

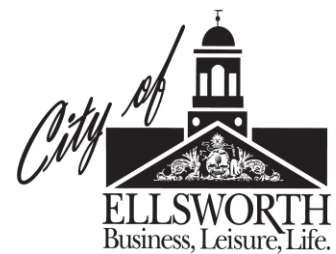
City of Ellsworth

Chapter 65

Overnight Mooring and Anchorage Control Ordinance

A true copy –

Attest: Toni Dyer
City Clerk



Adopted August 21, 2023

Article 1 Purpose

This Chapter shall be known and cited as the Overnight Mooring and Anchorage Control Ordinance for the City of Ellsworth, Maine.

The purpose of this Chapter is to assure the safety, health and welfare of the citizens of the City of Ellsworth, and to balance the public's right to access and navigate on Great Ponds while protecting property rights and values.

Article 2 Authority and Applicability

- 2.1 This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001 and to the extent applicable, Title 38, M.R.S.A., Section 3.
- 2.2 The provisions of this Chapter shall apply to all Great Ponds within the City of Ellsworth (except to the extent it conflicts with more restrictive provisions for Branch Lake as the City's drinking water supply, as governed by Chapter 55). Chapter 3 applies to the Union River.
- 2.3 This Ordinance will be in effect from Ice Out to Ice In each year as determined by the State.

Article 3 Definitions

- 3.1 Watercraft: Any type of vessel including but not limited to a boat, house boat, barge, float, or craft that is used or capable of being used as means of transportation on water. Without limiting the generality of the foregoing, the term watercraft further includes any houseboat or floating structure designed, used, or capable of being used for overnight habitation and contains sleeping and/or toilet facilities, regardless of whether such facilities are of a permanent or temporary nature.
- 3.2 Overnight period: The period of time between 9:00PM to 4:00AM.
- 3.3 Mooring/Anchorage: The beaching, grounding, or tying of a watercraft to the shore of any Great Pond in the City of Ellsworth, and the anchoring of a watercraft on any Great Pond in the City of Ellsworth.
- 3.4 Dwelling purpose: A use in which a mooring or anchorage allows a watercraft to be used as a location for overnight occupancy.
- 3.5 Mooring Control Area: The mooring control area is the area of water surface within 200 feet of the shore of a great pond or navigable water course that is bounded by lines perpendicular to the shore extending 200 feet from the boundaries of privately-owned property.

- 3.6 Swim Float: A single floating or inflatable structure unattached to land secured by bottom anchor or mooring, seasonally installed and removed, and used solely for swimming.

Article 4 Mooring Control for All Moorings/Anchorages

- 4.1 A mooring/anchorage may be placed by the shorefront property owner or another individual with the shorefront property owner's written permission. A mooring/anchorage shall be placed in the Mooring Control Area directly adjacent to the owner's property.
- 4.2 An anchorage may be placed within the Mooring Control Area so long as the anchorage complies with the rest of this Chapter.
- 4.3 Moorings/anchorages shall be for a non-dwelling purpose. Moorings shall not be rented to third-party users.
- 4.4 A mooring/anchorage shall not be allowed if watercraft attached to it will interfere with the watercraft attached to other lawful moorings and/or swim floats, or if safe navigation is impeded.
- 4.5 Property owners in an association with deeded access to a common shorefront lot shall maintain moorings in accordance with this Article. The City encourages property owners in an association with deed access to follow established association bylaws. Said moorings must be directly adjacent to the common shorefront lot and within the Mooring Control Area.

Article 5 Overnight Mooring/Anchorage Prohibited

No watercraft shall be beached, grounded, or tied to the shore of any Great Pond in the City of Ellsworth for an overnight period or any part of an overnight period, except in cases of emergency. No watercraft shall be anchored or moored on any Great Pond for an overnight period or any part of an overnight period, except in cases of emergency.

Article 6 Exemption

Moorings or anchoring of the following nature are exempt from the provisions of Article 5 of this Ordinance:

- 1) A float attached to any existing dock or pier;
- 2) Any watercraft tied to a dock, pier;
- 3) Any mooring placed or used by a shorefront owner who owns land adjacent to the water where the anchoring/mooring is placed, for a non-dwelling purpose;
- 4) Any anchored, tied, or affixed flat swim float used by an adjacent shorefront owner for a non-dwelling purpose; and
- 5) Watercraft beached, grounded, or tied to the shorefront that is owned by the

shorefront owner for a non-dwelling purpose.

Article 7 Enforcement

Any duly designated Ellsworth Police Officer is authorized and shall have the authority to enforce all provisions of this ordinance.

This Ordinance shall take effect on January 1, 2024.

Owners of watercraft that will be considered moored or anchored in violation of this Ordinance have 90 days from the date of enactment to come into compliance.

Article 8 Civil Violation and Enforcement

Violations of this ordinance shall be enforced in the District Court under 4 M.R.S.A. § 152 and M.R.Civ.P. 80H. A violation of this ordinance shall be a civil violation punishable by a fine of not less than \$250 nor more than \$1,000 for each offense. Every overnight that a violation continues shall constitute a separate offense. All finds shall inure to the benefit of the City of Ellsworth.

Article 9 Access for Purpose of Investigation

If a shorefront property owner notifies the City of Ellsworth of a violation of this ordinance, the owner thereby grants to the City of Ellsworth access to the property for the purpose of investigating the alleged violation.

Article 10 Appeals

Appeals by any person aggrieved by a decision, act, or failure to act by the Police as it relates to the implementation and enforcement of this chapter shall be made to the Board of Appeals. In all cases, a person aggrieved by an order or decision made or failure to act by the Police shall file their appeal within 14 days of receipt of notice of the decision or order appealed. The appeal shall specifically describe the grounds for such action. The Code Enforcement Officer shall notify the City Manager, Ellsworth Police Department, and the Board of Appeals of the appeal. The Appeals Board will apply an appellate standard of review in a search for errors or inconsistencies supported by the evidence.