clear area will be marked by signs or other physical demarcations. See diagram.

(c) There shall be no rigging, repairing, fixing, painting, or maintenance of traps, buoys, nets, boats, skiffs, or any other gear on the Town dock, ramp or floats. Scallop and shrimp rigging and painting of vessels may take place beside the Town Wharf. Shrimp nets may be spread out on the dock temporarily to assess damage, but

not for repair purposes. Rockhoppers may be stretched out on the dock for 24 hours, but may not block access.

(d) No trash, debris, garbage, waste, fuel or oil may be left on Town Wharf. Violators will be ticketed for this violation.

(e) It is a violation of this Ordinance for any person to assault or harass any person, or in any way disrupt the safe and lawful activities of any person, or in any way threaten the public safety, on or around the Town Wharf, including the parking area, ramp, dock and floats.

(g) Any damage created by boats, vehicles, persons and/or gear to the Town Wharf is the responsibility of the owner and/or user of said boats, vehicles, person and/or gear who or which caused the damage.

(h) No bait may be loaded or unloaded on the Town Wharf, except as occasional tides require, bait may be loaded and unloaded on the Town Wharf with prior permission of the Harbormaster. All bait must be cleaned up, and the wharf rinsed clean.

(i) No lobsters may be loaded or unloaded on the Town Wharf, except as occasional tides require, lobsters may be loaded and unloaded on the Town Wharf with prior permission from the Harbormaster.

(J) Swimming and fishing on, off or around the Town Wharf is permissible only so long as these activities do not interfere with boater activity and safety. The Harbor Master may ban swimming or fishing on, off or around the Town Wharf at his/her discretion.

(K) An annual permit is required for commercial fishing use of the wharf, dock or float by a person or persons not resident of the Town of Friendship. The permit, valid from January 1 through December 31st of a year, may be obtained from the Friendship Town Clerk for an annual fee of \$500.00. The burden of proof is upon the wharf user to demonstrate legal residency of the Town of Friendship for the preceding year using criteria established for resident commercial clam harvesting licenses in the Friendship Shellfish Conservation Ordinance, March 19, 2001 Section 4 Definitions A.

## **2. Town Floats:**

(a) In the event that a vessel needs immediate maintenance, the vessel may tie up to the south westerly face of the end float for repair; the vessel must be attended at all times. See diagram.

(b) When there is another vessel waiting to tie up, the first vessel may stay tied up no longer than 15 minutes. No powerboats or sailboats shall be unattended while tied to the floats. Overnight docking is prohibited on the Town floats.

(c) Skiffs and dinghies may be tied to the area of the Town floats so designated by signs. Skiffs with outboards are not allowed in the skiff designated area, for more than 2 hours, from June 15 to Sept 15. Skiffs, with outboards may be tied in the designated area from Sept. 16 until June 14 of the next calendar year. Owners must maintain their skiffs and dinghies. Submerged, damaged, or skiffs creating hazards may be removed by The Harbormaster. See diagram.

(d) Town floats are for loading and unloading only. No gear, including traps, ropes, buoys, nets, fishing gear, or articles of any kind, may be left on the Town floats. The Harbormaster may remove any items left on the floats daily.

(e) Town floats will be removed and cleaned annually. The Harbormaster will post at the Town Wharf, one week in advance of the date of the removal.

(f) No unattended vessel shall be tied to the open ocean front of the end float.

## **3. Town Dock:**

(a) Powerboats and sailboats may tie up to the Town dock for a reasonable period of time unless others are waiting to tie up to the dock. Generally, no boat shall be tied up to the Town dock for more than two hours per day, however, grounding out next to the Town dock for boat maintenance is not prohibited. The vessel tie zone and the boat maintenance areas are physically marked on the Town Wharf and are illustrated on the attached diagram.

(b) No traps or gear may remain on the dock for more than 72 hours without permission from the Harbormaster.

#### **4. Off-season Regulations:**

(a) From November 1 through April 1, vessels may tie up to the Town Wharf from dawn to dusk. No overnight tying up is permitted on Town floats. If vessels are waiting to tie up, a 30 minute limit will be imposed. Vessels tied up to the end of the float must be attended at all times.

(b) From December 21 through March 21, no fishing gear may remain on the Town Dock for more than 24 hours unless the Harbormaster authorizes a specific extension of time.

#### **5. Special Events:**

(a) All gear and objects of any kind must be removed by 12:00 noon preceding Friendship Day and Lobster Boat Race Day and must not be returned to the dock until dawn the day after the events.

### **C. ENFORCEMENT**

#### **1. Penalties:**

It shall be the duty of the Harbormaster to enforce the provisions of this Ordinance. If the Harbormaster finds any provision of this Ordinance being violated, he shall notify the violator with a written warning that will specify:

- (a) the nature of the violation,
- (b) the corrective action that must be taken,
- (c) the time and date before which compliance must occur, and
- (d) the time and date on which the written warning is delivered to the violator.

If the corrective action specified in the written warning has not been completed by the time and date specified in the warning the Harbormaster shall issue a second written warning to the violator also specifying:

- (a) the nature of the violation,
- (b) the corrective action that must be taken,
- (c) the time and date before which compliance must occur,
- (d) a statement that it is the final warning that will be issued prior to the imposition of penalties, and
- (e) the time and date on which the second warning is delivered to the violator.

The Harbormaster may issue a citation imposing a fine on the violator.

- (a) if the corrective action specified in the second written warning has not been completed by the time and date specified in the second written warning, or
- (b) if any other violation of this Ordinance is committed by the same violator at any time within three (3) years from the date of the first violation.

The fine schedule shall be as follows:

- (a) For first offences the fine shall be \$50.00 if all corrective action specified in the written warnings has been completed within twenty-four (24) hours of the time that a first violation citation is served;
- (b) The fine shall be \$100.00 if
  - 1. all corrective action specified in the written warnings has not been completed within twenty-four (24) hours but within (72) hours of the time that the first violation citation is served, or
  - 2. if the violation is resumed after the first violation citation is served, or
  - 3. if the same violator has committed any other violation of this Ordinance at any time within three (3) years from the date of the violation citation.
- (c) The fine shall be \$500.00 if
  - 1. all corrective action specified in the warning notices has not been completed within seventy-two (72) hours of the time that the first violation citation is served, or
  - 2. if the violation is resumed or if any other violation of this Ordinance is committed by the same violator at any time within three (3) years from the date of a second violation citation.
- (d) A citation for a third violation shall be personally delivered to the violator by the Harbormaster. Upon delivery of the third citation the violator will be prohibited from entering on the Town of Friendship's Town Wharf, or on the floats or ramps attached to the Town Wharf, and the violator will also be prohibited from placing or attaching any vessel, fishing gear or other property under the violator's ownership or control on or to the said places. This prohibition shall remain in effect until the Harbormaster delivers written notice to the violator that the prohibitions have been rescinded. The prohibitions may be rescinded when all corrective action has been completed and all fines and costs recoverable under Maine law have been paid. The third citation shall contain the following warning:

"The violator, [Name of Violator], is hereby ordered not to enter on the Town of Friendship's Town Wharf, or on the floats or ramps attached to the Town Wharf. Presence of the violator on these places shall be considered an act of criminal trespass and will be prosecuted as such. The violator is also ordered not to place or attach any vessel, fishing gear or other property under the violator's ownership or control on or to the said places. Presence or attachment of such property on or to these places shall be considered a criminal act of failure to obey an order of the Harbormaster and will be prosecuted as such. These restrictions will remain in effect until they are rescinded by written notice signed by the Harbormaster."



- (e) All fines are payable to the Town of Friendship and must be paid at the Town Office. The Town Office will retain the original records of all warnings and violation tickets. The Harbormaster will keep copies of all such records as well. If a fine for a violation remains unpaid after a period of six months the fine, together with court costs and expenses of collection recoverable under Maine law, including reasonable attorney fees incurred by the Town, may be collected in a civil action brought by the Harbormaster for that purpose.

## **2. Appeals:**

- (a) Any persons aggrieved by a decision, order, rule, act or failure to act of the Harbormaster may appeal said decision, order, rule, act or failure to act to the Board of Selectmen.
- (b) Such appeals must be made in writing to the Board of Selectmen within 30 days of the decision, order, rule, act or failure to act of the Harbormaster. The appeal will be heard and decided by the Board of Selectmen subject to comment, if any, by the Harbor Committee.
- (c) A decision on the appeal will be issued by the Board of Selectmen with 14 days of any appeal hearing.
- (d) A further appeal may be taken to the Maine Superior Court within thirty (30) days of notice of the decision of the Board of Selectmen.

## **3. Harbormaster Authority.**

Notwithstanding the above, nothing in this Ordinance shall be deemed to limit the authority granted to the Harbormaster under the laws of the State of Maine, and nothing in this Ordinance shall limit the duty of any person to immediately comply with a verbal or written order of the Harbormaster should the Harbormaster deem immediate compliance to be necessary.

