



# CITY OF SACO, MAINE

## CITY COUNCIL APPROVED CODE SUPPLEMENT

Approved on June 3, 2024, with an effective date of July 4, 2024

### CHAPTER 118 HARBOR, RIVER AND WATERFRONT ORDINANCE REVISIONS – (SECOND/FINAL READING)

Councilor Burman moved, Councilor Hatch seconded, be it ordered that the City of Saco hereby ordains Chapter 118 Harbor, River and Waterfront – Proposed Ordinance Amendments as presented/amended. The motion passed with six (6) yeas.

#### Chapter 118

#### HARBOR, RIVER AND WATERFRONT

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- § 118-13. Waste and refuse.
- § 118-14. Disorderly conduct.
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- § 118-16. Obstruction of public wharf, dock, landing or pier.
- § 118-17. Diving, swimming, fishing on or near public wharves, docks, landings, piers or within channel prohibited.

- § 118-21. Licensing; rental agreement.
- § 118-22. Prohibited acts.
- § 118-23. Agent negligence; City's right to recovery of costs.

##### ARTICLE IV Camp Ellis Pier, Parking Lot and Public Landing Regulations

- § 118-24. Pier use regulations.
- § 118-25. Camp Ellis Pier and Parking Lot Fund.
- § 118-26. Pier use permits.
- § 118-27. Traffic and parking regulations.

##### ARTICLE V Enforcement, Legal Actions and Appeal

- § 118-28. Violations and penalties; manner and method of service; appeal

**[HISTORY: Adopted by the City Council of the City of Saco 5-16-2006;<sup>1</sup> amended in its entirety 1-22-2013. Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

Animals on beaches — See Ch. 64, Art. I.

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1. Editor's Note: This ordinance also superseded former Ch. 118, Harbor and Waterfront, which was comprised of Art. I, River and Bay Regulations, adopted 4-18-1995, as amended; Art. II, Camp Ellis Pier, Parking Lot and Public Landing Regulations, adopted 4-18-1995, as amended; and Art. III, Traffic on Beach and Dune Areas, adopted 5-1-1995 as Ch. XX, Sec. 20-7 of the 1994

ARTICLE I  
**General Regulation of Waters**

**§ 118-1. Title; purpose.**

This chapter shall be known as the "Saco River, Harbor and Waterfront Ordinance." This chapter is hereby adopted by the City of Saco to ensure the proper operation of recreational and commercial watercraft, and to promote the safe enjoyment and recreational use of the City's waters, which includes all waters adjacent to riverfronts and beaches within the City of Saco.

**§ 118-2. Scope and enforcement.**

No provision of this chapter shall be interpreted as conflicting with federal and state laws applicable to the coastal waters, tidal rivers and harbors of this state, but shall be read as supplementing said laws where applicable. This chapter shall be enforced by the City through its designated Harbor Master, Harbor Patrol and other subordinates or designees.

**§ 118-3. Definitions.**

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates another meaning:

**BEACH** — Refers to that shoreline area directly adjacent to bodies of water, which is customarily comprised of sand, ledge, or loose rock.

**BEACHING PILINGS** — Pilings installed adjacent to the landing for purpose of pier user permit holders' boat maintenance.

**BERTH** — The place where a vessel lies when at anchor, on a mooring or at a wharf.

**CAMP/CAMPING** — The building of and/or occupation of any shelter, tent, lean-to, or other structure or vehicle intended to provide its occupants refuge from the weather.

**CHANNELS** — Areas of the harbor and river kept open for navigation or other purpose by rule or regulation of the City Council, the United States Army Corps of Engineers, the Harbor Master or other regulatory or legislative body. **[Amended 2-28-2022]**

**CHARTER VESSEL** — A vessel that carries passengers for hire to engage in sightseeing or fishing.

**COASTAL WATERS** — Those waters adjacent to all shorelines within the City of Saco, including beaches and riverfront.

**COMMERCIAL VESSEL** — A vessel engaged in commercial fishing for profit.

**DISORDERLY CONDUCT** — (per 17-A M.R.S.A., § 501-A) In a public place, a person intentionally or recklessly causes annoyance to others by intentionally: **[Amended 2-3-2014]**

- A. Making loud and unreasonable noises; or
- B. Activating a device, or exposing a substance, that releases noxious and offensive odors; or
- C. Knowingly fighting, accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged; or
- D. Obstructing or littering.

**DOCK** — The slip or waterway extending between two piers or projecting wharves or cut into land for the reception of vessels.

DOCK STEWARD — A City employee responsible for overseeing the day-to-day safe and effective operations at the Camp Ellis Pier.

FLOAT — A platform that floats and is anchored at or near shore, used for landing or other purposes.

HARBOR — The tidal waters within the geographical limits of the City from the high tide watermark to the three-nautical-mile line shown on the most recently published federal government nautical chart. It shall specifically include Saco Bay and all portions of the Saco River.

HARBOR MASTER — The officer appointed by the City Administrator to enforce this chapter, and oversee the jurisdiction area of the River and Harbor. **[Amended 2-28-2022]**

HARASSMENT — (per 17-A M.R.S.A, § 506-A) A person is engaged in harassment if, without reasonable cause: the person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been notified, in writing or otherwise, not to engage in such conduct by any sheriff, deputy sheriff, constable, police officer or justice of the peace or person of equivalent authority.

HEADWAY SPEED — Refers to the minimum amount of power necessary to allow a vessel to navigate safely through the water. Depending on the size, composition and design of the vessel, headway speed may vary.

INNER HARBOR — Refers to the area from green can buoy No. 7 to the area known as the Lower Narrows and encompasses all of Camp Ellis.

LANDING — A place for landing and discharging persons or things, as from a vessel.

MOORING — The means of securing a vessel to a particular location in City waters, other than temporarily by anchor. Dock, pier, wharf or float tie-ups are not moorings. A vessel is moored if at anchor for more than 48 consecutive hours.

OBSTRUCTING or LITTERING — The throwing of large rocks or debris as to impede the navigable river. **[Added 2-3-2014]**

PIER — A structure extending into navigable water for use as a landing place or to protect or form a harbor. This definition will include breakwaters, jetties and commercial locations used for the loading and unloading of cargo.

PIER USE AGREEMENT — A contract between a pier user and the City of Saco that documents the proper care and allowed uses of the Camp Ellis pier facilities which must be signed by the prospective user prior to issuance of a pier use permit.

PIER USE PERMIT — A document detailing the level and location of pier use allowed for each permitted vessel, as defined below:

- A. COMMERCIAL VESSEL PIER USE — Allows vessels paying the appropriate fee the priority use of the floats, pier, and hoists for the unloading of perishable product, as well as use of the fuel facility (if available).
- B. CHARTER VESSEL PIER USE — Allows vessels paying the appropriate fee the use of the pier, floats and hoists, as well as the fuel facility (if available).
- C. RECREATIONAL VESSEL PIER USE — Allows vessels paying the appropriate fee use of the floats for loading and unloading. Limited occasional use of the pier, hoists, and fuel facility (if available) is allowed at the discretion of the Harbor Master.

PORT — Includes Saco Bay, the City wharves at Saco, together with all known landings and any other public landings or wharves that might be acquired by the City of Saco.

RECREATIONAL VESSEL — A vessel used solely for personal recreation.

RENTAL AGENT — Any person, firm, proprietorship or corporation that rents canoes, kayaks, sailboats under 20 feet in length, personal watercraft and/or motorized watercraft under 22 feet in length to the general public for a fee.

SAFETY EQUIPMENT — Includes, but is not limited to, signals, flares, horn, fire extinguisher and personal



flotation devices as defined in federal law per the Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

VESSEL — Includes boats of all sizes, propelled by sail, machinery or hand; scows, dredges, shellfish cars and craft of any kind.

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

#### § 118-4. Governance.

The safe use and enjoyment of Saco's coastal waters depends upon several parties including the Harbor Master, the Harbor Patrol, Dock Stewards and the Coastal Waters Commission. Each of these parties shall have and enjoy the responsibilities set forth below:

- A. Coastal Waters Commission. In addition to those duties delineated in § 4-39 of this Code, the Coastal Waters Commission shall review, evaluate and make a recommendation to the City Administrator on the new appointment of the Harbor Master. The Commission shall also handle all appeals of decisions made by the Harbor Master pursuant to § 4-39 of this Code. **[Amended 2-28-2022]**
- B. Harbor Master. There shall be a Harbor Master appointed by the City Administrator. The Harbor Master will be under the direction of the City Administrator who will act as his/her immediate supervisor. He or she shall also have those duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, Coastal Waters Commission or such other bodies empowered to regulate municipal harbors and specifically assigned herein. The Harbor Master's specific duties shall include: **[Amended 2-28-2022]**
- (1) The proper designation of channels. Channels for the passage of boats shall be designated on the plans of the Saco River, dated November 5, 1963, and filed with the City Clerk, and as updated from time to time. Said plans are hereby incorporated by reference as part of this chapter. Said channel shall also remain consistent with the United States Army Corps of Engineers designation of the tidal portion of the Saco River as a project.
  - (2) The assignment and location of anchorages. Vessels shall be anchored in the harbor in such places or areas as the Harbor Master shall designate. The Harbor Master may at any time order any vessel at anchor to change position when, in his or her opinion, such vessel is so anchored as to impede navigation or to endanger other vessels. Anchorages shall also remain consistent with the United States Army Corps of Engineers designation of anchorages within the Saco River Project.
  - (3) The assignment and monitoring of floats, piers, moorings and buoys. The placement of moorings, floats piers and bouys is vital to safety in the coastal waters. The Harbor Master may at any time order any vessel at a mooring, pier or float to change position when, in his or her sole opinion, it is necessary for safety or navigation purposes. such vessel in its present location is in the potential course of an oncoming storm that threatens the Harbor. The assignment, regulation and removal of all floats, piers, moorings and buoys shall rest with the Harbor Master as more fully detailed in § 118-5 below.
  - (4) Implementation of this chapter. The Harbor Master shall be the party primarily responsible for assuring the goals and purposes of this section are met except where otherwise specifically noted. The Harbor Master shall enforce all provisions related to moorings, as well as §§ 118-13 through 118-20 of this chapter.
- C. Harbor Patrol. There shall be a Harbor Patrol which shall be comprised of law enforcement officers under the direct direction and supervision of the Saco Chief of Police. The duties of the Harbor Patrol shall include:
- (1) The Harbor Patrol will be responsible for ensuring that safe boating practices are used within the coastal waters and for the enforcement of City ordinances and state law.
- § 118-3
- (2) The Harbor Patrol shall have specific authority to enforce §§ 118-6 through 118-14 of this chapter.
  - (3) The Harbor Patrol will typically operate from Memorial Day weekend to Labor Day weekend or longer.
- § 118-9

as determined by available resources and the Chief of Police.

- D. Dock Steward. There shall be Dock Stewards from time to time. The City Administrator will hire one or more seasonal employees to serve as Dock Steward at the Camp Ellis Pier. The Dock Stewards will be responsible for the safe and orderly execution of daily operations at the pier. The Stewards are a conduit between the Harbor Master and the City Administrator, and the users and visitors to the Camp Ellis Pier. The Dock Steward(s) will typically serve Tuesday through Sunday from Memorial Day weekend through Labor Day weekend, and on selected weekends prior to Memorial Day or after Labor Day, at the discretion of the City Administrator. Specifically, the Dock Steward(s) will: **[Amended 2-28-2022]**
- (1) Collect and record boat launch, dock use and daily pier use fees and deposit fees collected at City Hall daily.
  - (2) Welcome vessel captains and greet passengers, inform visitors of docking rules and fees. Courteously answer questions regarding local services available (i.e., restaurants, taxi, supplies, etc.)
  - (3) Record vessels using the docks to include vessel registration numbers, arrival and departure times.
  - (4) Assist boaters with sewage tank pump-out operations (when the service is available).
  - (5) Assist visitors with proper parking meter use.
  - (6) Approve overnight parking waivers, when appropriate, and notify Public Works and the Police Department.
  - (7) Perform other duties as directed by the City Administrator or the Harbor Master to ensure safe and effective operations at Camp Ellis Pier.

**§ 118-5. Moorings and buoys.**

- A. Assignment of moorings.
- (1) No mooring shall be set within City waters except by permission of the Harbor Master. Any person wishing to place a mooring in City waters or to relocate an existing mooring shall request such permission in advance from the Harbor Master. Annually, the Harbor Master shall prepare an updated list of approved mooring holders and provide it to the City Clerk by January 1. Only applicants appearing on the current approved mooring holders list may submit a mooring permit application to the City Clerk. Following acceptance of the application by the City Clerk and the payment of the appropriate fee, and provided the conditions in Subsection B(7) are met, the Harbor Master shall then assign a location for such mooring and shall advise the applicant concerning the requirements of these rules and regulations.
  - (2) In the assignment of moorings, the Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of the applicant. However, where mooring rights of individuals are claimed to be invaded and protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and the Harbor Master shall assign mooring privileges in all cases where individuals who own or have an interest in the shore rights are complainants and shall locate suitable mooring privileges temporarily or permanently, fronting their lands if so requested, but not so as to encroach upon the natural channel or channels established by this chapter. Moorings shall be set by July 30 of each year.
  - (3) City Hall shall maintain a waiting list, with a registration fee established by the City Council, after a public hearing.
  - (4) The Harbor Master, based upon the waiting list, shall authorize moorings on a first-come-first-served

basis, except that commercial harbor users may be given priority for facilities developed for commercial users with federal funds. The Harbor Master will provide the updated lists to the City Clerk on May 1, July 1 and October 1 each year and at other times when requested. The lists shall be provided to any member of the public who requests them. If there is a dispute about mooring assignments, the Saco Coastal Waters Commission shall hear appeals from the decisions of the Harbor Master.

- (5) Any permit issued hereunder may be revoked if the Harbor Master determines that any portion of a permit holder's application contains false or misleading information. Any revocation may be appealed as set forth herein. **[Added 2-3-2014]**

B. Application for mooring permits.

- (1) Applications for mooring permits for any one-year period must be filed with the City Clerk by March 15 of the current year, on forms prescribed by the Saco Coastal Waters Commission. Applications and payment for renewal of a mooring permit which have not been received within ~~60-30~~ days of the permit application filing date will cause that mooring location to be deemed vacant, and the mooring location reassigned. Applications received during the ~~sixty~~thirty-day period are subject to a late fee. **[Amended 2-3-2014]**
- (2) The City of Saco mooring permit application form contains additional rules and regulations regarding use and placement of moorings. The address of the applicant supplied with the permit application shall serve as the address of record for all purposes of notice where notice is required in this chapter.
- (3) Permits shall be good for one year (January 1 to December 31). They are at all times a revocable license issued subject to the terms herein, and under no circumstances will they be treated as, or deemed, a property right. **[Amended 2-3-2014]**
- (4) Any mooring location not occupied by the vessel or float registered to it, or a vessel of equal or lesser gross tonnage owned by the mooring permit holder, for at least one day in each of three out of the five months during the period May 1 through September 30 during the permit year may be considered to be abandoned. The location may be reassigned by the Harbor Master, after the Harbor Master has first given the registrant 30 days' advance written notice at his/her last known address (certified mail, return receipt). The cost of removing or dropping moorings shall be assessed to the owner if not removed by him within 30 days of receipt of said notice, in accordance with state law. Notwithstanding the above, this subsection will not apply to a mooring whose owner has notified the Harbor Master that such mooring will not be occupied due to prolonged absence from the area, illness, or other extenuating circumstances, provided the permit is timely renewed annually as required by this chapter. **[Amended 2-3-2014]**
- (5) The annual application fee for the waiting list shall be established by the City Council after a public hearing.
- (6) Moorings are not transferable except as provided by 38 M.R.S.A. § 3-A.
- (7) A person may be denied a mooring permit if they are found to have previously violated this chapter without good cause; or if they are in arrears of any City tax or fee.

C. Adequacy of moorings. All existing moorings hereinafter to be set shall be of sufficient size to hold the vessel for which they are used. All moorings shall have approved buoys and must be visible at all times. All mooring requirements will be determined by the Harbor Master. Guidelines on mooring block weight, attachment requirements and chain-link size are listed below and on the mooring permit application.



Maximum Boat Length (feet)	Maximum Boat Weight (gross pounds)	Minimum Mooring Weight (pounds)	Minimum Chain Link Size (inches)
12	500	350	3/8
20	1,500	750	3/8
25	5,000	1,500	1/2
30	8,000	1,800	1/2
35	12,000	2,500	1/2
40		3,500	5/8

D. Inspections of moorings. The Harbor Master or his/her designee shall inspect moorings biannually. It is the permit holder's responsibility to contact the Harbor Master to arrange for inspections. Two visits by the Harbor Master are included in the mooring application fee; any additional visits required to complete an inspection shall be at the applicant's expense.

E. Manner/condition of moorings:

- (1) All mooring floats shall meet United States Coast Guard regulations.
- (2) The float attached to the mooring line shall be of sufficient size to remain afloat when not attached to the vessel.
- (3) The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of an emergency, he shall notify the owner of his or her intention to examine the mooring, either in writing or verbally, and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.
- (4) If a party fails to properly maintain his/her/its mooring, float or cable, the Harbor Master will, in writing (by certified, return receipt mail), issue a seven-day notice-to-cure letter. If the offending party fails to correct the deficiency identified by the Harbor Master within seven days, the party's mooring permit shall thereafter be revoked upon the filing of a written decision from the Harbor Master to the City Clerk with copies provided to the offending party and the Coastal Waters Commission.
- (5) Vessels on moorings must be properly maintained to minimize hazards to other vessels, including: **[Added 2-3-2014<sup>2</sup>]**
  - (a) The vessel must be capable of moving under its own mechanical means.
  - (b) Sail, lines, and sheets must be secured at all times when the vessel is not occupied.
  - (c) All accessories, anchors, lines, poles, etc., must be secured and within the gunwales of the vessel.
  - (d) Nothing may be trailing behind a moored vessel or protruding from the vessel that can damage another vessel.
  - (e) Failure to properly maintain a moored vessel may result in revocation of the mooring permit.
- (6) All moorings, whether now existing or hereinafter set, shall be so located or relocated that the vessels secured thereby will not impede navigation within City waters nor endanger other vessels moored therein. If the Harbor Master shall find that any vessel is so moored as to impede navigation or to endanger other vessels, he may require that the owner of the mooring or of the vessel secured thereby

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2. Editor's Note: This ordinance also redesignated former Subsection E(5) and (6) and Subsection E(6) and (7), respectively.



take such steps, whether by shortening the scope of the mooring lines or by the use of additional mooring or mooring lines, as will prevent such impeding of navigation or endangering of other vessels; or, in the alternative, he may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to other mooring last set shall be the first ordered to be removed. Any person so ordered by the Harbor Master acting under this subsection shall remove a vessel within 48 hours after order, whether written or verbal; provided, however, that if the mooring owner fails to do so, then the Harbor Master shall thereupon cause the mooring to be removed or relocated. Any expense incurred by the City to move or remove a mooring shall be borne by the owner of the mooring or vessel. **[Amended 2-3-2014]**

- (7) If in the sole opinion of the Harbor Master a mooring creates an emergency or imminently dangerous condition, or if immediate action is required to ensure proper navigation and safety, the Harbor Master may temporarily, without notice to the permit holder, take possession of the mooring and temporarily remove and/or secure it until such time as the permit holder can be notified. The parties shall thereafter determine together the appropriate terms and conditions for resiting and reinstalling the mooring.
- F. The Harbor Master shall hold all moorings and tackle removed from coastal waters as a lien against all fees, fines and costs incurred as a result of the acts, actions or inactions of any mooring permit holder. No such equipment shall be returned until all such charges are fully paid.
- G. Interference with moorings. Except by direction of the Harbor Master acting in an emergency or with permission of the owner, no person shall move or interfere with any mooring or vessel in the harbor.
- H. Removal. **[Amended 2-3-2014]**
- (1) A mooring shall be removed after September 30, unless it is still in use by its owner. If not removed by its owner, the Harbor Master shall see to its removal at the expense of the mooring owner. The mooring and ground tackle shall not be returned to its owner until such bill is paid.
  - (2) All noncommercial vessels shall be removed from the river by November 1. **[Amended 5-24-2021]**
- I. Waiver procedures.
- (1) A mooring permit holder may request a temporary waiver to the mooring requirements stated in this chapter by submitting a written request to the Harbor Master. A waiver will not be granted for a violation that impacts safe navigation on the Saco River. The waiver request must clearly state:
    - (a) Mooring number;
    - (b) Name and current address and phone number of the permit holder;
    - (c) The nature of the waiver (e.g., inability to position or remove an authorized mooring, inability to attach a boat to an authorized mooring, inability to pay for a mooring in a timely manner);
    - (d) The reason the waiver is needed; and
    - (e) Expected date for compliance (date the permit holder will make corrections or come into compliance with mooring requirements).
  - (2) The Harbor Master will notify the permit holder of his decision to approve or disapprove the waiver in writing and provide a copy of the written decision to the City Clerk, the City Administrator and the Coastal Waters Commission. If the Harbor Master must disapprove the waiver request, the Harbor Master will send the decision via certified mail return receipt requested to the address of record. The permit holder can appeal the Harbor Master's decision to the Coastal Waters Commission. **[Amended 2-28-2022]**
  - (3) Waivers for medical conditions may be granted for a maximum of one permit year. **[Added 2-3-2014]**

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- (4) Waivers for mechanical conditions may only be granted for moorings which have been in use during the permit year. **[Added 2-3-2014]**
- (5) Waivers and associated mooring privileges may be revoked if the Harbor Master determines that the waiver request misrepresented the facts and/or conditions that form the basis for the waiver request. **[Amended 11-4-2014]**
- J. Buoys other than for mooring vessels. No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than 150 feet from a mooring buoy for that vessel. The Harbor Master is empowered, in the interest of public safety, to require the removal of any buoys.
- K. Courtesy moorings provided by the City of Saco. The use of the courtesy moorings in the River shall be for no more than 48 hours, without the express permission from the Harbormaster. Any boats remaining on the moorings in violation of this section shall be subject to removal by the authority of the Harbormaster, with the costs being assessed against the owner. In addition, any violation of this section shall subject the boat owner to a fine of \$100 per day or \$2 a foot, whichever is the greater amount. **[Added 5-24-2021]**

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§ 118-9

ARTICLE II  
**Prohibited or Restricted Actions**

**I. Enforcement by Harbor Patrol.** The following provisions of this Subarticle I shall be enforced by the Harbor Patrol as part of law enforcement activities.

**§ 118-6. Waterskiing and aircraft.**

- A. Vessels towing water-skiers and aquaplanes. There shall be no waterskiing in congested mooring areas, anchorage areas or in speed-limit areas. No person shall operate a vessel while towing water-skiers, aquaplanes or similar devices unless there is present in said vessel, in addition to the vessel operator, another person in a position to observe and assist the person or appurtenance being towed. The operator of such a vessel will be held responsible for compliance with the navigating rules for both the vessel and the person or appurtenance being towed. Except in connection with water carnivals and exhibitions authorized by the City Council, no such activity may be conducted during the period between 1/2 hour after sunset and 1/2 hour before sunrise. Special waterskiing areas will be designated by the City Council.
- B. Water-ski jumps. No person shall locate or use on the public waters under the jurisdiction of this City a water-ski jump without first obtaining the approval of the City Council or its duly authorized representative. **[Amended 2-28-2022]**
- C. Aircraft. Aircraft shall be governed by the appropriate rules and regulations of the Maine Aeronautics Commission, excepting that they shall observe the same mooring and anchorage rules and regulations that apply to vessels.

**§ 118-7. Imprudent operation of vessel.**

A person may not intentionally, knowingly or recklessly operate a vessel in violation of state law (Title 12).

**§ 118-8. Failing to report collision or accident.**

- A. The owner, captain or operator of a vessel involved in a collision with another vessel, a wharf, pier, landing, dock or other fixed object within the harbor; a fire on-board; or an accident as defined by the United States Coast Guard, must report such incident to local law enforcement or the Harbor Master by quickest means. **[Amended 2-28-2022]**
- B. Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.

**§ 118-9. Endangerment of life or property.**

- A. A person is guilty of endangerment of life or property if that person:
- (1) Operates a vessel and fails to have a proper lookout while towing a water-skier; or
  - (2) Operates a vessel and fails to require a water-skier to wear a personal flotation device (PFD); or
  - (3) Operates a vessel and permits a passenger to ride on the swim platform or bow while underway; or
  - (4) Operates a vessel and engages in "teak surfing," "drag surfing" or otherwise allows someone to physically hang onto the stern, transom, swim platform or gunnels of a vessel; or
  - (5) Water-skis without wearing a personal flotation device (PFD); or
  - (6) Rides or physically hangs onto the stern, bow, transom, swim platform or gunnels of a vessel while underway.

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- B. The provisions of this section do not apply to emergency personnel in the performance of their duties; emergency situations in which this activity could not be avoided; or the use of approved recreational equipment designed to be towed behind a vessel as long as the distance behind the vessel is adequate to prevent injury from moving parts, fuels and/or carbon monoxide gases.

**§ 118-10. Beach restrictions.**

- A. Alcoholic beverages. The consumption or possession of alcoholic beverages is prohibited on any beach. For the purposes of this section, any person found within reasonable reach of an alcoholic beverage is deemed to be in possession.
- B. Vehicles prohibited on beach. No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and those City vehicles designated for public works purposes.
- C. Overnight camping on beaches prohibited. No person or group may camp or otherwise set up temporary, overnight shelter on a beach for any purpose. "Overnight" is defined as any time following sunset and before sunrise.
- D. Camp fires or burning on beaches prohibited. No person or group may have a camp fire or otherwise burn on a beach for any purpose.

**§ 118-11. Headway speed only zones.**

- A. Headway speed only zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.
- B. Designated headway speed only zones will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All types and locations of markers or buoys placed into the river or harbor will be approved by the authority having jurisdiction over navigable waters.
- C. Once approved, buoys will be placed in the designated areas by the Harbor Master or by an independent contractor hired by the City with the recommendation of the Harbor Master and Coastal Waters Commission. Placement of buoys or markers within the areas shall be at the discretion of the Harbor Master.
- D. These zones will be reviewed periodically to ensure that they do not conflict with state or City law and reflect the needs of the citizens of Saco.
- E. Pursuant to 38 M.R.S.A. § 281, whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of Saco or upon the offshore waters within the jurisdiction of the State of Maine at a speed greater than is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing shall be guilty of a Class E crime. Further pursuant to 38 M.R.S.A. § 285, every law enforcement officer in the State of Maine, including harbor masters and their deputies, shall have the authority to enforce these laws, and in the exercise thereof shall have the authority to stop and board any such watercraft, vessel, or motorboat found in violation. It shall be unlawful for the operator of any such watercraft, vessel or motorboat to fail to stop upon hail from any such officer, and a violation of the same shall be punished as a Class E crime. **[Added 2-3-2014; amended 3-17-2014]**



**§ 118-12. Use of dune area.**

- A. No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein so-called dune grass is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass or any other vegetation growing on the beach.

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- B. For the purposes of this section, subsequent violations will have been committed for each square foot of dune grass damaged, injured or destroyed.

**II. Enforcement by Harbor Patrol or the Harbor Master.**

**§ 118-13. Waste and refuse.**

No person or vessel shall discharge, deposit, throw, sweep or cause to be deposited or swept into or upon the waters of Saco or into waters adjacent thereto any gas, fuel, coolant, oil, bilge water, human waste, ashes, dirt, stone, gravel, mud, logs, planks or any object or substance tending to pollute or obstruct the harbor or waters adjacent thereto or to shoal the depth of said waters. No person or vessel shall discharge, dump or dispose of any refuse, garbage, offal, gas, oil, fuel, coolant, waste, fish waste, or any other object or substance tending to pollute upon any shore of the City of Saco.

**§ 118-14. Disorderly conduct.**

No person shall conduct him or herself in a threatening, disorderly or aggressive manner that disrupts the peace, or the use and enjoyment of the pier and its facilities by other pier users. Such conduct may result in the forfeiture of pier use permission. ~~after:~~

- A. First instance, a verbal warning by the Harbor Master;
- B. Second instance, a written warning by the Harbor Master; and
- C. Third instance, immediate suspension ~~revocation~~ of pier use permit.

If, in the sole opinion of the Harbor Master, a party's action is so violent or disruptive to public use and enjoyment of the public facilities as to pose risk to a third person or the community itself, the Harbor Master may request the immediate removal of the party by the Saco Police Department and that party's use will be suspended until such time as a hearing is held before the Coastal Waters Commission as set forth in Section 118-28 e.

**III. Enforcement by the Harbor Master.**

**§ 118-15. Derelict vessels.**

An owner, captain or operator of a vessel allows that vessel to become derelict if:

- A. The vessel lacks any license or registration, the prerequisite of which is required by state or local authority to allow operation of such vessel in the harbor;
- B. The vessel is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;
- C. The vessel is damaged to the extent that it cannot be moved under its own power; or
- D. The owner, captain or operator of the vessel has failed or refused to comply with the lawful orders of the Harbor Master, Assistant Harbor Master or a law enforcement officer. A violation of this section will have a mandatory minimum fine of \$250 that may not be suspended;
- E. The owner of the vessel has failed or refuses to pay any applicable license fee, excise tax, harbor usage fee, mooring fee, dock or landing fee or any other service fee imposed by the City or Harbor Master. A violation of this section will have a mandatory minimum fine of \$250 that may not be suspended.
- F. Disclosure of vessel ownership. This section requires the disclosure of ownership of any vessel operating within the statutory limits of the City of Saco and further requires all corporate, partnerships, trusts and any



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other nonindividual, including those persons undisclosed, anonymous or otherwise unidentifiable principals, responsible for the maintenance of property and vessels and accountable with respect to violations of this chapter.

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G. Order of disposal; abatement of violation by the City and recovery of costs.

(1) When the Harbor Master, after notice in writing to the owner of any derelict vessel by regular mail or

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by publication in a newspaper in the county three weeks successively, and after a hearing on such matter, adjudge that such vessel was or is derelict, dangerous or a nuisance, they may make and record an order prescribing what disposal shall be made thereof. The City Clerk shall deliver a copy of such order to a constable or deputy sheriff, who shall serve such owner, if the owner is a resident of the state, with an attested copy thereof, and make return of his or her actions thereon to the Clerk forthwith. If the owner or part owner is unknown or resides outside this state, such notice shall be given by publication in a paper published in the county for three successive weeks.

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- (2) If no application is made to the superior court, as is provided in this section, the City Council shall cause such vessel to be abated, removed or altered in compliance with its order, and all expenses thereof shall be repaid to the City within 30 days after demand, or may be recovered of such person by an action for money paid.
- (3) Any owner aggrieved by an order made pursuant to this section may, within 30 days after such order is so made and filed, apply to the superior court which shall forthwith, after notice and hearing, affirm, annul or alter such order.
- (4) If the court affirms an order made pursuant to this section, costs shall be recovered by the City; if it wholly annuls such order, the applicant shall recover costs; and if it alters it in part, the court may render such judgment as to costs as justice requires.

**§ 118-16. Obstruction of public wharf, dock, landing or pier.**

No person shall obstruct a wharf, dock, landing or pier by intentionally or knowingly:

- A. Obstructing, by any means whatsoever, the free use of any public wharf, dock, landing or pier and is not actively engaged in the loading or unloading of persons, product or cargo; or
- B. Allowing a vessel under that person's control or ownership to remain tied, moored or affixed to a public wharf, dock, landing or pier without legal authorization from the City or payment of docking fees.

**§ 118-17. Diving, swimming, fishing on or near public wharves, docks, landings, piers or within channel prohibited.**

- A. No person shall dive from or swim within 50 feet of any public wharf, dock, landing or pier. This restriction does not govern or limit special events sanctioned by the City, nor commercial divers and emergency personnel or others who have been granted special permission by the Harbor Master. At no time, other than for emergency purposes, may anyone swim within the channel.
- B. No person shall fish from City wharves.

**§ 118-18. Obstruction of channel or inner harbor.**

No person, firm, or organization may intentionally, knowingly or recklessly obstruct a channel or the inner harbor by:

- A. Setting any commercial fishing gear within the inner harbor or a channel; or
- B. Place or set any lobster traps, including buoys, within 100 feet of a mooring; or
- C. Place, stop, or anchor any vessel within a channel without providing for adequate room for a vessel of any reasonable size to navigate safely around in both directions simultaneously.
- D. Knowingly or willfully obstruct the free use of any channel or waterway within the harbor.

**§ 118-19. Operation of vessel without proper safety equipment.**

No person shall operate a vessel without meeting current state law. Operation of a vessel without proper safety equipment, a violation of this section, shall have a mandatory minimum fine of \$150 that may not be suspended and a citation may be issued for each piece of equipment that is missing, not in proper working order or in poor condition.

**§ 118-20. Storage. [Amended 2-3-2014]**

Personal property, such as lobster pots, automobiles, cradles, boats, etc., shall not be stored on City wharves or landings or within the Camp Ellis parking lot. Exemptions to this rule shall be considered on an individual basis when submitted, in writing, to the Harbor Master. The hauling-out area at Camp Ellis will be under the jurisdiction of the Harbor Master.

**§ 118-20.1 ~~No Additions, alterations, new construction and/or changes to an existing wharf, pier or landing, shall be made without prior permission of the Harbor Master.~~**

Permission for the construction of any new wharf or pier within the jurisdictional limits of the City shall require review by the Harbor Master. In addition to any Federal, State or other City of Saco permits or ~~not~~ approvals ~~be granted without approval of the Harbor Master along with Federal, State and Local governing authorities. To obtain permission of any new wharf or pier, the~~ Applicant must provide to the Harbor Master the following information:

- A. A copy of the boundary survey showing the littoral zone established by extending property lines from land.
- B. A location map from a portion of a USGS topographic map of the coastal chart.
- C. Distance to navigable channels or any Federal Navigation Project.
- D. Mean high and low water boundary.
- E. A plan view of the drawing(s) that shows the location and dimensions of the Applicant's structure(s) in relation to the Applicant's property lines.
- F. A typical cross section/side view of the Applicant's structures on the drawing(s).
- G. Evidence that owners of the abutting properties have been notified of the Applicant's intended project.
- H. Evidence that the (1) Maine Historic Preservation Commission, (2) Aroostook Band of Micmac, (3) Passamaquoddy Tribe of Indian: Pleasant Point Indians Township, (4) Houlton Band of Maliseet Indians and (5) Penobscot Indian Nation have been notified of the Applicant's intended project.
- I. Completed applications submitted to the Army Corps of Engineers, Department of Environmental Protection and Saco Code Enforcement. A regulatory permit obtained from the Saco River Corridor Commission may also be required in some instances.

**§ 118-20.2 Commencement of Work.**

The process to obtain permission of any new wharf or pier begins and ends with the Harbor Master. Initially, it is the Harbor Master shall assist all applicants with understanding the approval process, but all Federal, State and Local requirements remain the burden and responsibility of the applicant themselves, and not of the Harbor Master. The Harbor Master is not permitted to prepare or sign any forms or paperwork for an applicant unless the form or application expressly requires the signature of the Harbor Master. No work shall be authorized by the Harbor Master, or undertaken by the applicant, until the Harbor Master determines all required permits or approvals have been secured by the applicant.'s responsibility to guide the Applicant through the application process and finally, to review all completed documentation to assure all regulating authority approvals have been obtained.

ARTICLE III  
**Rentals and Rental Agents**

**§ 118-21. Licensing; rental agreement.**

- A. Licensing. All rental agents are to acquire and maintain a current business license through the City of Saco, and secure all pertinent state and federal licenses as necessary. Furthermore, rental agents must abide by all requirements or provisions issued by the Code Enforcement Officer, Planning Board, Zoning Board or other City official.
- B. Rental agreement. A rental agent must provide, to any person whom they know to be operating a canoe, kayak, sailboat, personal watercraft (PWCs) or motorized watercraft:
- (1) The occupant capacity and weight limits of the craft being rented and operated.
  - (2) Proper operational instruction and safety education for the craft being used. The rental agent may use an audio/visual presentation in lieu of personal instruction; however, the sole use of written instruction will not satisfy the requirements of this section.
  - (3) Personal flotation devices (PFDs) of adequate size and proper working order for all intended occupants of the craft.
  - (4) Verify, by way of demonstrated ability, the operator's knowledge of the craft and equipment and ability to control and maneuver the craft safely. The rental agent may accept a watercraft license issued from another state or from the United States Coast Guard as proof of demonstrated ability. The rental agent may also waive the requirements of Subsection B(4) if the person renting has previously rented and demonstrated his/her ability, with that type of equipment, within the last 30 days.
  - (5) Written information pertaining to local and state laws governing the body of water in which they will be operating and a brief description of the so-called rules of the road. For PWCs or motorized watercraft, the information will also include the laws pertaining to headway speed violations and a map indicating "headway speed only" areas.

**§ 118-22. Prohibited acts.**

- A. The following violations, in addition to the fines outlined in § 118-28, will also result in the immediate suspension of all City business licenses and/or permits.
- B. No rental agent may continue to operate until the violations have been corrected and the City is satisfied with those corrections.
- C. Failing to provide safety instruction: A rental agent is guilty of failing to provide safety instruction if it fails to comply with all the requirements of § 118-21, above.
- D. Failing to maintain records. The rental agent must maintain written records showing that the requirements of § 118-21, above, were followed. If a waiver of § 118-21, Subsection B(4), above, is allowed, a photocopy of the watercraft license, USCG license or previous rental agreement and demonstrated ability must be included. Rental agents may not destroy these records in the event of a watercraft accident, drowning or other incident involving the rented equipment. Records may otherwise be destroyed six months following the date of rental.
- E. No license/violation of licensing agreement. Any rental agent who fails to obtain or maintain a current City business license; or, who fails to abide by the requirements of § 118-21, is guilty of this violation.

**§ 118-23. Agent negligence; City's right to recovery of costs.**

- A. When a rental agent fails to follow the provisions of this article and an accident or incident occurs that requires



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the use of City services, or requires the City to hire or fund private businesses or other government agencies as a result of the accident or incident, the rental agent shall be responsible for reimbursement of all associated costs.

- B. These services include, but are not limited to: police, fire, rescue, or other emergency services; divers; water recovery specialists; engineers; environmental or hazardous materials specialists or companies; product inspectors, investigators, private consultants, attorneys, and/or legal expenses.

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#### ARTICLE IV

#### Camp Ellis Pier, Parking Lot and Public Landing Regulations

##### § 118-24. Pier use regulations.

- A. No person who owns, leases or operates a commercial or recreational boat or vessel shall use a public wharf, dock or pier unless they shall first obtain a permit therefor, as is hereinafter provided. A pier use agreement must be signed prior to the issuance of a user permit.
- B. No person who owns, leases or operates a commercial or recreational vessel shall store said boat or vessel on any public wharf, dock, pier or parking lot. All said pier use and mooring fees ~~must~~ should be paid to the City of Saco through City Hall and a receipt for same presented to the Harbor Master.
- C. All pier user fees are due by June 30<sup>th</sup>. If fees are not paid-in-full by July 30<sup>th</sup>, the Harbor Master will evict the pier user.
- D. ~~Use~~User fees, mooring fees and parking fees are to be established annually by the City Council, by resolution, after a public hearing, as recommended by the Coastal Waters Commission.
- E. Commercial pier use permit holders have priority use of the hoists for loading and unloading perishable products.
- F. Use of the beaching piles located adjacent to the public landing will be available to pier use permit holders. The maximum size boat to use the piles shall not exceed twenty-thousand-pound displacement. Proper support must be installed under a berthed boat prior to allowing people to go into the boat fall area. Boats may only be berthed on the north side of the piles to maintain access to the public landing at all times. Berthed boats may remain at beaching piles for one full tide cycle.
- G. Exceptions. [Added 2-3-2014]
- (1) Noncustomary, short-term exceptions to these regulations may be allowed at the discretion of the Harbor Master, and may include:
- (a) Use of the pump-out station.
- (b) Pick-up or discharge of passengers.
- (c) Use of the restroom facility.
- (2) Short-term exceptions may not exceed 15 minutes. Individuals who become customary pier users must obtain a pier use permit. For the purposes of this section, "customary" is defined as a short-term pier use that is repeated more than twice per month.
- H. Any permit issued hereunder may be revoked if the Harbor Master determines that any portion of a permit holder's application contains false or misleading information. Any revocation may be appealed as set forth herein. [Added 2-3-2014]
- ~~H.I.~~ Anyone who violates any provision of this Pier-Use regulation with regard to pier use or moorings, shall be subject to a fine of \$500 per first violation, and additional fines up to \$2500.00 per day of \$1,000 for any additional violations, and per the discretion of the Harbor Master may be subject to pier permit revocation and/or a no trespass order for any repeated use of the pier without a proper permit.

##### § 118-25. Camp Ellis Pier and Parking Lot Fund.



A. Purpose. The City of Saco operates and maintains a parking and docking facility at Camp Ellis for the benefit of the general public. The purpose of this section is to create a special revenue fund into which all the proceeds derived from the pier and parking lot shall be deposited. A transfer of funds to this account shall be budgeted each year by the City, in whatever amount is suitable for the maintenance and expansion of public facilities at the Camp Ellis pier, parking lot, and other marine related uses as deemed necessary by the Coastal Waters Commission.

B. Source of revenues. All revenues derived from the pier and parking lot, including but not limited to fees for parking cars and fees for mooring and docking, shall be deposited into this account.

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C. Use of revenues. Funds in the Camp Ellis Pier and Parking Lot account shall be used for the expansion and maintenance of the Camp Ellis parking lot, pier, floats, City-owned moorings, waterways and other marine-related uses, as recommended by the Saco Coastal Waters Commission and approved by the Director of DPW or the Saco City Council.

#### **§ 118-26. Pier use permits.**

A. There shall be three types of pier use permits.

- (1) Commercial vessel pier use.
- (2) Charter vessel pier use.
- (3) Recreational vessel pier use.

B. Establishment of permit limitations. The Harbor Master will establish the maximum number of pier use permits to be granted within each type, described above. A waiting list will be established for persons desiring a pier use permit when the maximum number has been reached.

C. Pier use by mooring permit holders. A mooring permit holder who wishes to maintain a vessel at the pier shall obtain a pier use permit.

D. Charter vessel users shall provide at the time of execution of a pier use permit a current certificate of insurance showing a minimum liability coverage of \$1,000,000, which policy must name the City of Saco as an additional insured. **[Added 2-3-2014]**

#### **§ 118-27. Traffic and parking regulations.**

A. The City of Saco has constructed a launching ramp and parking lot, for use by the public, on the shore of the Saco River at Bay Avenue in Camp Ellis, between the extension of North Avenue and East Avenue. There are no existing ordinances to control traffic and regulate parking for the public good and safety of the public which will be using these facilities. The following rules and regulations are hereby adopted, and the Chief of Police is hereby authorized and directed to erect the proper signs and controls to enable the enforcement of these rules and regulations.

B. Public lot and public landing rules and regulations shall be: **[Added 2-3-2014]**

- (1) Diagonal parking within marked spaces only.
- (2) No parking after 1:00 a.m. until 5:00 a.m. from May 1 through September 30 and from 10:00 p.m. to 5:00 a.m. from September 30 through May 1, except for pier user permit holders who are aboard their vessels and have duly notified the Dock Steward or the Harbor Master of their intent to be at sea overnight. Crew members must obtain the proper receipt for overnight parking and notify the Dock Steward or the Harbor Master. Any other overnight parking constitutes storage, which is prohibited by § 118-20.
- (3) Five-miles-per-hour speed limit.
- (4) No parking in front of launching ramp.
- (5) Boat trailers are to be parked in designated areas.
- (6) Camping is not permissible.
- (7) Parking violators shall be towed away at the owner's expense.
- (8) All cars and trucks parked in the parking lot shall prominently display a current pier user sticker or

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seasonal parking sticker issued by the City, unless they are paying the daily parking fee. A seasonal parking permit or the elderly residents permit is only transferable to other vehicles registered in the City by the resident. A commercial vessel pier use permit stays with the permit holder and is transferable to another vehicle.

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#### ARTICLE V

### Enforcement, Legal Actions and Appeal

#### § 118-28. Violations and penalties; manner and method of service; appeals.

- A. Penalties. Whoever violates any of the provisions of this chapter is guilty of a separate offense for each day, or part of a day, during which the violation is committed or, continued. Unless stated elsewhere, each offense, upon conviction, is punishable by a civil penalty of not less than \$100 and not more than \$2,500 for each offense, and/or may result in revocation of pier and/or mooring permit.
- B. Each day, if the offense is repeated, shall constitute a separate violation. If the violation relates to damages caused, said party, if found responsible, shall bear reasonable costs of repair in addition to any fines and fees assessed hereunder.
- C. Manner and method of service. Notice to owner or to persons responsible for a violation of this order shall be made in the following manner and method:
  - (1) Unless specifically addressed elsewhere in this chapter, at the discretion of the acting authority, a warning may be issued verbally or in writing, so long as such warning is recorded and made available for future reference.
  - (2) If, in the discretion of the acting authority, a citation is deemed necessary, such citation will be issued in the following manner:
    - (a) The citation shall include the name of the responsible person and/or owner, the date and time of the violation, a general reference location for the violation, a description of the violation and the location of and date of appearance at the local court having jurisdiction; if such date is required by the Court system.
    - (b) The citation used is authorized and accepted by the District Court of the State of Maine;
    - (c) Service of the citation is made upon the violator by a person authorized under law to make such service; and
    - (d) The completed citation is properly recorded in the District Court of the State of Maine having jurisdiction over the violation.
- D. Notice as to permit holders shall, in all cases be sent by certified mail to their address of record on their permit application.
- E. Appeals. Any appeal of a decision of the Harbor Master, except as to citations, herein shall be made to the Coastal Waters Commission as set out in § 4-39 of this Code, or its successor. Citations shall be solely addressed and resolved via the Court and as set out under Maine law.