STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, May 15, 2006 at 7:02 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

V. GENERAL

VI. AGENDA ITEMS:

A. PROCLAMATION: ARBOR WEEK

CITY OF SACO
PROCLAMATION:
Arbor Week 2006

WHEREAS: In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
WHEREAS: this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
WHEREAS: In 1978, the State of Maine first celebrated Arbor Week during the 3rd full week of May, and
WHEREAS: trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
WHEREAS: trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and
WHEREAS: trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim the week of May 15 through May 19, 2006 as the celebration of Arbor Week in the City of Saco, and I urge all citizens to celebrate Arbor Week by supporting efforts to protect our trees and woodlands, and I further urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed by the Saco City Council on this 15th day of May 2006

David Tripp – Ward 1
Ronald Morton – Ward 3
Arthur Tardif – Ward 5
Jesse McDougal – Ward 7

Leslie Smith, Jr. – Ward 2
Roland Michaud – Ward 4
Eric Cote – Ward 6

SACO CITY COUNCIL

Councilor Michaud moved, Councilor Smith seconded to accept Mayor Johnston’s Arbor Week 2006 Proclamation. The motion passed with seven (7) yeas.
B. RESOLUTION CONCERNING ADJUSTMENT OF MUNICIPAL BOUNDARY

CITY OF SACO

RESOLUTION

Resolution Concerning Adjustment of Municipal Boundary

WHEREAS: the City of Saco has issued a building permit for the construction of a residence on property which is located partly within Saco and partly within Old Orchard Beach, the Old Orchard Beach portion being identified on the Town Assessor’s records as Map 105, Block 4, Lot 49, 17 Patoine Place, and the Saco portion being identified on the attached Exhibit A; and

WHEREAS: the residence to be constructed on the property will be located entirely within Saco, but the only road access to the property is in Old Orchard Beach; and

WHEREAS: the property owners signed a waiver agreement agreeing that the property would not be provided with any municipal services by Saco; and

WHEREAS: to avoid the complexities of assessing a single lot located in two municipalities, it is appropriate to adjust the municipal boundary between the Town of Old Orchard Beach and the City of Saco so that the property will be located entirely within the Town of Old Orchard Beach;

NOW, THEREFORE, be it resolved:

The Saco City Council respectfully requests that the Legislature of the State of Maine act to adjust the municipal boundary between the Town of Old Orchard Beach and the City of Saco so that the property identified on the attached Exhibit A will be located entirely within the bounds of the Town of Old Orchard Beach.

Signed and dated this 15th day of May, 2006:

Councilor David Tripp – Ward One
Councilor Leslie Smith Jr., - Ward Two
Councilor Ronald Morton – Ward Three
Councilor Roland Michaud – Ward Four
Councilor Arthur Tardif – Ward Five
Councilor Eric Cote – Ward Six
Councilor Jesse McDougal – Ward Seven

Councilor Smith moved, Councilor Michaud seconded to accept Mayor Johnston’s Resolution Concerning Adjustment of Municipal Boundary. The motion passed with seven (7) yeas.

Note: Please refer to page 7 “Exhibit A” for the complete “Suggested Deed Description Old Orchard Beach/Saco Town Line Revision”.

C:\Program Files (x86)\PDFConverter\temp\NVDC\588CCE0F-5730-49A2-8560-C7C8A68C27B2\51b4a9aa-1359-4bca-9f56-aea6fbe2fa8cf\file.doc 07/25/2016
C. LIQUOR LICENSE RENEWAL/ENTERTAINMENT PERMIT – KERRYMEN PUB  
(PUBLIC HEARING)

Kerry Brothers, Inc. d/b/a Kerrymen Pub has applied for their Liquor License/Entertainment Permit to be renewed for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, Entertainment sub-section 93-2.

Councilor McDougal moved, Councilor Tardif seconded to open the Public Hearing on renewing the Kerrymen Pub Liquor License and Entertainment Permit. The motion passed unanimously.

There were no comments from the public.

Councilor McDougal moved, Councilor Tripp seconded to close the Public Hearing and Be it Ordered that the City Council grant the renewal of Kerrymen Pub Liquor License and Entertainment Permit for the period of one year, subject to exiting routes corrections being completed, per the Building Inspector. Further move to approve the Order. The motion passed with seven (7) yeas.

D. CODE AMENDMENTS TO CHAPTER 118, RIVER AND HARBOR AND WATERFRONT ORDINANCE; AND ARTICLE 7 SECTION 4-39-C-PROCEDURE-(2ND & FINAL READING)

The City is in the process of considering amendments to Chapter 118 of the City Code. The Coastal Waters Commission has spent months working on amendments to Chapter 118, River and Harbor and Waterfront. The proposed amendments could result in significant changes to the Ordinance, the majority of which address the following:

- Improved consistency within the Ordinance;
- Establish mandatory minimum fines for derelict vessels and operation of a vessel without proper safety equipment;
- Defining imprudent operation of a vessel;
- Creates a harbor patrol;
- Prohibits overnight camping on the beaches;
- Regulates surfing;
- Creates a no wake zone;
- Establishes dates for placement and removal of moorings;
- Parking permit rules have been changed; and
- The Coastal Waters Commission quorum has been changed from 3 to 4 members to reflect the recent change of number of members from 5 to 7.

The City Council discussed this item at Workshop on March 20, 2006; the First Reading was held on April 3, 2006; a Public Hearing was held on April 18, 2006; and the Council discussed this item again in Workshop on May 1, 2006.

The Coastal Water Commission met on April 5, 2006, and reviewed the proposed changes to Chapter 118 River and Harbor and Waterfront Ordinance, and is recommending adoption of Amendment One which can be found under Administrative Code, Article 7 § 4-39-B Organization (5), and also recommends the adoption of Amendment Two, dated April 5, 2006.

The City of Saco hereby ordains and approves the Second and Final Reading of the document entitled, Amendments to Chapter 118, River and Harbor and Waterfront Ordinance; and Article 7 § 4-39-c Procedure, dated March 20, 2006.
AMENDMENT ONE: The City of Saco hereby Ordains and Approves amendment one as follows:

(new wording is underlined while wording to be deleted is struckthrough)

Administrative Code, Article 7, § 4-39-B. Organization (5)

A. Organization
(5) The term of office of a member shall be three years. Members shall be eligible for reappointment to two consecutive three year terms. Thereafter, Members may be appointed for a maximum of two consecutive three year terms but may be appointed again after one year off of the Commission. Two new members appointed in 2002 shall be appointed to terms of three years respectively. Each Commissioner shall be a resident of the City, shall be persons qualified to perform the duties of such office and shall serve without compensation.

AMENDMENT TWO: Councilor Michaud moved, Councilor Smith seconded that the City of Saco hereby ordains and approves the Main Motion with Amendment One and Amendment Two incorporated, and identified as the document ‘Amendments to Chapter 118, River and Harbor and Waterfront Ordinance; and Article 7 Section 4-39-c Procedure, Corrected version dated April 5, 2006’. The motion passed with five (5) yeas and two (2) nays – Councilors Tripp and Smith.

AMENDMENT THREE: Councilor Tripp moved, Councilor Smith seconded that the City of Saco hereby ordains and approves amendment three, as follows:

(new wording is underlined, while wording to be deleted is struckthrough).

Section 118-10. Diving, Swimming, Fishing on or near Public Wharves, Docks, Landings, Piers or Within the Channel Prohibited.

B. No person shall fish from city wharves between the hours of 5:00 am and 5:00 pm Monday through Saturday, and on Sunday from Labor Day to Memorial Day.

The motion failed with two (2) yeas and five (5) nays – Councilors Morton, Michaud, Tardif, Cote and McDougal.

TABLE – AMENDMENT THREE - Councilor Cote moved, Councilor McDougal seconded to Table Amendment Three. The motion failed with three (3) yeas and four (4) nays – Councilors Tripp, Smith, Morton and Tardif.

Note: Please refer to page 12 “Exhibit B” for the complete “Chapter 118 River and Harbor and Waterfront Ordinance”.

E. ACCEPT THE INTERGOVERNMENTAL COOPERATION REPORT

The Councils of Biddeford, Saco and Old Orchard Beach adopted a resolution in February of 1998 encouraging the development of Operational Agreements and Joint Ventures between the three municipalities.

Since 1998, the Mayor and City Manager from Biddeford, the Town Council Chair and Town Manager from Old Orchard Beach and the Mayor and City Administrator from Saco have been meeting regularly, sometimes monthly, to address consolidation of programs and efficient delivery of services. Over the years, various departments have invested considerable time and effort to structure partnerships to assist in departmental goals for the three communities as a whole. The benefits realized can and have been enormous, especially during catastrophic events and fiscal funding hardships, thus allowing for the well being of the community.

The Intergovernmental Cooperation Report contains the decision criteria and alternative strategies that will be selected and implemented if they are politically acceptable, administratively and technically workable, results oriented and legally, ethically, and morally feasible.

C:\Program Files (x86)\PDFConverter\temp\NVDC\588CCE0F-5730-49A2-8560-C7C8A68C27B2\51b4a99a-1359-4bca-9f56-aae6fbc2fa8cf.jpg 07/25/2016
Councilor Michaud moved, Councilor Morton seconded, “Be it ordered that the City Council accept the document titled, ‘Intergovernmental Cooperation Report, dated April 19, 2006’”. Further move to approve the order. The motion passed with seven (7) yeas.

**Note:** Please refer to page 34 “Exhibit C” for a copy of the complete Intergovernmental Cooperation Report.

**XI.** Councilor Morton moved, Councilor Michaud seconded, Be it Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, § 405 (6)(C), move to enter into EXECUTIVE SESSION to discuss:

A. Surplus Real Property Bids

*The motion passed with seven (7) yeas. Time: 7:37 p.m.*

Councilor Tripp moved, Councilor Michaud seconded to move out of Executive Session. The motion passed with seven (7) yeas. Time: 8:57 p.m.

**X.** Report from Executive Session: Councilor Smith moved, Councilor Tripp seconded, Be it Ordered that the City Council vote to award bids for real property.

- Award bid for Map 2, Lot 15-1 to John and Jo-Ann Lapointe for $21,000 with the following restriction ‘no dwelling units’;
- Award bid for Map 22, Lot 19 to Joyce Farrington for $10,000 with the following restriction ‘the city to retain a drainage easement’;
- Award bid for Map 24, Lot 2 to Vincent Pelletier for $500, with the following restriction ‘no dwelling units’;
- TABLED - Award bid for Map 31, Lot 204 to Todd Richardson for $30,000 with the following restriction ‘no dwelling or building units’. This item will be discussed at a later date.;
- Award bid for Map 53, Lot 165 to Derek Taylor for $1,100 with the following restriction ‘city to retain a drainage way’;
- Award bid for Map 89, Lot 26 to Jason Scott for $1,000 with the following restriction ‘city to keep 75 feet For a turnaround’;
- Award bid for Map 100, Lot 36-2 to Eric and Laurel Pearson for $5,000 with the following restriction ‘add to parcel owned by Pearson’;
- Award bid for Map 125, Lot 9 to Wayne Nelson for $35,000 with the following restriction ‘no houses to be built’.

*Further move to approve the Order. The motion passed with seven (7) yeas.*

**VII.** Councilor Smith moved, Councilor Tripp seconded, Be it Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, § 405(6)(D), move to enter into EXECUTIVE SESSION to Discuss:

A. Labor Contract Negotiations

*The motion passed with seven (7) yeas. Time: 8:58 p.m.*
Councilor Smith moved, Councilor Tripp seconded to move out of Executive Session. The motion passed with seven (7) yeas. Time: 9:03 p.m.

VIII. Report from Executive Session: Councilor Smith moved, Councilor Tripp seconded. Be it Ordered that the City Council authorize the City Administrator to sign the three (3) year Saco Professional Fire Fighters Association (IAFF) Union Contract. Further move to approve the Order. The motion passed with seven (7) yeas.

XI. ADJOURNMENT

Councilor Smith moved, Councilor Tripp seconded to adjourn. Time: 9:04 p.m.

ATTEST: ____________________________  DATE APPROVED: ____________________________
Michele L. Hughes, Deputy City Clerk
EXHIBIT A

SUGGESTED DEED DESCRIPTION
OLD ORCHARD BEACH/SACO TOWN LINE REVISION

May 10, 2006

A certain lot or parcel of land located on the northwesterly sideline of the City of Saco/Town of Old Orchard Beach town line, in the County of York and State of Maine; said parcel being more particularly described as follows:

Beginning at a capped iron rod set (PLS #2190) on the northwesterly sideline of a private way known as Trotter Lane and the existing town line of Old Orchard Beach and City of Saco at the corner of land now or formerly of Ronald Patoine; said point of beginning being N 37°-07'-57"W a distance of 59.85 feet from a capped iron rod found (PLS #2190) in the Town of Old Orchard Beach at the intersection of the southwesterly sideline of said Trotter Lane and the northwesterly sideline of the cul-de-sac of Patoine Place, so-called, at the easterly corner of land of Ronald Patoine;

thence from said point of beginning S 49°-46'-25"W across the land of Ronald Patoine and along the exiting Old Orchard Beach/City of Saco town line a distance of 210.17 feet to a point and land now or formerly of Ronald and June LaPointe;

thence N 37°-07'-57"W along the land of said LaPointe a distance of 149.81 feet to a capped iron rod found (PLS #1235) and land now or formerly of Biddeford & Saco Water Company;

thence N 57°-55'-58"E along the land of Biddeford & Saco Water Company a distance of 594.18 feet to a capped iron rod to be set (PLS #2190) and land now or formerly of Richard and Ronald Patoine;

thence S 41°-07'-26"E along the land of Richard and Ronald Patoine a distance of 65.27 feet to a capped iron rod found (PLS #1293) and the northwesterly sideline of said Trotter Lane and the existing town line of Old Orchard Beach and City of Saco;

thence S 49°-46'-25"W along the northwesterly sideline of said Trotter Lane and along the existing town line of Old Orchard Beach and City of Saco a distance of 387.11 feet to the point of beginning.

The above-described parcel contains 63,820 s.f. All bearings refer to Magnetic North as observed in 1977.

ddPatoineLine
RELEASE AND ACKNOWLEDGEMENT

I, RONALD PATOINE, owner of a certain parcel of land found partially in the City of Saco (Tax Map 46, Lot 3) and partially in the Town of Old Orchard Beach, herein acknowledge and understand that this lot has no frontage on a public or private road in the City of Saco, but may qualify as a building lot of record under the current Saco Zoning Ordinance. I am desirous of securing such a building permit. Recognizing that I may be qualified for a building permit, I am proceeding and requesting one with full understanding and agreement that essential City services are not able to access my property including plowing trucks, school buses, garbage collection vehicles, fire and emergency vehicles, etc.

Notwithstanding these limitations, I am nonetheless requesting a building permit and understand that my City taxes will be based upon the assessed value of my home regardless of the availability, or non-availability of such City services.

I herein specifically release and hold the City of Saco harmless from its inability and/or failure to provide such services now or in the future; but only until such time as a public road of the City of Saco can access my property. For so long as my property lacks frontage on a public street of the City of Saco, I release and hold it harmless from any and all claims, suits, damages, demands, causes of action and judgments, related to or arising from in any way the issuance of this building permit, my building upon such parcel, and the inability of the City to access and deliver essential and/or non-essential services to my lot.

Dated at Saco, Maine this ___/____ day of September, 2005.

WITNESS:

Kim McLaughlin

Ronald Patoine

(Print Names)

STATE OF MAINE
YORK COUNTY, SS.

September 10, 2005

Then personally appeared the above-named RONALD PATOINE, who gave oath and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public
Print Name: JEFFREY THOMPSON, JR.

MY COMMISSION EXPIRES OCTOBER 18, 2007
Print Summary

MBLU: 046/003/002/000/
Location: PACER AVE
Owner Name: SALAMACHA GARY H
Account Number:

Parcel Value

<table>
<thead>
<tr>
<th>Item</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>0</td>
</tr>
<tr>
<td>Xtra Bldg Features</td>
<td>0</td>
</tr>
<tr>
<td>Outbuildings</td>
<td>0</td>
</tr>
<tr>
<td>Land</td>
<td>200</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
</tr>
</tbody>
</table>

Owner of Record
SALAMACHA GARY H
PO BOX 148
OLD ORCHARD BCH, ME 04064

Ownership History

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Book/Page</th>
<th>Sale Date</th>
<th>Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALAMACHA GARY H</td>
<td>7606/216</td>
<td>10/27/1995</td>
<td>0</td>
</tr>
</tbody>
</table>

Land Use

<table>
<thead>
<tr>
<th>Land Use Code</th>
<th>Land Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1070</td>
<td>REAR LAND MDL-00</td>
</tr>
</tbody>
</table>

Land Line Valuation

<table>
<thead>
<tr>
<th>Size</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.14 AC</td>
<td>200</td>
</tr>
</tbody>
</table>

Construction Detail

Building #1
STYLE Vacant Land

Building Valuation

<table>
<thead>
<tr>
<th>Living Area: 0 square feet</th>
<th>Replacement Cost: 0</th>
<th>Year Built:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depreciation: 100%</td>
<td>Building Value: 0</td>
<td></td>
</tr>
</tbody>
</table>

Print Summary

MBLU: 048/003/000/000/
Location: PORTLAND RD
Owner Name: PATOINE RONALD
Account Number:

Parcel Value
Item Assessed Value
Buildings 0
Xtra Bldg Features 0
Outbuildings 0
Land 12,100
Total: 12,100

Owner of Record
PATOINE RONALD
8 PATOINE PL
OLD ORCHARD BCH, ME 04064-1182

Ownership History
Owner Name Book/Page Sale Date Sale Price
PATOINE RONALD 3883/14 6/17/1986 0

Land Use
Land Use Code Land Use Description
392V EXCESS COM MDL-00

Land Line Valuation
Size Assessed Value
1.99 AC 12,100

Construction Detail
Building #1
STYLE Vacant Land

Building Valuation
Living Area: 0 square feet Replacement Cost: 0 Year Built:
Depreciation: 100% Building Value: 0

Amendments to Chapter 118, River and Harbor and Waterfront Ordinance; and Article 7 Section 4-39-c Procedure

Corrected Version Dated April 5, 2006

Wording to be deleted is shown as a strikethrough and new wording is underlined.

Chapter 118

HARBOR AND WATERFRONT

ARTICLE I

General Regulation of Waters

§ 118-19. Harbor Patrol

§ 118-20. Waste and Refuse

§ 118-21. Storage

Rentals and Rental Agents

§ 118-22. Definitions

§ 118-23. Licensing and Rental Agreement

§ 118-24. Prohibited Acts

§ 118-25. Agent Negligence; City’s Right to Recovery of Costs

ARTICLE II

Camp Ellis Pier, Parking Lot and Public Landing Regulations

§ 118-26. Title

§ 118-27. General Regulations

§ 118-28. Camp Ellis Pier and Parking Lot Fund

§ 118-29. Traffic & Parking Regulations

ARTICLE III

Prohibited or Restricted Actions

§ 118-7. Waterskiing and Aircraft

§ 118-8. Title
§ 118. Derelict Vessels.

§ 118-9. General regulations.
§ 118-9. Obstructing a Wharf, Dock or Pier

§ 118-10. Violations and penalties.
§ 118-10. Diving, Swimming, Fishing on or near Wharves, Docks, Landings, Piers or Within the Channel Prohibited.

§ 118-11. Camp Ellis Pier and Parking Lot Fund
§ 118-11. Obstructing Channel or Inner Harbor

§ 118-12. Traffic and parking regulations
§ 118-12. Operation of a Vessel Without Proper Safety Equipment

ARTICLE III. Traffic on Beach and Dune Areas

§ 118-13. Title.
§ 118-13. Imprudent Operation of a Vessel on beach prohibited; exceptions

§ 118-14. Failing to Report Collision or Accident

§ 118-15. Traffic on dune areas prohibited; damage to vegetation
§ 118-15. Endangerment of Life or Property

§ 118-16. Violations and penalties
§ 118-16. Surfing [deleted; covered under section 118-7]

[HISTORY: Adopted by the City Council of the City of Saco: Art. I: 4-18-1995; Art. II, 4-18-1995; Art. III, 5-1-1995 as Ch. XX, Sec. 20-7 of the 1994 Code. Amendments noted where applicable; Amended__________, 2005.]

GENERAL REFERENCES
Animals on beaches - See Ch. 64, Art. I.

ARTICLE I
General Regulation of Waters
[Adopted 4-18-1995; Amended __ -__-2005]

§ 118-1. Title and Purpose,
This article shall be known as the "Saco River and Harbor Ordinance. This Ordinance 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, including waterways, tidal areas, rivers and beaches.

§ 118-2. Scope and Enforcement.

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

§ 118-3. Violations, Penalties, Manner and Method of Service.

A. Penalties - Whoever violates any of the provisions of this Ordinance is guilty of a separate offense for each day, part of a day, or event during which the violation is committed, continued, or permitted. Unless stated for elsewhere, each offense, upon conviction, is punishable by a civil penalty of not less than $100 and not more than $2500.

B. Violations:

(1) Derelict Vessel §118-8 - A violation of this section D or E shall have a mandatory minimum fine of $250 that may not be suspended.

(2) Operation of a Vessel without Proper Safety Equipment §118-12 - 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.

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.

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.

If, in the discretion of the acting authority, a citation is deemed necessary, such citation will be issued in the following manner:

(1) The citation includes 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;

(2) The citation used is authorized and accepted by the District Court of the State of Maine;

(3) Service of the citation is made upon the violator by a person authorized under law to make such service; and

(4) The completed citation is properly recorded in the District Court of the State of Maine having jurisdiction over the violation.

§ 118-4. Definitions.

C:\Program Files (x86)\PDFConverter\temp\NVDC\588CCE0F-5730-49A2-8560-C7C8A68C27B2\51b4a9aa-1359-4bca-9f56-aea6fbc2fa8cfile.doc 07/25/2016
For the purposes of this article, 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.

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.

COMMERCIAL USER - The owner of a commercial vessel.

CHANNELS – Areas of the harbor and river kept open for navigation or other purpose by rule or regulation of the City Council, the Department of the Army Corps of Engineers, the Harbor Master or other regulatory or legislative body.

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

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 3-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 Director of Public Works to enforce this Ordinance, and oversee the jurisdiction area of the River and Harbor.

HEADWAY SPEED – Refers to the minimum amount of power necessary to allow your 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 the bell at Sharp’s Rocks 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 – Is the means of securing a vessel to a particular location in City waters, other than temporarily by anchor, for a period not to exceed 48 hours. Dock, pier, wharf or float tie-ups are not moorings. A vessel is moored if at anchor for more than 48 consecutive hours.

PIER – Means 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.

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.

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, including:
A. COMMERCIAL VESSEL - Any vessel that is used in an activity that produces income.

B. RECREATIONAL VESSEL - Any vessel used strictly for pleasure and that does not produce any income.

C. COMMERCIAL VESSEL PIER USE – Allows vessels paying the appropriate fee
   Use of the floats, pier, hoists and fuel facility.

D. RECREATIONAL VESSEL PIER USE – Allows vessels paying the appropriate fee
   use of the floats. Limited occasional use of the pier and hoists is allowed with the permission of the Harbor Master.

WATERS – Shall mean Saco Bay and its surrounding coastal waters and beaches, the Saco River and its
surrounding tidal areas, as well as those port and landing facilities owned and/or managed by the City.

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.

§118-5. Coastal Waters Commission
A. Purpose and duties.

(1) Establishing policy. The Saco Coastal Waters Commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco and planning for its future use; to advise the City Council on policy matters; and to propose to the City Council regulations concerning the Saco River and the City’s coastal waters. The proposed regulations and policies shall be consistent with federal and state law.

(2) Further duties. In addition, the Commission shall review and cooperate in maintenance and care of City-owned waterfront facilities with the Harbor Master and Public Works Department and plan harbor improvements in conjunction with the City, state and federal authorities. The Commission shall sit as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act or failure to act of the Harbor Master. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City as is appropriate of its activities.

(3) The Commission shall review, evaluate and make a recommendation to the City Administrator and Director of Public Works on the new appointment of the Harbor Master.

B. Organization.

(1) The Coastal Waters Commission shall consist of seven members, appointed by the Mayor and confirmed by the City Council.

(2) Neither a municipal officer nor his or her spouse may be a member of the Commission.

(3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the Commission’s members, except the member who is being challenged.

(4) Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his membership on the Commission if he fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.

(5) The term of office of a member shall be three years. Members may be appointed for a maximum of two three-year terms, but may be appointed again after one year off the Commission. Each
C. Procedure.

(1) A Chairman and Secretary shall be elected by the Board in April of each year.

(2) The Chairman or City Administrator shall call meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. The Commission shall meet at least twice per year, semiannually, to conduct official business. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least three members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.

(3) The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Municipal Clerk’s office and may be inspected at reasonable times. The City Administrator may assign secretarial help to do minutes and other clerical work of the Commission.

(4) The Commission shall adopt rules of procedure, which will be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.

D. Procedure for appeals from decision of the Harbor Master.

(1) Jurisdiction. The Coastal Waters Commission shall hear any appeal by any person affected directly or indirectly from any decision, order, rule, act or failure to act of the Harbor Master. In deciding any appeal, the Commission shall hear and approve, approve with modifications or disapprove the decision, order, rule, act or failure to act of the Harbor Master from which the appeal is made. The Commission’s decision shall be made within 30 days of the filing of the appeal.

(2) The Commission may receive any oral or documentary evidence but shall provide, as a matter of policy, for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(3) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons and/or basis therefore. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, agency or office, the City Administrator, City Clerk, Mayor and City Council within seven days of its decision.

(4) An appeal may be taken from any act or decision of the Coastal Waters Commission by appeal to the City Council.

E. Interlocal cooperation. The municipal officers of the City of Saco recognize the aesthetic beauty and environmentally sensitive condition of the Saco River, its harbors and the coastal waters of Saco Bay and fully recognize its obligation to the citizens of Saco and future generations to protect such a
natural resource. The City Council further recognizes that the City of Biddeford also has an obligation to its citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Coastal Waters Commission of Saco join with a similar Commission created by the City of Biddeford to address and incorporate community needs and wishes. The Commission shall have no police powers or authority to create regulations and ordinances or to commit funds, but shall exist for the general purposes enumerated in Subsection A(1), Establishing policy.

§ 118- 6. Harbor Master; Duties

There shall be a Harbor Master appointed by the Director of the Department of Public Works. The Harbor Master will also be under the direction of the Director of Public Works 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, Municipal Harbor Commission or such other bodies empowered to regulate municipal harbors and specifically assigned herein including the proper designation of channels, assignment and location of anchorages, the assignment and monitoring of moorings, maintenance and placement of buoys, and other defined tasks, all as herein set forth below.

A. 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 Article.

B. Anchorage. 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 opinion, such vessel is so anchored as to impede navigation or to endanger other vessels.

C. Moorings.

   (1) Assignment of moorings.

      (a) 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 apply for such permission in advance. The Harbor Master shall then assign a location for such mooring and shall advise the applicant concerning the requirements of these rules and regulations. 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, he shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and he 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 article. Moorings shall be set by June 30th of each year.

      (b) City Hall shall maintain a waiting list, with a registration fee established by the City Council after a public hearing. [Amended 4-18-2000; 4-7-2003]

      (c) 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.
there is a dispute about mooring assignments, the Saco Coastal Waters Commission shall hear appeals from the decisions of the Harbor Master.

(2) Application for Mooring permits.

(a) 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.

(b) Mooring permits shall specify the name, address and telephone number of the owner; whether the mooring has been inspected and when, and the name, draft, size, year built, horsepower and kind of the vessel to be moored.

(c) Permits shall be good for one year (March 15 to March 15).

(d) Moorings that are not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned and be removed at the owner’s expense, and the location shall be reallocated. (e) The annual application fee for the waiting list shall be established by the City Council after a public hearing. [Amended 4-7-2003]

(f) Moorings are not transferable by the permit holder, except as provided by M.R.S.A. Title 38 section 3-A. [Amended 12-21-1998]

(3) 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.

(4) Inspections of moorings. The Harbor Master or his designee shall inspect moorings biannually. [Amended 4-18-2000]

(a) As a guideline, the minimum mooring standards below are established;

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Maximum Chain Link Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>500</td>
<td>350</td>
<td>3/8</td>
</tr>
<tr>
<td>20</td>
<td>1,500</td>
<td>750</td>
<td>3/8</td>
</tr>
<tr>
<td>25</td>
<td>5,000</td>
<td>1,500</td>
<td>1/2</td>
</tr>
<tr>
<td>30</td>
<td>8,000</td>
<td>1,800</td>
<td>1/2</td>
</tr>
<tr>
<td>35</td>
<td>12,000</td>
<td>2,500</td>
<td>1/2</td>
</tr>
<tr>
<td>40</td>
<td>3,500</td>
<td>5/8</td>
<td></td>
</tr>
<tr>
<td>Over 40</td>
<td>At the discretion of the Harbor Master</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES: All new mooring floats shall meet United States Guard regulations: a white ball with a blue stripe. (5) Manner/Condition of Moorings:

(a) All new mooring floats shall meet United States Coast Guard regulations: a white ball with a blue stripe.

(b) The float attached to the mooring line shall be of sufficient size to remain afloat when not attached to the vessel.
(c) 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 intention to examine the mooring and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.

(6) Vessels moored as to impede navigation or to endanger other vessels. 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 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; provided, however, that if the Harbor Master shall find an emergency requiring immediate action to prevent injury to life or damage to property, he or she may cause said mooring and any vessel attached thereto to be removed and relocated or re-moored without advance notice to owner. Any expense involved shall be borne by the owner of the mooring or vessel.

(7) 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.

(8) Removal. 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.

(9) Violations as to Moorings.

(a) Upon a first violation of this article relating to moorings, the Harbor Master shall issue a written warning to the owner of the mooring, and to any operator if applicable.

(b) Any subsequent violation by any person receiving a warning shall be subject to those penalties as set forth in Section 118-3.

(c) In addition to any fines sought and/or paid, the City, by and through the Harbor Master, shall retain the unilateral right to remove moorings that are in channels or otherwise obstruct navigation or that remain in violation of this article, provided that a written warning has first be given to the owner. Any such removal shall be at the expense of the owner. The Harbor Master may place a lien on any mooring and related tackle that he removes under this article to secure his claim for expenses.

D 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 three vessel lengths 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.

ARTICLE II
Prohibited or Restricted Actions
§118-6-7 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 waterskiers, 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 ½ hour after sunset and ½ hour before sunrise. Special waterskiing areas will be designated by the City Council.

B. Hours regulated. No person shall engage in surfing or waterskiing or the use of surfboards or water skis or jet skis in the tidewaters along the shore in Saco from Goose Fair Brook, along the ocean, including the shore at Kenney Shores, Bay View, Ferry Beach and Camp Ellis, so called, from June 1 of each year to September 10 of the same year, during the period commencing at 9:00 a.m. and ending at 5:00 p.m., except in connection with water carnivals and exhibitions authorized by the City Council. No such activity may be conducted during the period commencing ½ hour after sunset and ending ½ hour before sunrise.

C. Water-ski jumps. No person shall locate or use on the public waters under the jurisdiction of this Council a water-ski jump without first obtaining the approval of the City Council or its duly authorized representative.

D. 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.

ARTICLE II, Camp Ellis Pier, Parking Lot and Public Landing Regulations [Adopted 4-18-1995]

§ 118-8. Title.

This article shall be known as "Camp Ellis Pier Regulations."

§ 118-8. 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. Is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;

C. Is damaged to the extent that it cannot be moved under its own power;

D. The owner, captain or operator of the vessel has failed or refused to comply with the lawful orders of the harbormaster, assistant harbormaster 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 harbormaster. 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 other non-individual, 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 ordinance.

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 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 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.

(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 their 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.

Note: §118-3 Penalties, Violations, Manner and Method of Service outlines the fine for violations of this section.

§ 118-9. General 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 he shall first obtain a permit therefor, as is hereinafter provided.

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.

C. All pier user and storage permits are to be for a maximum of one year and are renewable on or before March 15 on said public dock, pier or mooring. The rates for all said fees and permits shall be established by the City Council, by Council order, before the last regular meeting of November of each year. [Amended 4-18-2000]
D. All said wharf fees and mooring fees should be paid to the City of Saco through the City Clerk's office and a receipt for same presented to the Harbor Master. [Amended 4-18-2000]

E. New mooring applications must be approved by the Harbor Master.

F. 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.

§ 118-9. Obstructing a Public Wharf, Dock, Landing or Pier

A person obstructs a wharf, dock, landing or pier if that person intentionally or knowingly:
A. Obstructs, 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. Allows a vessel under that persons 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.

§ 118-10. Violations and penalties.

Any person who violates any of the provisions of this article shall be punished by a fine of not more than $500 for each offense. Each separate day when the boat or vessel uses or is stored on a public wharf, dock or pier shall constitute a separate offense.

§ 118-10. Diving, Swimming, Fishing on or near Public Wharves, Docks, Landings, Piers or Within the 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


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 an enterprise fund into which all the proceeds derived from the pier and parking lot shall be deposited. The funds in the 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 and parking lot, as recommended 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 the pier account.

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 Saco City Council.

§ 118-11. Obstructing Channel or Inner Harbor Prohibited

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 within a channel; 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.

§ 118-12. 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 as follows:

(1) Diagonal parking 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 commercial fishermen with permits.

(3) Five miles per hour speed limit.

(4) No parking in front of launching ramp.

(5) No throwing of rocks and debris in the river.

(6) Boat trailers are to be parked in designated areas.

(7) Camping is not permissible.

(8) Parking violators shall be towed away at the owner's expense.

(9) All cars and trucks parked in the parking lot shall prominently display a current pier user sticker or seasonal parking sticker issued by the City, unless they are paying the daily parking fee.

C. Whoever violates any provision of this section shall be punished by a fine not exceeding $20 for each offense.

§ 118-12. Operation of a Vessel Without Proper Safety Equipment

Any person operating a motorized vessel, greater than 10 feet in length, within the harbor, must carry proper safety equipment at all times. The equipment must be valid, in good condition and in proper working order.

In the case of personal flotation devices, they must be of correct size and strength for the intended wearer.

Note: §118-3 Penalties, Violations, Manner and Method of Service outlines the fine for violations of this section.

Exception: The provisions of this section, except for the requirement to carry a personal flotation device, do not apply to commercially licensed fisherman or others, who are traveling back and forth from shore or a wharf, directly to their moored vessels.
ARTICLE III, Traffic on Beach and Dune Areas  [Adopted 5-1-1995 as Ch. XX, Sec. 20-7 of the 1994 Code]

§ 118-13. Title.

This article shall be known as the "Regulations Prohibiting the Use of Motor Vehicles on the Beach and Dune Areas."

§ 118-13. Imprudent Operation of a Vessel

A person may not intentionally, knowingly or recklessly operate a vessel:

A. At a speed greater than what is reasonable and prudent for the location, weather, current and other boating traffic; or

B. The vessel lacks any required license or registration; or

C. Is or has been submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours; or

D. In a manner so as to create the potential for danger, injury, damage or unnecessary inconvenience to other vessels, swimmers, or others, or to landings, wharves, docks or floats, whether public or private, either directly or by the effect of the wash or wake created by the vessel and its operation and/or speed; or

E. Is damaged to the extent that it cannot be moved under its own power; or

F. At a speed greater than headway speed within 100 yards of designated and marked no wake zones, the shoreline, tidal marsh, Camp Ellis Pier, moorings, landings, docks, wharves, or the inner harbor; or

G. The owner, captain or operator fails or refuses to comply with a lawful order of the Harbor Master, Assistant Harbor Master or other Federal, State or local law enforcement officer or;

H. 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.

§ 118-14. Driving on beach prohibited; exceptions.

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 the City's public works vehicles designated for public safety or beach cleaning purposes or on the authority of or direction of a police officer in an emergency situation or in a case of special need. All requests for such exceptions should be made to the Chief of Police or his/her designee.

§ 118-14. Failing to Report Collision or Accident

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 collision to local law enforcement or the harbormaster by quickest means.

Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.
§ 118-15. Traffic on dune areas prohibited; damage to vegetation.

A. No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein dune grass, so called, is growing.

B. It shall also be a violation of this article to burn, crush, uproot (if possible), poison or in any other manner kill, injure or remove any dune grass, so called, or any other vegetation growing on the beach.

§ 118-15. Endangerment of Life or Property

A person is guilty of endangerment of life or property if that person:

A. Operates a vessel and fails to have a proper lookout while towing a water-skier; or

B. Operates a vessel and fails to require a water-skier to wear a personal flotation device (PFD); or

C. Operates a vessel and permits a passenger to ride on the swim platform; or

D. 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

E. Water-skis without wearing a personal flotation device (PFD); or

F. Rides or physically hangs onto the stern, bow, transom, swim platform or gunnels of a vessel while underway.

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 or carbon monoxide gases.

§ 118-16. Violations and penalties.

Any person violating any of the provisions of this article shall be subject to a fine of not less than $25 nor more than $100 for each offense.

§ 118-16. Surfing.

Surfing is permitted only in designated areas, as defined by the on-duty lifeguard, harbor patrol, Harbor Master or by use of signs or other means of notification. At all times, while surfing, safety lines must be worn.

§ 118-16. 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.

§ 118-1748. No Wake Zones

A. No wake zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.

B. Designated no wake areas will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All markers or buoys placed into the river or harbor will first be approved by the United States Coast Guard or other authority having jurisdiction over navigable waters.

C. Once approved, buoys will be placed in the designated areas by the Harbormaster, Assistant Harbormaster, or by an independent contractor hired by the City with the recommendation of the Harbormaster and Coastal Waters Commission. Placement of buoys or markers within the areas shall be done no later than May 15th, nor removed no earlier than September 15th.

D. These zones will be reviewed periodically to ensure that they do not conflict with state or local law and reflect the needs of the citizens of Saco.

§ 118-1819. Use of Dune Area.

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.

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

§ 118-1920. Harbor Patrol

A. Recognizing the increase in recreational boating traffic and other activities within the Saco River and Saco Bay, the City of Saco hereby establishes the Harbor Patrol, which shall be operated under the supervision of the Chief of Police.

B. The Harbor Patrol will be responsible for ensuring that safe boating practices are used within our waterways and for the enforcement of City Ordinances and State Law.

C. Members of the Harbor Patrol will be law enforcement officers as defined under Title 25, section 2801-A(5). The Chief of Police may appoint such members of the Police Department as Harbor Patrol members as shall from time to time be necessary.

D. The Harbor Patrol will typically operate from Memorial Day weekend to Labor Day weekend or longer, as determined by available resources and the Chief of Police.


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 between high or low watermark.
§ 118-2122. Storage.

Personal property, such as lobster pots, automobiles, cradles, boats, etc., shall not be stored on city wharves or landings. 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.

ARTICLE III
Rental Agents

§ 118-2223. Definitions.

Rental Agent is defined as any person, firm, proprietorship or corporation who specifically 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.

§ 118-2324. Licensing and Rental Agreement.

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.

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:

A. The occupant capacity and weight limits of the craft being rented and operated.

B. Proper operational instruction and safety education for the craft being used.

C. Personal Flotation Devices (PFDs) of adequate size and proper working order for all intended occupants of the craft.

D. Verify, by way of demonstrated ability, the operator’s knowledge of the craft and equipment and ability to control and maneuver the craft safely.

E. 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 wake violations and a map indicating “no wake” areas.

For subsection “B”, 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.

For subsection “D”, 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 “d” if the person renting has previously rented and demonstrated their ability, with that type of equipment, within the last 30 days.


The following violations, in addition to fines outlined in section 118-3, will also result in the immediate suspension of all City Business licenses and/or permits. No Rental Agent may continue to operate until the violations have been corrected and the City is satisfied with those corrections.

A. Failing to Provide Safety Instruction: A rental agent is guilty of failing to provide safety instruction if they fail to comply with all the requirements of section 118-23.
B. Failing to Maintain Records: The rental agent must maintain written records showing that the requirements of section 118-23 were followed. If a waiver of subsection “d” 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.

C. 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 section 118-23 is guilty of this violation.

§ 118-2526. Agent Negligence; City’s Right to Recovery of Costs.

When a Rental Agent fails to follow the provisions of this division and an accident or incident occurs that requires 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.

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.

ARTICLE IV
Camp Ellis Pier, Parking Lot and Public Landing Regulations
[Adopted 4-18-1995]

§ 118-2627. Title.

This article shall be known as "Camp Ellis Pier Regulations."

§ 118-2728. General 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 therefore, as is hereinafter provided.

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.

C. All pier user and storage permits are to be for a maximum of one year and are renewable on or before March 15 on said public dock, pier or mooring. All moorings are to be for a maximum of one year and are renewable on or before March 15th. All pier user permits and storage permits are to be for a maximum of one year from July 1st thru June 30th, with a Late Fee assessed on or after July 1st. The rates for all said fees and permits shall be established by the City Council, by Council order, before the last regular meeting of November of each year.

D. All said wharf fees and mooring fees should be paid to the City of Saco through the City Clerk’s office and a receipt for same presented to the Harbor Master. [Amended 4-18-2000]

E. New mooring applications must be approved by the Harbor Master.

F. 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.

§ 118-2829. 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 an enterprise fund into which all the proceeds derived from the pier and parking lot shall be deposited. The funds in the 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 and parking lot, as recommended 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 the pier account.

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 Saco City Council.

§ 118-29 30. 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 as follows:

(1) Diagonal parking 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 commercial users with permits.

(3) Five-miles-per-hour speed limit.

(4) No parking in front of launching ramp.

(5) No throwing of rocks and debris in the river.

(6) Boat trailers are to be parked in designated areas.

(7) Camping is not permissible.

(8) Parking violators shall be towed away at the owner's expense.

(9) All cars and trucks parked in the parking lot shall prominently display a current pier user sticker or 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 user permit stays with the permit holder and is transferable to another vehicle.

Administrative Code, Article 7 – Section 4-39-C. Procedure (2)
(2) The Chairman or City Administrator shall call meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. The Commission shall meet at least twice per year, semiannually, to conduct official business. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least three four members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.

EXHIBIT C

The Councils of Biddeford, Saco and Old Orchard Beach adopted a resolution in February of 1998 encouraging the development of Operational Agreements and Joint Ventures between the three municipalities. The resolution stated, in part:

Whereas, the three Communities have long standing mutual aid agreements for public safety, emergency rescue and local shuttlebus services, and

Whereas, the three communities jointly provide adult education programs and technical and vocational education at the Regional Center of Technology, and

Whereas, the home rule charters of the respective communities allow Councils to enter into interlocal agreements to perform and finance governmental operations, and

Whereas, the State of Maine authorizes under the Interlocal Cooperation Act intergovernmental agreements for the delivery of services and the purchase of capital equipment, and

Whereas, the deregulation of the cable, phone, and utility industries makes regional cooperation and teamwork vitally important to the future success of their organizations.

Now Therefore, Be It Resolved that the Municipal Councils of Biddeford, Old Orchard Beach and Saco do hereby acknowledge and endorse the development of new interlocal partnerships aimed at combining
limited resources, manpower, and physical facilities. Further, we support the consolidation of programs and projects between the tri-Municipalities to promote cost effective delivery of services.

Since 1998, the Mayor and City Manager from Biddeford, the Town Council Chair and Town Manager from Old Orchard Beach and the Mayor and City Administrator from Saco have been meeting regularly, sometimes monthly, to address consolidation of programs and efficient delivery of services. Over the years, various departments have invested considerable time and effort to structure partnerships to assist in departmental goals for the three communities as a whole. The benefits realized can and have been enormous, especially during catastrophic events and fiscal funding hardships, thus allowing for the well being of the community.

Our objectives are:
- Continue to be accessible and responsive to the public;
- Actively communicate with the public;
- Enhance collaboration with surrounding jurisdictions on regional issues;
- Evaluate municipal services to maximize competitiveness and the efficient use of existing resources;
- Leverage the use of information technology to communicate with the public;
- Provide services expeditiously, improve operational efficiency, and support internal communications;
- Provide clear and meaningful measurement on progress toward achieving strategic goals and communicate this to the public.

A measure represents a clear mutual understanding and commitment regarding expectations in five areas:

1. Specify desired results. The results should be discussed in terms of quantity and quality. Set budgets and schedules. Set timetables.

2. Guidelines. Identify no-no’s or failure paths that have been identified by past experience. What is the level of initiative regarding responsibilities? What are the reporting expectations?

3. Identify available resources. Identify the financial, human, technical, and city resources available to get desired results. What structures and systems are available?

4. Define accountability. What are the standards of acceptable performance? Results can be evaluated three ways; measurement, observation, and discernment. How are progress reports to be made and accountability sessions held?

5. Determine consequences. Reach an understanding of what follows when the desired results are achieved or not achieved.

Our decision criteria and alternative strategies will be selected and implemented if they are politically acceptable, administratively and technically workable, results oriented and legally, ethically and morally feasible.

**Future Opportunities**

River Interlocal Agreement: Combine Coastal Water Commissions, Saco and Biddeford jointly hire a harbormaster.

Electric utility: Determine feasibility of service by Kennebunk Light and Power; Form a tri-community energy committee to prepare energy audits and plans to reduce reliance on fossil fuels.
First Priority:

- **Dispatch consolidation** – explore feasibility of consolidation.
- Solid Waste Recycling education - by Agreement share an educator between Saco and Scarborough.
- Storm Water Management Phase ll - share an educator and programs with 16 PACTS communities.
- Biddeford joins Saco and Old Orchard in development in a unified Geographic Information System. Saco and Scarborough share a GIS coordinator.
- PACTS: The Destination Tomorrow planning document is being updated to include the tri-communities.
- How do future developments affect infrastructure of neighboring community?
- Saco has adopted the 2005 International Codes.
- Traffic light upgrade and synchronization - review intersection to determine those with highest impact on public safety vehicle operations.
- Eastern Trails Management District - complete trails in Old Orchard, then Saco then Biddeford.
- Saco Spirit and Heart of Biddeford - explore merging both with the Chamber of Commerce.
- Water quality monitoring programs ongoing in Saco River and on beaches.
- Information technology - Saco, Biddeford and Old Orchard Beach, currently use the same assessing, financial, GIS and dispatching software. Can we share computers and staff?
- Transit Committee - should the Shuttlebus operations be merged with METRO and South Portland bus services?
- Business Parks - cooperative marketing of parks.

**Mutual Aid Programs**

**Fire Department:**
Automatic aid agreements have been signed with Biddeford, Old Orchard Beach (OOB), Scarborough, and Buxton.

**Public Works:**
Program- includes all York County communities with 6 confirmed; Biddeford, OOB, Alfred, Wells, Saco, South Berwick, Berwick, and Kennebunk.

**Police Department:**
Mutual aid agreements with Biddeford, Scarborough, and OOB for emergency responses.

**Regional Efforts & Programs**

**City Administration:**

- Tri-Community initiative - City is actively involved in the development of Tri-Community efforts – Mayors of Saco and Biddeford meet with OOB Council Chair on a monthly basis to discuss current issues. Leads departmental efforts to seek networking with other municipal officials, towards cost effective program developments.
- Old Orchard Beach, Biddeford and Saco retained an expert Cable television attorney to assist in franchise renewal with Time Warner cable.
- Saco Bay Implementation Team continues to work to address erosion a Camp Ellis. Sand for Saco River Dredge and Scarborough River could be used for beach nourishment.

**Code Enforcement Office:**

- Biddeford and Saco are working to adopt the same edition of Building Codes in an effort to uniformly apply codes to a common base of contractors.
Economic Development and Planning:
- Greater Portland Council Of Governments (GPCOG) - assists Cumberland & York Counties in economic development issues.
- Southern Maine Regional Planning Commission (SMRPC) - assists York & Cumberland Counties in economic development issues.
- Southern Maine Economic Development District (SMEDD) - joint GPCOG & SMRPC effort
- Regional Transportation Advisory Committee (RTAC).
- Biddeford Saco Chamber of Commerce.
- Cooperative marketing of industrial parks with City of Biddeford included mailing of a single brochure promoting both parks in 1999.
- Planning activities include participation in Saco Bay Implementation Team, Eastern Trail Management District and Saco River Corridor Commission.

Education Department
- School Union #7 includes Saco and Dayton.
- Adult and alternative education offered jointly by OOB and Saco.

Fire Department:
- Tri-Community emergency equipment bidding and purchase,
- Training for recruits and firefighters, and instructor sharing, Biddeford and Saco dive teams and response teams,
- Juvenile fire setter County wide program, and
- Saco River flooding, and evacuation program.

Finance:
- Saco, Scarborough and OOB use the MUNIS financial software.
- Cooperative Purchasing; Saco, Biddeford and OOB annually jointly purchase heating and diesel fuel.

Parks and Recreation:
- Biddeford, Thornton Academy & City of Saco – Sharing of specialized equipment for field maintenance activities.
- Dayton, Biddeford, OOB and Arundel have combined efforts for the fall soccer program with each community provided a facility for games.
- Biddeford and Old Orchard each have a couple of teams in Saco’s Winter Basketball program and have formed tennis league for adults.

Police Department:
- Maine Chief’s Region 1 Training Council – training curriculum for all police officer is shared, Tri-Community – tactical response team,
- Saco, OOB and Biddeford use the IMC dispatch and police record software packages.
- Dispatch study is ongoing with OOB, Biddeford and York County.
- River patrol is shared between Saco and Biddeford.

Public Works:
- Tri-Community Utility Inspection System operations and training.
- Solid Waste Management Team: Saco, Biddeford, OOB and Scarborough have been meeting for nearly 2 years to address common needs.
- Scarborough, Saco and Biddeford have funded a recycling educator.
PACTS membership started in 2002. This inclusion in PACTS was the result of population increases documented in the last Census. This also qualified us for inclusion in the EPA Storm Water Phase 2.

Cooperatively purchased Biosolids disposal services with several York County communities.

**Shuttle bus:**

- The Transit Committee was formed in 1979 by an interlocal agreement of Saco Biddeford and Old Orchard Beach.