HARBOR MANAGEMENT ORDINANCE

FOR THE

TOWN OF SULLIVAN

Adopted June 28, 1993

Revised & Adopted June 25, 2012
Amended June 29, 2015
Amended June 27, 2016
Amended June 26, 2017
Amended June 24, 2019
Amended June 9, 2026

Table of Contents

Article 1 Introduction 5

1.1 Authority 5

1.2 Purpose 5

1.3 Jurisdiction 5

1.4 Conflicts with Other Ordinances 5

1.5 Effective Date 5

1.6 Amendment 5

Article 2 Definitions 5

Article 3 Harbors and Channels 7

3.1 Harbor Limits - Sullivan Harbor 7

3.2 Harbor Limits – Flanders Bay 8

3.3 Taunton Bay 8

3.4 Channel Limits 8

Article 4 Office of the Harbor Master 8

4.1 Appointment 9

4.2 Duties 9

4.3 Compensation 9

4.4 Deputy Harbor Master 9

4.5 Enforcement 9

Article 5 Harbor Committee 10

5.1 Membership 10

5.2 Duties and Responsibilities 10

Article 6 Moorings 10

6.1 Authority 10

6.2 Applications 10
6.4 Permits 11
6.5 Mooring Locations 11
6.6 Mooring Regulations 11
6.7 Mooring Size Specifications 12
6.8 Mooring Maintenance 12
6.9 Winter Mooring 12
6.10 Restricted Mooring Locations 13
Article 7 Fees 13
Article 8 Harbor Rules 13
8.1 Harbor Master Responsibilities 13
8.2 Abandoned Vessels 14
8.3 Unsafe Vessels 14
8.4 Operation Within Harbor 14
8.5 Refusal to Comply 14
8.6 Anchoring Within Harbor 15
8.7 Navigation Buoys 15
8.8 Discharge Within Harbor 15
8.9 Noise 15
8.10 Parking 15
8.11 Cradles and Trailers 15
8.12 Tenders 15
8.13 Traps 15
8.14 Dragging 16
Article 9 Gordon's Wharf Use Policies and Procedures 16
9.1 Purpose 16

9.2 Recreation 16
9.3 Education 16
9.4 Commercial Fishing 16
9.5 Waste Disposal 17
9.6 Facility Rental 17
Article 10 Penalties 17
10.1 Monetary Penalties 17
10.2 Violations Subject to State Law 17
10.3 Abatement 17
10.4 Regulations 17
Article 11 Appeals 18
11.1 Appeal Process 18
11.2 Superior Court 18
Article 12 Separability 18
Appendix A Maps of Sullivan Harbor and Flanders Bay 19

Article 1 Introduction

1.1 Authority

This ordinance is adopted under the authority granted in Titles 12, 17, 30, 30-A and 38 of the Maine Revised Statutes Annotated (M.R.S.A.) as amended.

1.2 Purpose

The purpose of this ordinance is to provide for the just and orderly operation and regulation of marine activities on and within the harbors, shores, waterways and tidal waters of the Town of Sullivan, Maine, in order to ensure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource.

1.3 Jurisdiction

The provisions of this Ordinance shall govern all maritime activities on and within the tidal & inland waters located within the boundaries of the Town of Sullivan, Maine and to all land areas at an elevation below the normal high-water mark and to all piers, parking lots, beaches and other public facilities serving the maritime resource. For Inland waters, the Harbor Master shall have jurisdiction only on matters regarding houseboats and floating houses.

1.4 Conflicts with Other Ordinances

Should any section or provision of this Ordinance be found to be in conflict with any ordinance, regulation, or statute administered by the town, the more stringent section or provision shall prevail.

1.5 Effective Date

The effective date of this ordinance is 15 days after initial enactment by a properly held Sullivan Town Meeting.

1.6 Amendment

Any amendment to this ordinance may be adopted by the registered voters in the Town of Sullivan after a warrant article proposed by the Board of Selectmen.

Article 2 Definitions

In this ordinance the following terms shall have the meanings as shown:

2.1 BOAT - Boat shall include vessels of all sizes powered by sail, machinery or hand, floats, rafts, scows, canoes, kayaks, dredges, lobster, crab and shellfish cars, houseboats and crafts of any kind.

2.2 ANCHORAGE - An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats or vessels.

2.3 AUXILIARY - A vessel having both sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.

2.4 BERTH - A place where a boat lies when at anchor, at a mooring, or at a wharf.

2.5 BOUY, NO-WAKE – A marker defining an area beyond which no wake is allowed.

2.6 BOUY, NAVIGATION – A marker defining a channel or other navigable waters.

2.7 BOUY, HARBOR BOUNDARY – A marker defining the harbor boundary

2.8 CHANNEL - Areas of the harbor kept open for navigation or other purposes by rule or regulation of the Town of Sullivan, the Department of the Army Corps of Engineers, or other regulatory or Legislative body.

2.9 COMMERCIAL FISHING - Any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, including fueling, loading or selling these products. [Title 12 M.R.S.A. §1862]

2.10 COMMERCIAL VESSEL - Any vessel used for or engaged in any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire, push-boats, tugs, and barges.

2.11 DOCK - The slip or waterway extending between two piers or projecting wharf or cut into the land for the reception of vessels.

2.12 FLOAT - A floating structure that is anchored, moored, or secured at or near the shore, used for landing, transfer of passengers, goods, or other purposes.

2.13 HARBOR - An area or areas as defined in Article 3.

2.14 HARBORMASTER - An official appointed by the Selectmen and employed by the Town of Sullivan to enforce the provisions of this ordinance and certain duties and responsibilities. [Title 38 M.R.S.A. §1-13]

2.15 LANDING - A place for landing or discharging person(s) or things from a vessel.

2.16 LOBSTER/SHELLFISH/FISH CAR – A floating temporary storage container built to store product before marketing. These floating units require a mooring and are moored in a mooring field.

2.17 MARINA - A dock or basin providing dockage for small vessels.

2.18 MOORING - An appliance used by a vessel for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

2.19 PIER - A platform type structure contiguous with the shoreline and built there from over the water, supported by wooden or stone piles and used for the berthing, loading and unloading of vessels.

2.20 RESIDENT - Any person who is a registered voter or who owns or rents real estate in the Town of Sullivan and uses that property for his home for part of the year.

2.21 RIPARIAN OWNER - Shall mean an owner of a parcel of land located in the Town of Sullivan which borders upon the harbors with at least 100' shore frontage or was a pre-existing parcel prior to the date of this ordinance as described in Article 3 as follows.

2.22 SEAWORTHY VESSEL - A vessel in a fit state for travel or movement without extraordinary effort or assistance provided to affect such travel or movement.

2.23 SHALL/MAY – "Shall" is mandatory; "May" is permissive.

2.24 VESSEL - Vessel shall include boats of all sizes propelled by said machinery or hand, including scows, dredges, shellfish cars, and crafts of any kind.

2.25 WHARF - A structure of timber, masonry, cement, earth or other material, built on the shore of a harbor or the like, especially one extending parallel to the shoreline, so that vessels may lie close alongside to receive and discharge passengers and cargo.

2.26 WORKING WATERFRONT – A protected harbor providing access during any tide for mooring, loading and unloading of boat and catch, and space to work on gear, as well as on-shore access to public roads, parking for trucks and trailers, and maritime services. Working waterfront also includes clam flats.

2.27 HOUSEBOAT/FLOATING HOUSE: A raft, hull, barge, or vessel designed primarily to be used as a commercial establishment or living quarters, rather than navigation.

Article 3 Harbors and Channels

The purpose of this article is to define the boundaries of the harbors of the Town of Sullivan and the channels within these harbors. Appendix A shows aerial views of Sullivan Harbor and Flanders Bay.

3.1 Harbor Limits - Sullivan Harbor

Beginning at a point so called Sullivan Falls with coordinates LAT 44° 31' 13" N and LON 68° 13' 8" W referenced to NOAA Coast and Geodetic Survey Chart # 13318 Frenchman Bay and Mount Desert Island, 16 Ed, March 7, 1992 and coursing into the waters of Sullivan Harbor along the boundary line common to the

Town of Hancock and Sullivan to the point of intersection with the boundary line common to the Towns of Sullivan and Sorrento, said point of intersection being shown at LAT 44° 30’ 54” N and LON 68° 12’ 24” W referenced to the afore cited chart and bearing 350.6°T 1,335 feet ± from CAN C”9” as plotted on the afore cited chart running thence generally easterly to the entrance of so called Long Cove at the afore cited Sullivan - Sorrento common boundary line at a point LAT 44° 30’ 52” N and LON 68° 11’ 44” W marking the easterly terminus of the perimeter herein above described.

3.2 Harbor Limits – Flanders Bay

Beginning at a point along the high water mark at the headwaters of so called Bass Cove with location LAT 44° 30’ 3” N and LON 68° 9’ 37” W referenced to the afore cited chart (#133180) running thence generally southeasterly into Flanders Bay, to the point being shown at LAT 44° 29’ 38" N and LON 68° 9’ 10” W referenced to the afore cited chart, deflecting thence easterly, running to a point intersecting the high water mark along the easterly shoreline at LAT 44° 29’ 30” N and LON 68° 8’ 31” W referenced to the afore cited chart marking the southeasterly terminus of the perimeter herein above described.

3.3 Taunton Bay

Taunton Bay shall not be considered part of Sullivan Harbor but the regulations within this ordinance shall apply to Taunton Bay as noted herein.

3.4 Channel Limits

For the purpose of this ordinance the channel limits shall be designated as a fairway three hundred feet wide, more or less, always running parallel to the Town lines forming the outer boundaries of Sullivan Harbor and Flanders Bay.

Article 4 Office of the Harbor Master

The Office of the Harbormaster, acting under the direction of the Sullivan Board of Selectmen, shall have full authority to enforce all regulations affecting the Harbor and Coastal Waters of Sullivan to the fullest extent permitted by law and to promote safety throughout the maritime environment. The geographical area of responsibility includes maritime waters from the mean high water mark seaward to the town line beaches, piers, launching areas, associated parking areas and waterfront right of ways with the Town of Sullivan.

The Harbormaster shall not make arrests or carry a weapon unless approved by the Sullivan Board of Selectmen and only after completion of the requisite course at the Maine Criminal Justice Academy.

The Harbormaster shall be approved to make arrests and carry a weapon by the Sullivan Board of Selectmen, when certified as a Law Enforcement Officer by the Maine Criminal Justice Academy and copy of the Maine Harbor Masters Association certificate of completion is supplied to the Town.

4.1 Appointment

There shall be annually, in June, appointed by the Board of Selectmen, some suitable person to act as Harbor Master, who shall serve for the term of one year and thereafter until his successor has been appointed.

4.2 Duties

The duties and responsibilities of the Harbor Master are prescribed [Title 38 M.R.S.A.]. The Harbor Master shall have full authority in the interpretation and enforcement of all regulations affecting Sullivan Harbor, Taunton Bay, Flanders Bay and Inland waters as well as all waters adjacent to the shoreline of the Town of Sullivan to the fullest extent permitted by law.

The Harbor Master shall perform the following duties:

(a) Promote order in the harbors and assure safety and use of the harbors for the general public
(b) Regulate placement of moorings according to the approved mooring plan
(c) Provide copies of all rules, regulations, ordinance, and other laws which pertain to the harbors, their use, and to vessels within the Town of Sullivan and to make available to person(s) using the harbors
(d) Inspect moorings, docks, floats, piers, and wharves, from time to time as his judgment may dictate, in the geographic areas covered by this ordinance and give notice to the owner of such structures which have fallen into a state of disrepair or which create a dangerous condition or may interfere with safe passage
(e) Oversee the Town's waterfront facilities to include but not limited to moorings, floats, docks, ramps and parking areas
(f) The Harbor Master shall attend the meetings of the Harbor Committee.

4.3 Compensation

The Harbor Master shall receive an annual compensation as voted at the Town Meeting.

4.4 Deputy Harbor Master

Deputy Harbor Masters shall be appointed by the Board of Selectmen. They shall have full authority to enforce all harbor regulations.

4.5 Enforcement

The Harbor Master shall enforce the provisions of this ordinance. If the Harbor Master shall find any provision of this ordinance, or any rule or regulation promulgated pursuant to its authority, is being violated, he shall notify the person responsible for such violation indicating the nature of the violation and ordering the necessary action to correct it. Notification shall be verbal or written. A copy of written notices shall be maintained as a permanent record.

The Harbormaster shall have the authority and responsibility to enforce this Ordinance and provisions of Maine State Law [Title 38 M.R.S.A.]. All law enforcement officers of the State of Maine, including Harbormasters and their deputies, shall have the authority to enforce this Ordinance and, in the exercise thereof, shall have the authority to stop and board any vessel found in violation of this Ordinance. It shall be unlawful for any operator of such vessel to fail to stop upon request of such officer and violation shall be punishable [Title 38 M.R.S.A. §13].

Article 5 Harbor Committee

5.1 Membership

The Harbor Committee shall consist of not less than five (5) voting members appointed by the Board of Selectmen. Each member shall be a citizen of the Town of Sullivan and shall represent diverse interest in the harbors, i.e., recreational and commercial boat owners, abutting land owners, members of Town Boards and Committees and business owners. Members shall be appointed for two (2) year terms and may be reappointed. The terms shall overlap by one (1) year so that no more than three (3) new members are appointed in any one year. Each committee member shall serve without compensation.

5.2 Duties and Responsibilities

The Harbor Committee shall oversee the harbors and report to the Board of Selectmen. The duties of the Harbor Committee shall be as follows:

(a) To advise as to the custody, care, and management of the harbors and their facilities
(b) To recommend policies, rules and regulations
(c) To make recommendations on the construction of piers, wharves or bulkheads within the harbors
(d) To propose fees for consideration by the Board of Selectman
(e) To develop short- and long-term harbor plans including a mooring plan
(f) To review the qualifications of persons applying for Harbor Master or Deputy Harbor Master

The committee shall annually choose one of its members as chairman and a different member as secretary. The secretary shall keep a record of all proceedings and make a report at the close of each year for inclusion in the Annual Town Report.

Article 6 Moorings

6.1 Authority

The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this ordinance and the laws of the State of Maine.

6.2 Applications

The Harbor Master shall register all moorings for the harbors of the Town of Sullivan, with the following information:

(a) The applicant's name, address, telephone number and place of employment
(b) The boat name, State and Federal registration number, the vessel description, length, type, i.e., sail or power, inboard or outboard, and boat use
(c) The signature of the applicant and date.

The Harbor Master may deny an application due to insufficient information on the Mooring Application, failure to provide the required fee or reasons as specified by the Harbor Committee. He may also defer an application due to insufficient space for the desired mooring location or for other specified reason.

The Harbor Master shall keep a log of the assignment of moorings and submit the log to the Harbor Committee annually on or before November 1 of the current year.

6.3 Priority

The priority for enjoying the privilege of maintaining a mooring in the Town of Sullivan shall be in accordance with the following:

(a) Riparian owners
(b) Resident commercial fisherman owners
(c) Resident pleasure vessel owners
(d) Non-resident owners.

6.4 Permits

Mooring permits for the harbors of the Town of Sullivan shall be issued for one **calendar** year. The annual registration fee as recommended by the Harbor Committee and approved by the Board of Selectmen shall be due and payable with the application. Riparian owners are not required to pay a fee for their first mooring but must register them annually. Non-residents may be charged a higher fee than residents. All fees may be used by the Harbor Committee to upgrade, maintain and supervise the Harbor, Bay and Town Landing areas and related facilities.

6.5 Mooring Locations

The Harbor Master shall annually assign locations to each mooring with the guidance of the mooring plan for pleasure or commercial fishing vessels and ensure its placement in the correct location. All moorings not located in the correct locations shall be moved by the owner at his expense in accordance with the instructions of the Harbor Master. Failure to do so shall result in the Harbor Master moving or removing the improperly located moorings; the cost shall be borne by the owner of the mooring.

6.6 Mooring Regulations

No person shall place, alter or shift a mooring or buoy of any type within the boundaries of the harbors without the permission of the Harbor Master. Use of a mooring is not transferable, except with the written permission of the Harbor Master.

No person shall permit or place more than one craft at a mooring unless such craft does not interfere with adjacent moorings and anchorage or other navigational conditions, or exceed the limits of the weight of the

mooring as determined by the Harbor Master.

All moorings shall be numbered as assigned by the Harbor Master. The numbers shall be adequate size to be easily readable. They shall be placed on a floatable light and visible colored buoy attached to the mooring. Pole moorings shall not be permitted in the harbors.

All moorings shall consist of a granite block, mushroom anchor or such other anchor of sufficient weight to hold the vessel for which they are to be used. All moorings shall be approved and inspected by the Harbor Master before being placed. Boat and/or mooring owners may be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

Hand mixed concrete blocks, old engine blocks and other miscellaneous weighted objects are not acceptable as mooring anchors in the harbors.

6.7 Mooring Size Specifications

The moorings shall have heavy bottom chain of a minimum of 1/2" for both power and sail boats to 20' feet in length; 5/8" minimum for both power and sailboats 20' to 35' inclusive; 3/4" minimum for both power and sailboats 35' to 50' inclusive. The mooring top chain shall be 3/8" for both power and sail boats to 30'; 1/2" for both power and sail boats from 30' to 45'; and 5/8" for both power and sail boats 45' to 50'. Boats over 50' shall be reviewed on an individual basis. Equivalent size nylon line shall also be acceptable in lieu of the top chain.

The length of the bottom chain shall be approximately 1.0 times the maximum depth of the water at high tide. The top chain shall be approximately equal to the water depth at maximum high water.

Each mooring must have at least one swivel at the top connection between the top chain or nylon line and the mooring ball. All swivels and shackles must be appropriate size for the chain or line size. All shackles shall be safety wired with .041" stainless steel safety wire or appropriately sized nylon zip ties.

Pendants connecting the mooring buoy to the moored boat shall be fastened to the lower eye of the mooring buoy above the swivel or at the top of a hard mooring buoy. The pendant shall consist of nylon line of length a minimum of three times the height of the bow off the water.

6.8 Mooring Maintenance

Despite dimension standards established herein, any part of a mooring showing excessive or obvious wear or any mooring which does not meet the minimum requirements of Sec. 6.7 shall not be permitted.

Every two (2) years permanent moorings shall be either lifted by the owner and his or her designee to be inspected at the owner's expense, or by a diver at the direction and expense of the owners. The Harbor Master shall maintain a file on each mooring listing the date of the last inspection and the name of the person who last inspected it.

6.9 Winter Mooring

With the exception of working Commercial Vessels moored in the Inner Harbor area, no moorings shall be occupied and no vessels shall be anchored in Sullivan Harbor during the winter mooring period from November

1 to March 31, without advance approval by the Harbor Master. The Harbor Master will grant approval for use of moorings and anchorages during the winter mooring period only if the boat owner can demonstrate the following: (1) the vessel to be moored or anchored is seaworthy; (2) the mooring or anchoring gear is adequate to withstand ice and other adverse winter conditions; and (3) the vessel owner has adequate access to the vessel in winter conditions in the event of an emergency.

6.10 Restricted Mooring Locations

No moorings shall be permitted within 100 feet of Gordon's Wharf.

Article 7 Fees

The Board of Selectmen with the recommendation of the Harbor Master and Harbor Committee shall set applicable fees annually. The schedule of fees, for residents and non-residents, shall include but not be limited to, the following:

(a) Mooring Fees including multi-use moorings and rental moorings
(b) Waterproof Insulated Bait Box Storage
(c) Boom Hoist (Winch) Use by Authorized Permit Holders
(d) Commercial Pier Use
(e) Commercial Tour, Passenger Watercraft and Watercraft Rental
(f) Seafood Dealers (Class I, II, III)
(g) Bait Dealers (Class I, II, III)
(h) Floats, Inclines and Mooring Systems
(i) Other Harbor Usage
(j) Late Fees

Mooring fees paid after the **31st of January** are subject to late fees. Late fees for mooring permits shall be double the billing amount set by the Selectmen annually. Non-payment of mooring fees by the **31st of January** shall result in lost mooring privileges [Title 38 M.R.S.A. §3]. Other Harbor User Fees must be paid prior to harbor use for which a fee is required. Other late fees may be established annually by the Board of Selectmen. It shall be the responsibility of the Town Office to ensure that all fees are paid in full and the responsibility of the Harbor Master to ensure
that harbor users have permits. The Town Office will issue Harbor Master approved permits and instructions for their proper display to all Harbor Users.

Article 8 Harbor Rules

8.1 Harbor Master Responsibilities

The Harbor Master is hereby authorized to remove or cause to be removed any vessel or boat from any wharf in

Sullivan Harbor and Flanders Bay when so requested by the owner of said wharf and whenever he shall deem it necessary he may remove or cause to be removed any vessel, boat or raft which shall anchor or lie contrary to this Ordinance, rule, regulation or State of Maine Statute. Prior to taking such action, the Harbor Master shall make a good faith effort to attempt to notify the owner or person having care of said boat, vessel, or raft, and to order said owner or person responsible for said boat in an expeditious manner, the Harbor Master may remove or cause said removal at the expense of the owner of said vessel. In the event that any person fails to comply, the Harbor Master may take action as provided in the Ordinance.

8.2 Abandoned Vessels

No person shall abandon any boat, vessel, cradle or raft within the defined harbors of the Town of Sullivan. Any such objects left within the confines of the harbors and unattended for a period of thirty (30) days shall be deemed to be abandoned at the discretion of the Harbor Master. The Harbor Master shall order the last owner (if known) to remove the abandoned property within ten (10) days. In the event that the last owner is unknown, or not reasonably available for notification or determination, the Harbor Master shall attach a notification to said abandoned property ordering the removal of the object within ten (10) days. In the event that the removal as ordered by the Harbor Master is not accomplished within said ten (10) day period, the Harbor Master shall remove the abandoned property at the expense of the last known owner of said property. If the abandoned property is not claimed and removal expenses are not paid by the following November 1st, the property shall be sold by the Town of Sullivan and all monies retained from said sale shall inure to the benefit of said Town of Sullivan.

Any tender, skiff, dory or dinghy left tied to a Town float or ramp that is sunk or awash for a period exceeding seven (7) days shall be deemed abandoned. The object may be impounded by the Harbor Master and may be disposed of in the same manner as described herein. The Town shall not be liable for any damages sustained by an impounded tender or skiff.

8.3 Unsafe Vessels

Any vessel or boat may be denied access to the Town ramp or floats if it is structurally unsafe, unseaworthy, or it emanates obnoxious fumes, fluids, oils, or other obnoxious substances.

8.4 Operation Within Harbor

Vessels shall be operated in the harbors of the Town of Sullivan in a reasonable manner so as not to endanger persons or property or to cause excessive wash. In no case shall speed exceed five (5) knots while operating in anchorage or mooring areas.

8.5 Refusal to Comply

No person shall refuse to obey a lawful order of the Harbor Master.

8.6 Anchoring Within Harbor

Boats or vessels may anchor in those areas and for the length of time permitted by the Harbor Master.

8.7 Navigation Buoys

No person shall moor, or cause to be moored, any vessel, boat, scow, or raft, to any buoy or beacon placed by the Town of Sullivan, the United States Government agency in the Harbors or Bays of Sullivan, nor shall any person make the same fast thereto in any manner, nor willfully destroy or injure a buoy or beacon.

8.8 Discharge Within Harbor

No person shall deposit, throw, sweep, or cause to be deposited or sweep from any vessel, wharf, dock, or any other place, into the waters of Sullivan Harbor, Flanders Bay or Taunton Bay, any gas or oil, or bilge water containing same, ashes, dirt, stones, gravel, mud logs, planks, or any other substance which will obstruct the navigation of said waters, reduce the depth of said waters or pollute the water thereto.

No person shall dump or dispose of any refuse or garbage upon any shore of the Town of Sullivan, between high and low water marks, or upon waters of the ocean.

8.9 Noise

No person shall cause or allow to cause an unreasonable noise in the Harbors.

8.10 Parking

All persons shall park their cars, trucks, and other vehicles when using the public ramp in an area set aside and marked by the Town of Sullivan in such manner as to assure free access to the harbor boat launch ramp or access to the waters.

8.11 Cradles and Trailers

All boat cradles and trailers shall be removed from the public areas when not in actual use.

8.12 Tenders

Boats used as tenders (not to exceed 12') shall be kept at designated locations and shall be properly cared for by the owner. All tenders shall display the owner's mooring number. Paddles and oars shall not be stored in the tender when the tender is not in active use.

8.13 Traps

Traps will be allowed in the mooring areas providing a short warp and tailor is employed. It shall be the responsibility of the trap owner to remove any trap entangled in a mooring.

8.14 Dragging

No dragging for marine resources shall be allowed within the harbor boundaries as defined for Sullivan Harbor and Flanders Bay.

8.16 Houseboat/Floating Houses

NO houseboats or floating houses are allowed anchored or moored in the inland and tidal waters of the Town of Sullivan. (June 27, 2016.)

Article 9 Gordon's Wharf Use Policies and Procedures

9.1 Purpose

The property known as Gordon's Wharf is provided by the Town of Sullivan for public use. It is the intent of the Town that the facility be available for leisure, educational activities and limited commercial activities that will make easily accessible the natural and historical features available at the site.

9.2 Recreation

Recreational activities include but are not limited to the following:

- Fishing
- Boating, kayaking, canoeing
- Picnics

9.3 Education

Education usage of the Gordon's Wharf and associated buildings is both welcomed and encouraged. Any activities shall be reviewed and approved by the Selectmen of the Town of Sullivan. Reimbursement shall be established on an event-by-event basis.

9.4 Commercial Fishing

Limited commercial fishing activities may be carried out at the wharf with the following stipulations:

- Activities shall be restricted to areas designated at the site
- On-loading and off-loading gear, bait and catch are allowed
- These items may not be stored on the site longer than 24 hours

9.5 Waste Disposal

Waste disposal is not allowed on the site. Users must observe "carry in-carry out" approach for all waste products.

9.6 Facility Rental

The Board of Selectmen have the authority to make rental agreements that are an advantage to the Town and users of the facility as follows:

- The building on the site may be leased to organizations, individuals or businesses for activities that are in keeping with the purposes of the use of the property as a whole
- Specific locations on the grounds may be leased as above with the same considerations

The Town does not intend to be in competition with businesses located in the community.

Article 10 Penalties

10.1 Monetary Penalties

The master or owner of any vessel or watercraft or any other person who violates any of the provisions of this ordinance, for which a specific penalty is not set forth herein, or for which a specific penalty is not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties [Title 30-A M.R.S.A. §4452] which includes, without limitation, a minimum penalty for a specific violation in the amount of $100 and a maximum penalty for a specific violation in the amount of $2,500. The maximum penalty for a single incident is $25,000.

10.2 Violations Subject to State Law

Violations of this Ordinance, which also constitute violations of State laws with regard to speed restrictions, reckless operation of a vessel or watercraft or operation of a vessel or watercraft under the influence of drugs or liquor shall be subject to the penalties set forth in state law [Title 38 M.R.S.A. §281 – 285].

10.3 Abatement

In addition to the monetary penalties set forth herein, a violator of this Ordinance shall also be subject to an order of abatement of the violation [Title 30-A M.R.S.A. §4452]; and that violator shall further be subject to an action by the Town of Sullivan, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violations of this Ordinance.

10.4 Regulations

The Office of the Harbor Master, in consultation with the Sullivan Harbor Committee, and upon the approval by the Board of Selectmen, shall promulgate rules and regulations governing the use of vessels or watercraft,

docks, piers, slips, (public) beaches, associated (public) parking facilities, (public) right of ways, floats, moorings, and marine activity within the tidal waters of Sullivan. Violations of the Maritime Regulations shall be considered a violation of this ordinance and carry such penalty as may be provided for therein.

A violation of this Ordinance shall be a civil violation [Title 38 M.R.S.A. §13] and may be prosecuted and relief, fees, fines and penalties granted and assessed [Title 30-A M.R.S.A. § 4452]. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

Article 11 Appeals

11.1 Appeal Process

Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or failure to act by the Harbor Master, may appeal said decision, order, rule, act or failure to act, to the Board of Selectmen. In deciding an appeal, the Board shall hear and approve or approve with modifications of conditions, or disapprove the decision, order, rule, act or failure to act from which the appeal is taken.

Such appeals shall be made in writing to the Board of Selectmen within five (5) calendar days of the decisions, order, rule, act or failure to act from which the appeal is taken. The appeal must state with specificity the decision, order, rule, act or failure to act from which the appeal is taken and the reason for the appeal. The appeal shall be considered by the Board of Selectmen within thirty (30) days of notification of appeal.

11.2 Superior Court

An appeal may be taken by any party from a decision of the Board of Selectmen to the Hancock County Superior Court in accordance with Maine Rule of Civil Procedure 80B.

Article 12 Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Any prior Harbor regulation, rule, or ordinance of the Town of Sullivan is hereby repealed and all Ordinances and Parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to this Ordinance becoming effective.

Appendix A Maps of Sullivan Harbor and Flanders Bay

Sullivan Harbor showing harbor boundary markers

Flanders Bay showing harbor boundary markers

Sullivan Harbor and Flanders Bay