

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

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**TOWN OF HAMPDEN, MAINE
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**ARTICLE I
BOUNDARIES AND JURISDICTION**

The rules and regulations contained herein shall govern water recreation, navigation, and all boating activities on the Penobscot River and its estuarine tributaries, extending from the Bangor City Line to the Winterport Town Line, to the thread of the river channel. The Hampden Marina area shall include that area on Turtle Head extending from the property line between land now or formerly owned by the City of Bangor and land now or formerly owned by the Lane Construction Corporation, southwest to a point 100 feet downriver from Turtle Head Point, extending to the thread of the river; also including Turtle Head Cove, from Turtle Head to the head of tide.

**ARTICLE II
HARBOR MASTER**

The Harbor Master shall be appointed annually by the Town Council and shall have the authority to enforce the rules and regulations of the Statutes of the State of Maine relating to the operation of vessels, as contained in Title 38 M.R.S.A., Chapter 1, and other rules and regulations as contained herein.

**ARTICLE III
CHANNELS**

The Main channel at the Hampden Marina shall extend in a southerly direction from the boat launching ramps approximately 400 feet to the main channel of the Penobscot River, to be marked by buoys from May 15th to October 15th of each year. The channel shall be kept clear for the passage of boats to the public landing float and the boat launching ramps.

There shall be no anchoring allowed within 100 feet of the channel lines, and tenders or dinghies shall not be allowed to encroach into the area of the channel outlined by the channel buoys.

**ARTICLE IV
FLOATS**

A landing float will be maintained at the Hampden Marina by the Town for the use of the public. No persons shall leave a vessel tied to the face of the public float for a period of longer than one hour without the direct permission of the Harbor Master, with the exception of the rowboats, canoes, dinghies, or other un-powered boats, which may be tied to the ends or rear of the float after registration with the Harbor Master. Any person who leaves a vessel moored to the public float beyond the allotted time shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before the District Court. Each day shall be considered a separate violation.

Boats over 15 feet in length shall not be allowed to be tied up to the dinghy area. *(Amended 4/20/92)*

Overnight tie-up to the public float will be allowed only upon permission from the Harbor Master, with payment of a fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

ARTICLE V LAUNCHING RAMPS

The Harbor Master shall have jurisdiction over the public boat launching ramps. Boats and cradles shall not be left on the ramps at any time. Vehicles, trailers, and boats shall be parked or stored in designated areas only. No vehicles or boats shall be left unattended on the approach to the launch ramps.

No unattended tie-up of boats to the grounding floats will be allowed, nor will boats be allowed to tie up in any manner so as to interfere with the launching or retrieval of boats on the launch ramps. Any violation will be subject to the same penalties as described above for the public float.

ARTICLE VI MOORINGS

A mooring area shall be established on the upriver side of the entrance channel to the boat launch ramps, extending upriver to an extension of the property line between land now or formerly owned by the City of Bangor and now or formerly owned by the Lane Construction Corporation. The maximum offshore distance for mooring shall be 350 feet from the mean high water line.

Installation of private moorings will be subject to the approval of the Harbor Master upon payment of an annual fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Said moorings shall be placed only in the precise areas designated by the Harbor Master. Residents of the Town of Hampden and the City of Bangor will be given priority with regard to the placement of private moorings. *(Amended 4/20/92)*

The Harbor Master shall register all moorings with the following information:

1. Name and address of the owner, and number of the vessel.
2. Location of the mooring.
3. Size and type of the mooring and chain.

All moorings shall be registered at the Town Office each year before May 1st. Each private mooring shall be assigned a number, which shall be displayed on the buoy in permanent letters at least 2½ inches high.

The maximum mooring scope from staple to bit shall be forty feet. The minimum mooring weight shall be one ton for stone or other bulk moorings, or the equivalent for swing-around moorings. The minimum bottom chain size shall be 3/8 inch. In addition to the foregoing specifications for moorings, the Harbor Master may enforce additional written specifications, to be conveniently available to the public upon request. *(Amended: 4-20-92)*

No changes in the location of moorings will be allowed without the approval of the Harbor Master. Moorings not registered by May 1st of each year shall become the property of the Town. Ownerships of private moorings are not transferable without the written permission of the Harbor Master. Moorings shall be inspected at least once every five years at the owner's expense, either by pulling or by underwater investigation. If, upon inspection, the mooring is considered by the Harbor Master to be unsafe, then it shall be repaired or replaced within a period of ten days at the expense of the owner.

Whoever violates any of the above conditions pertaining to moorings shall be liable upon complaint of the Harbor Master in the District Court for a fine of not less than \$25.00 nor more than \$100.00. Whoever

willfully destroys any channel marker or buoy shall be liable upon complaint of the Harbor Master for a fine of not less than \$100.00 nor more than \$200.00

The anchoring of boats will not be allowed within the limits of the entrance channel or the mooring area. All boats shall be anchored downriver from the mooring area. The lower limit of anchored area shall be 100 feet downriver from Turtle Head. *(Amended: 4-20-92)*

Whoever anchors a boat in an improper location or manner shall be liable upon complaint of the Harbor Master in District Court for a fine of not less than \$25.00 nor more than \$100.00.

ARTICLE VII GENERAL REGULATIONS

Any use of the public facilities mentioned above, i.e., public floats, boat launching ramps, parking areas, moorings and ground floats shall be at the user's risk, and the Town of Hampden will not be liable for any damage or injury resulting from the use of said facilities. Boats and/or trailers will not be stored on the premises within the parking area for more than twenty-four (24) hours without the permission of the Harbor Master. *(Amended: 4-20-92)*

A Harbor Committee shall be appointed each year by the Town Council, consisting of five members, each serving three-year terms. The initial Committee will have two members serving three years, two members serving two years, and one member serving one year. All new appointments will be for three year terms. The Town Manager and the Harbor Master shall serve as Ex Officio members. The Harbor Committee shall be composed of those persons having an interest in and knowledge of recreational boating, and those persons having a direct connection with the ownership and/or operation of facilities in the Turtle Head area.

The duties of the Committee shall include:

1. The general surveillance of the operation and maintenance of the Marina area, including shore-side activities,
2. The establishment and the annual review of fees for the use of the public facilities,
3. The planning for further development and improvement of the Marina facilities, and
4. The planning and review of boating activities within the overall harbor jurisdiction.

The Committee shall file an annual report with the Town Council. The Harbor Committee shall be advisory in nature and any complaints, recommendations or requests shall be addressed to the Town Manager for further action.

The Harbor Master shall be responsible for carrying out the provisions of this Ordinance as well as the provisions of Title 38 M.R.S.A., Chapter 1. He shall keep a log of all activities within the harbor area, and shall collect all fees as hereinafter established to be turned over daily to the Town Clerk. The Harbor Master shall be subject to the authority and direction of the Town Manager.

**ARTICLE VIII
NUISANCE AND POLLUTION**

No watercraft shall be used or operated within the harbor area so as to cause danger, annoyance, disturbance or inconvenience to the public. Motorboats without suitable mufflers will be prohibited.

All watercraft operating within the Hampden Marina limits shall maintain a speed of not more than five knots.

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of the Penobscot River or its tributaries, or upon the waters of the river. No vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of the Penobscot River or its tributaries any gasoline, oil, fuel or sewage, or any floating objects which may cause obstruction or danger to navigation.

Any master or owner of any vessel or boat, or any other person who shall violate any of the provisions of any rules or regulation contained herein to which a specific penalty is not annexed or otherwise provided by law, shall forfeit and pay a fine of not less than \$25.00 nor more than \$100.00, to be recovered upon complaint by the Harbor Master before District Court.