

HARBOR ORDINANCE
of the
TOWN OF BOOTHBAY, MAINE
Proposed May 2012

I. GENERAL PROVISIONS

A. Purpose of Ordinance

This Harbor Ordinance is hereby established to regulate marine activities within the tidal waters of the Town of Boothbay, Maine in order to ensure safety to persons and property, promote availability and use of valuable public resources, and to create a fair and efficient framework for the administration of these waters.

B. Legal Authority

The legal authority for the establishment of this Ordinance and the provisions provided herein is provided by the municipal home rule process of Title 30-A M.R.S.A. and Title 38 M.R.S.A., which are available at the Town Office. The provisions of this Ordinance shall be liberally interpreted in order to meet the objectives of those statutes and the intent of this Ordinance.

C. Conflict with Other Ordinances and Regulations

Whenever a provision of this Ordinance conflicts with another ordinance of the Town of Boothbay or State or Federal regulation, the stricter provision shall be applied. Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States Government with respect to enforcement of navigation, shipping or anchorage and associated laws of the United States or any valid laws or regulations of the State of Maine.

D. Validity and Severability

If any provisions or clause of this Ordinance or application thereof to any person, persons, or circumstances is found to be invalid, then such invalidity shall not affect any provisions or applications of the Ordinance which can be effectuated without the invalid provision or application. To this end, provisions of this Ordinance are declared severable.

E. Effective Date

This Ordinance and any subsequent amendment shall take effect and be in force from the date of its adoption by the Town and all previous Harbor Ordinances are hereby repealed.

F. Penalties

Violations of any of the provisions of this Ordinance shall be deemed civil violations. They are enforceable by the Harbor Master or any other law enforcement officer with jurisdiction in Boothbay by a civil action in the District Court to recover such relief, fees, fines and penalties as are provided for in Titles 30-A and 38 M.R.S.A.

G. Boothbay Waters

Boothbay Waters are defined herein to include waters on both sides of Linekin Neck, on the Damariscotta River north to the Boothbay/Edgecomb town line, Murray Hill area west to the

Boothbay/Boothbay Harbor town line as well as Card Cove, the islands of Negro Island, Ram Island, Cabbage Island, Sawyers Island, Barters Island, Fisherman Island, Inner and Outer White Islands, Outer Heron Island, Pumpkin Island, Damariscove Island, The Hypocrites, and Hodgdon Island, as well as all waters within the bounds of the Town of Boothbay in Linekin Bay and the Sheepscot and Damariscotta Rivers, Ovens Mouth, Back River, and Cross River.

H. Amendments

Amendments to this Ordinance shall be consistent with all amendment processes of the Town, which must be approved by Town Meeting following at least one public hearing conducted by the Port Committee.

II. DEFINITIONS:

Anchorage Area: An area of the harbor set aside for the temporary anchoring of Vessels.

Berth: The place where a Vessel lies when at a wharf or pier.

Channel: An area of waterway kept clear of moorings or other obstructions to allow the free passage of Vessels.

Commercial Marine Facility: Any commercial enterprise in the shoreland zone, such as one which handles finfish, shellfish, or any other marine related product, and/or any facility that provides rental or service moorings, or any marine related service such as, but not limited to, the following: sales, storage, construction or maintenance of boats or other marine related items, the provisions of slips and/or moorings for permanent or transient berthing, sales of fuel, supplies, or marine equipment and hardware, or the provision of meals or lodging.

Commercial Mooring: A mooring assigned to a Commercial Marine Facility under the Town's Zoning and Building Code Ordinance.

Commercial Vessel: A Vessel that generates income and is registered as commercial.

Congested Areas: Those areas of Boothbay Waters that are determined by the Harbor Master and confirmed and designated by the Port Committee to be approaching or to have reached capacity of available mooring space.

Fairway: The navigable waters of a harbor or other Waterway.

Float: Any floating structure, other than a Vessel, normally used as a point of transfer for passengers, fishing gear or other goods and not designed for self-propelled navigation.

Guest Mooring: A temporary mooring that may be permitted yearly in a non-Congested Area to a Boothbay property owner, solely for use by that permit holder's guests on a non-rental basis.

Mooring: A permanent means of securing a Vessel or Float to the bottom in a mooring area.

Mooring Float: Float system for securing multiple vessels in a congested area.

Mooring Plan: A plan for the placement and specification of moorings, usually in a Congested area, prepared by the Harbor Master, Deputy Harbor Masters, and Port Committee, with public input, and approved by the Selectmen.

M.R.S.A.: The Maine Revised Statutes Annotated.

Shorefront Owner: The owner of a parcel of land that borders on that area of Boothbay Waters off which a mooring is being requested.

Resident: Any person who occupies a dwelling within the municipality for more than 180 days in a calendar year or any person owning real estate in Boothbay.

Town Float: A Float owned and maintained by the Town of Boothbay.

Waterway: Any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

Working Float: A Float used primarily for the storage of fishing gear or other marine related hardware used in a commercial activity.

Vessel: A watercraft of any kind including boats, scows, dredges and barges but excluding Floats and shellfish cars or other structures permanently attached to moorings.

III. HARBOR ADMINISTRATION

A. Administering Bodies and Agents

1. Port Committee: The Board of Selectmen shall appoint a Port Committee consisting of five (5) Residents, none of whom shall be the Harbor Master or Deputy Harbor Masters. Port Committee members shall be appointed from volunteers solicited by public announcement and will serve without compensation. The Port Committee will at all times consist of five (5) regular members serving staggered terms of three years, and no committee member shall serve more than two immediately successive terms. The Port Committee shall meet as required and may be called upon by the Selectmen to generally advise the Board of Selectmen on harbor related issues. All Port Committee meetings shall be advertised and open to the public and written minutes will be taken at and maintained for all committee meetings. A quorum shall consist of three (3) members. A vacancy shall occur upon the resignation or death of any member or when a member fails to attend three consecutive meetings or fails to attend at least 75% of all meetings during the previous twelve month period. Any member

of the Port Committee may be removed for cause by the Board of Selectmen, after notice and hearing, including upon recommendation of the Port Committee to the Board of Selectmen.

2. Harbor Master: The Harbor Master and Deputy Harbor Masters shall be appointed annually by the Board of Selectmen from resident volunteers solicited by public announcement. Certain duties and responsibilities of this office are prescribed by Title 38, M.R.S.A. The Harbor Master has the additional duty to administer and enforce the provisions of this Ordinance with the authority granted by law and through his appointment as Harbor Master. In addition to the duties prescribed under Title 38, M.R.S.A., the Harbor Master and the Deputy Harbor Masters shall have such other duties and responsibilities as may be assigned by the Board of Selectmen from time to time.

B. Mooring Administration

1. Registration: Mooring locations shall be registered annually by the Harbor Master based on one location per Vessel or Float. Registrants, other than Commercial Marine Facilities, must own a separate Vessel or Float for each mooring. However, exceptions may be granted by the Harbor Master for moorings, including Guest Moorings, in non-congested areas. No new mooring permit will be issued and space assigned without a “New Mooring Registration Application” being submitted to and approved by the Harbor Master and the Deputy Harbor Master for the area in which the mooring is being requested. In case of a renewal, the “Renewal Mooring Registration Application” form along with proper proof of inspection must be submitted. If a registrant fails to renew his mooring privilege, the Harbor Master shall notify the owner by certified letter (return receipt) at the registrant’s last known address that his mooring privilege shall expire unless renewed within thirty (30) days. If not so renewed, the mooring shall be considered abandoned.
2. Mooring Permit Number: The mooring permit holder must affix his assigned mooring permit number to the primary mooring buoy in at least three (3) inch letters of contrasting color, however winter buoys are exempted. Upon failure to display this number, the Harbor Master, after giving notice of deficiency, may attach the mooring permit number to the buoy and charge the cost to the mooring permit holder plus an administrative fee of twenty-five (\$25) dollars. If a mooring does not display a mooring permit number and cannot be otherwise identified, it shall be considered abandoned.
3. Permitted Transfers: As set forth in Title 38 M.R.S.A., a mooring permit used only for private commercial fishing purposes may be transferred at the request or death of the permittee, however a transfer will be allowed only to a member of the permit holder’s family and only if the mooring permit will continue to be used for private commercial fishing purposes. For purposes of this section, “member of the permit holder’s family” means only the permittee’s parent, child or sibling, by birth or by adoption, including a relation of half blood or a permittee’s spouse.

4. Fees: Mooring fees shall be paid in full at the time of submitting a Registration Application, either new or renewal. Mooring fees may be changed from time to time as recommended by the Port Committee and approved by the Board of Selectmen. Fees not paid by August 15th, will be considered delinquent and subsequently doubled. No applications will be processed until all related fees, excise taxes, charges, or penalties have been paid in full.
5. Mooring Permits For Commercial Marine Facility: The Harbor Master shall have authority to approve or disapprove a mooring permit application and/or assigning a mooring location to a Commercial Marine Facility only after a public hearing is held on the application, attended by the Harbor Master, the appropriate Deputy Harbor Master and Port Committee. An application for a rental or service mooring(s) must be presented in such format as may be prescribed by the Harbor Master and such application will be considered only for waterfront property owners of Commercial Marine Facilities and only after the Commercial Marine Facility has applied for and received all necessary approvals by all other local, state or federal agencies having jurisdiction. In addition, the following rules shall apply to all Commercial Marine Facilities:
 - a. Moorings of a Commercial Marine Facility in operation as of the date of passage of this amendment shall be grandfathered concerning location and number of moorings. However, the sale or transfer of 50% or more of the assets and/or ownership of such Commercial Marine Facility will require the Commercial Marine Facility to review with the Harbor Master and the Port Committee, such factors as use history, future development and other prevailing conditions and to reapply for both the number and location of moorings desired.
 - b. Applications for moorings by any Commercial Marine Facility subsequent to the enactment of this amendment may be restricted as to the number and location of moorings granted and/or the length of time the moorings are granted; such restriction being within the discretion of the Harbor Master with consultation of his Deputies and the Port Committee, taking into such consideration all factors they deem relevant.
 - c. The location of any Commercial Marine Facility mooring or the location and extent of any mooring field shall be determined by the Harbor Master with consultation of his Deputies and the Port Committee, taking into consideration all factors they deem relevant.
 - d. Rental or service moorings shall be identified and maintained by the Commercial Marine Facility in accordance with such conditions as may be placed on the permit by the Harbor Master, and all such moorings shall be clearly marked at all times by such size and color markings, as may be required to indicate the maximum boat size allowed on the mooring.

- e. Within two (2) years of the date of enactment of this amendment, and for all years thereafter, all Commercial Marine Facilities renting moorings or berths shall prominently exhibit a sign providing the locations of all existing facilities for the pumping out of human waste then currently available in Boothbay Waters and the waters of Boothbay Harbor and the failure to so provide will result in the denial or non-renewal of its mooring permit applications.
6. Mooring Assignments: Subject to the rights of the Harbor Master under state law, mooring locations shall initially be assigned to those persons owning Vessels or Floats and occupying mooring locations and those belonging to a Commercial Marine Facility which location existed as of the date of adoption of this Ordinance. Except as provided below, mooring privileges shall be granted upon application to the Harbor Master on a first come - first served basis. When the number of applications exceeds the number of available mooring spaces in Congested Areas, the Harbor Master shall maintain a waiting list of all applicants in that area who have not been assigned a mooring permit and post it in the Town Office. This list shall be used to assist the Harbor Master in assigning mooring permits as space becomes available and shall be subject to the applicable state law governing such waiting lists. Assignments shall then be made in the order received according to the following ordered priorities:
 - a. Shorefront Owners requesting an initial location.
 - b. Resident Commercial Vessel owners requesting an initial location.
 - c. Resident pleasure Vessel owners requesting an initial location.
 - d. Commercial Marine Facilities requesting initial location.
 - e. Multiple locations for the above following the same priority.
 - f. All others including Non-resident Vessel owners and Guest moorings.
 7. Mooring Plans: The Harbor Master shall, when assigning mooring locations, be guided by any current applicable Mooring Plan. Except as set forth in paragraph 3 above, moorings are not transferable and shall not be rented unless the original permit so provides. Notwithstanding anything to the contrary herein, the Harbor Master shall at all times have the authority to temporarily assign moorings for safety reasons during the winter months, extreme weather conditions or other emergencies
 8. Size and Owner Responsibility: All moorings shall be of sufficient size to hold the Vessel or Float for which it is to be used. There shall be no rafting of two (2) or more unattended vessels. Mooring permit holders shall be liable for any damage caused by faulty or inadequate moorings. Suggested tackle standards are available in the Harbor

Master's office. Mooring permits for working and mooring Floats shall be issued by the Harbor Master.

9. Mooring Inspections: All moorings shall be inspected every two years from the effective date of this Ordinance or when so required by the Harbor Master. The Harbor Master shall at all times have the right to inspect any mooring if he reasonably believes such inspection is necessary to ensure compliance with this Ordinance or the safety of Boothbay Waters. Except as may otherwise be required under a Mooring Plan, the inspection may be performed by the owner or his representative. The cost of any such inspection shall be borne by the mooring permit holder. An inspection report shall be filed with the Harbor Master within seven (7) working days of notification by the Harbor Master questioning the condition of a mooring; otherwise the report shall be filed prior to the next registration. The report shall include proof of inspection, name of inspector and itemized list of equipment and its condition and any other information the Harbor Master may request. If any component is repaired or replaced it shall also be noted on the report. The report shall be signed and dated by the inspector and mooring holder. If any component shows significant deterioration below the suggested standards of this Ordinance it shall be replaced. All new mooring bouys as of May 7, 2012 and thereafter shall be white with a blue stripe. Non-conforming mooring bouys existing as of May 7, 2012 shall be replaced with white bouys on or before June 1, 2015.

10. Abandoned Moorings: Any mooring location not occupied by the Vessel or Float registered to it during the permit year may be considered to be abandoned. The location may be reassigned by the Harbor Master in accordance with the above priority guidelines, after the Harbor Master has first given the registrant thirty (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 thirty (30) days of receipt of said notice, in accordance with Title 38. Notwithstanding the above, this paragraph may not apply to a mooring whose Owner has notified the Harbor Master in writing 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 Ordinance.

C. Appeals Process and Procedures

Appeals:

Any person aggrieved by any decision of the Harbor Master as it relates to the administration and enforcement of this Ordinance may appeal such decision to the Port Committee. Unless by the Harbor Master's authority the decision is revoked, such decision shall remain in full force and be forthwith complied with by the person during the pendency of any appeal. Such appeals shall be made in writing to the Port Committee within fourteen (14) days of the decision from which the appeal is taken. The appeal must state with specificity the decision from which the appeal is taken and the reasons for the appeal. The appellant shall pay a non-refundable filing and notification fee in such amount(s) as the Board of Selectmen may from

time to time establish by Board of Selectmen order, which shall be paid at the time the appeal is filed with the Port Committee.

In deciding any appeal, the Port Committee shall conduct a hearing and affirm, modify or reverse the decision of the Harbor Master or may remand the matter to the Harbor Master for further proceedings consistent with this Ordinance. The Port Committee shall inform the person in writing of its decision and the reasons thereof. Written notice of the decision of the Port Committee shall be sent to the appellant, the Harbor Master and the Board of Selectmen within seven (7) days of the decision. Any decision of the Port Committee under this section may be appealed to the Board of Appeals within fourteen (14) days of the decision.

In deciding any appeal, the Board of Appeals shall conduct a hearing and affirm, modify or reverse the decision of the Port Committee or may remand the matter to the Harbor Master for further proceedings consistent with this Ordinance. The Board of Appeals shall inform the person in writing of its decision and the reasons thereof. Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Harbor Master, the Port Committee and the Board of Selectmen within seven (7) days of the decision. Any decision of the Board of Appeals under this section may be appealed to Superior Court within thirty (30) days of the decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

IV. HARBOR USE REGULATIONS

A. Assumption of Risk

Any person using any facilities within Boothbay Waters shall assume all risk of damage or loss to his property, and to the property of others resulting from his compliance or failure to comply with this Ordinance. The Town of Boothbay assumes no risk on account of fire, theft, Act of God, or damages of any kind to Vessels, Floats, or other property within its jurisdiction except where such damage or injury is a direct result of the gross negligence, gross recklessness, or bad-faith misconduct of the Harbor Master, Deputy Harbor Masters, or other Town Agent.

B. Unseaworthy Vessels and Floats Prohibited in Boothbay Waters

A person shall not moor or permit to be moored in Boothbay Waters, a Vessel or Float of any kind whatsoever, which in the opinion of the Harbor Master is unseaworthy or in a badly deteriorated condition, or likely to sink, or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency.

C. Correcting an Unsafe Berthing

If any Vessel or Float shall be found, in the judgment of the Harbor Master, to be unseaworthy or otherwise anchored or moored within Boothbay Waters in an unsafe or dangerous manner, or in such a way as to create a hazard to other Vessels or Floats or to persons or property, the Harbor Master shall promptly order and direct the owner or his authorized agent to take action to correct the situation. Primary responsibility for compliance with such orders and directions shall rest with the owner of such Vessel or Float, or his authorized agent; and in the absence of such owner or agent, said responsibility for compliance shall rest with the authorized operator of the Commercial Marine Facility at which the Vessel or Float is anchored or moored.

In an emergency situation or in the absence of any such responsible person, the Harbor Master shall forthwith board such Vessel or Float and cause the situation to be corrected, and the owner of the Vessel or Float shall be liable for any costs incurred by the Town of Boothbay in effecting such correction.

D. Custody and Removal of Unseaworthy or Illegally Berthed or Abandoned Vessels or Floats

Subject to the requirements of state laws, if any unattended Vessel or float shall be determined by the Harbor Master to be unseaworthy or anchored or moored illegally, or if the Harbor Master has reasonable grounds to believe that a Vessel or Float is unseaworthy or illegally berthed or has been abandoned within Boothbay Waters, the Harbor Master may assume custody of such Vessel or Float and cause it to be held or placed in storage. The Town of Boothbay, its officials, or anyone acting under their direction shall not be held liable for any damage to such Vessel or Float, nor liable to its owner before or after assuming custody. Vessels or Floats so taken into custody shall be released to the owner by the Harbor Master only after satisfactory proof of ownership has been presented and full reimbursement made, or provided for, to the Town for all costs incident to recovery, movement, storage or any other related action.

E. Anchoring in Congested Areas, Obstruction of Fairways, Channels, Launch Ramps or Berthing Spaces, and Removal of Sunken Vessels or Floats

1. It shall be unlawful to anchor in Congested Areas.
2. It shall be unlawful to tie up or anchor a Vessel or Float in Boothbay Waters in such a manner as to obstruct a fairway, Channel or launch ramp, or to carelessly sink or allow to be sunk, any Vessel or Float, in any Fairway, Channel or Berth, or to float loose timbers, logs, piles or other debris which will present a hazard to navigation.
3. Whenever the navigation of any Boothbay Waters or a Commercial Marine Facility, including anchorages and Berths therein, shall be determined by the Harbor Master to be obstructed or endangered by any sunken Vessel, Float, obstruction or other danger that has existed for more than three (3) days, the Vessel, Float, obstruction or other danger shall be subject to removal, or other disposition. The Owner or Owners of such Vessel, Float or other property causing said obstruction or danger shall be liable to the Town of Boothbay for all costs incident to said removal and disposition, and the Town of Boothbay, its employees, agents, and officers, shall not be liable for damages of any nature whatsoever arising out of or in any way connected with removal or disposition of such Vessel, Float or other property.

F. Obstruction to Public Docks, Walkways and Floats

1. No boat shall be left unattended at any Town Float for longer than 45 minutes without the consent of the Harbor Master or Deputy Harbor Master, except as permitted in subsection (4) below.

2. No boat, even when attended, shall be secured at any Town Float for a period longer than 4 hours without the consent of the Harbor Master or Deputy Harbor Master, except as permitted in subsection (4) below.
3. No boat, tended or untended, may be secured to any Town Float overnight without the consent of the Harbor Master, except as permitted in subsection (4) below;
4. Skiffs and dinghies may be secured to a Town Float provided they comply with the following:
 - A. Each skiff or dinghy shall be clearly and visibly marked with the owner's name and telephone number;
 - B. No skiff or dinghy shall be secured to the face of any Town Float;
 - C. All skiffs and dinghies shall be properly secured, maintained and bailed;
 - D. For the purpose of this Ordinance, skiffs and dinghies must be no longer than 14'; and
 - E. All skiffs and dinghies shall be secured at the bow only.
5. No bait, barrels, boxes, gear, equipment, pots, traps, trash or like items shall be placed or left upon any Town Float for a period of time longer than necessary to load or unload a boat.
6. No person shall park any vehicle so as to block access to any Town Float or launching ramp except for the sole purpose of loading or unloading.
7. The areas adjacent to Town Floats shall remain clear of all gear, equipment, trash, and debris at all times. The Harbor Master may remove altogether and/or relocate to the Town Office any gear or equipment that has been left on or in the areas adjacent to Town Floats for two (2) or more days.
8. All Town Floats are subject to removal after October 15 of each year, at the discretion of the Town Manager.
9. Usage fees for use of Town Floats may be charged in such amount as the Board of Selectmen may from time to time establish by Board of Selectmen order.

G. Working Floats

Working Floats are to be used only for the storage of fishing gear and other marine related hardware used in a commercial activity and shall not be used for the storage of rotten or decaying bait, fuel, or motor oils. Rafting or stringing together of Working Floats is prohibited unless approved by the Harbor Master. Unless otherwise applied for and permitted by the Harbor Master, Working Floats shall be square or rectangular in design, with the total area not exceeding six hundred (600) square feet. Working Floats shall be maintained at all times in good repair and seaworthy condition so as to safely handle and support the load placed upon them and shall have reflective strips attached to each side which are adequate to insure that the Float is visible at all

times. Any approvals granted by the Harbor Master under this paragraph shall be on the basis that the activity approved does not obstruct the free movement or safe anchorage of any Vessel.

The Harbor Master shall have authority to approve or deny an initial mooring permit application and/or assign a mooring location for a Working Float only after a public hearing is held by the Harbor Master on the application, attended by the appropriate Deputy Harbor Master. Applications for mooring a Working Float must be presented in such format as may be prescribed by the Harbor Master and such application will be considered only after the applicant has applied for and received all necessary approvals by all other local, state or federal agencies having jurisdiction over the Working Float. Mooring permits for Working Floats shall thereafter be approved for no longer than one (1) year and must be reapplied for on a yearly basis and all applicants for either a new or renewal mooring permit must demonstrate a business reason necessitating the Working Float and/or mooring location applied for.

The location designated for an approved mooring permit may subsequently be moved if the Harbor Master determines that the area in which the Working Float is located is congested. A mooring permit for a Working Float may set forth such conditions and requirements as the Harbor Master may deem desirable including, but not limited to, requiring that the Working Float be moored “fore and aft” and that the mooring be comprised of ground tackle of a size determined by the Harbor Master to be sufficient to safely moor the Float with it’s intended gear.

Working Floats are subject to the provisions of this Ordinance and, notwithstanding any other provision to the contrary, if the Working Floats or items stored thereon becomes, in the opinion of the Harbor Master, after consulting with the Deputy Harbor Master for that area, condition, or safety or if any provision of subsection G is violated, the Harbor Master shall notify the permit holder of such violation and, if such is not remedied within seven (7) days of notification, the Harbor Master may revoke the permit and cause the Mooring(s) and Float to be removed and stored at the permit holder’s expense.

H. Mooring Floats

1. Mooring floats may be moored in the waters of Boothbay on a space-available basis, as assigned by the Harbor Master. The granting of a mooring float site permit entitles the holder to one side of a mooring float. No permission for a mooring float shall be allowed by the Harbor Master in the event that the placement of the mooring float interferes with navigation of other vessels, interferes with the use of other mooring sites by vessels with permits, or in the event that the placement of such a float is inconsistent with space management of the Harbor.
2. The dimension of a mooring float shall be determined by the Harbor Master and Port Committee. In the event that permission is granted for the establishment of a mooring float on an approved mooring site, then the float, once established, shall be treated as an extension of the mooring gear and mooring hardware. All mooring floats shall be inspected prior to launching of the float and the mooring permit holders shall be responsible for completing all necessary repairs on the mooring and float prior to a

written report being submitted by permit holder or appointed agent to the Harbor Master or Deputy Harbor Master.

3. Applications for a site for a mooring float shall be submitted to the Harbor Master on forms provided by the Harbor Master. In addition to any information reasonably requested by the Harbor Master, the application form shall be accompanied by a Mooring Float Agreement between parties sharing the use of a mooring float. The Mooring Float Agreement form shall be provided by the Harbor Master. That agreement shall include a provision which states that a party ceasing to use that mooring float or terminating the use of that mooring float shall remain responsible for that party's share of fees or expenses of maintenance concerning that mooring float and gear. Such responsibility shall continue until that mooring float and gear is removed from the mooring site or until another party has assumed the use of that mooring float and gear and has agreed to pay any outstanding fees or expenses for maintenance associated with that mooring float and gear. The Harbor Master shall not accept an application for a mooring float site unless the application is accompanied by the signed agreement.
4. In the event that a person ceases to use a mooring float, or the use otherwise terminates, then the purchase price of that person's share of the mooring float and gear shall be disclosed, in writing, to the Harbor Master and that purchase price shall not exceed one half of the current fair market value of that mooring float and gear, as determined by the Harbor Master. In order to ensure maximum usage of mooring floats in the waters of Boothbay, the Town of Boothbay shall have the right of first refusal for any mooring float that becomes available for sale.

In the event of a dispute among mooring site permit holders with an approved mooring float and gear concerning the refusal or failure of a person sharing that float to pay a proportionate share of maintenance, taxes or harbor fees owed by owners for that float and gear, the Harbor Master shall be advised of such a dispute. In the event of non-payment of those shares of maintenance, taxes or mooring fees, the Harbor Master shall have the authority to terminate the mooring site permit and to re-assign that site to another mooring site permit holder.