STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Tuesday, February 19, 2013 at 7:00 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., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL
A. FORECLOSED PROPERTY DISPOSITION

The listing below shows six properties, upon which the City foreclosed on 12/15/11 for nonpayment of property taxes, and on 1/13/11 for nonpayment of sewer fees. Several attempts have been made to notify the property owners about the matured tax liens. Until recently, all attempts were unsuccessful and the city foreclosed on the properties. Staff has spoken with firms representing 3 of the 6 properties and provided payoff amounts for the outstanding sewer fees. Authorization is being requested to initiate the disposal procedure provided by the Code for the remaining three properties.

The Planning Board reviewed the properties and the procedures outlined in Chapter 81 of City Code, and recommended that the City pursue seeking sealed bids for the foreclosed properties and involving affordable housing entities as potential bidders.

The Council discussed this item at Workshop on December 17, 2012, and again on January 22, 2013.

Update on Foreclosure Information as of February 14, 2013

Staff suggests removing these three properties from the former list discussed on January 22, 2013, as contact with the mortgage holder or representative thereof has been initiated for each, payoff amount provided, and there’s reason to believe outstanding fees will be paid in the near future.

79 Bradley St.  52 – Lot 81  7/16/12  $2,970.67 Sewer fees
54 Hillview Ave.  87 – Lot 18-5  7/16/12  $3,825.81 Sewer fees
63 Cumberland Ave.  28 – Lot 12  7/16/12  $ 988.71 Sewer fees

Note 2/19/13: Mayor Johnson noted that there were corrections to the suggested motion. The city has just made arrangements with the owners of the below 2 properties, so they are being removed from tonight’s motion for disposal.

20 Coolidge Ave.  34 – Lot 37  7/16/12  $2,144.03 Sewer fees
22 James Street  32 – Lot 46  7/16/12  $2,027.07 Sewer fees

Councilor Smith moved, Councilor Lovell seconded “Be it Ordered that the City Council move to authorize the City Administrator to initiate the disposal procedure for the property described below as provided in the City Code Chapter 81, City Property §81-2”.

<table>
<thead>
<tr>
<th>Property</th>
<th>Map Lot Number</th>
<th>Lien Date</th>
<th>* Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>58 Washington Ave.</td>
<td>33 – Lot 123</td>
<td>1/16/12</td>
<td>$5,854.91 Taxes and sewer</td>
</tr>
</tbody>
</table>
*This figures do include interest or lien and foreclosure charges.

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

**B. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT – CINEMAGIC & IMAX/PREVIEWS GRILL & BAR – (PUBLIC HEARING)**

Zyacorp Entertainment Inc. d/b/a Cinemagic & IMAX/Previews Grill & Bar has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Blood moved, Councilor Smith seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Blood moved, Councilor Smith seconded to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Zyacorp Entertainment Inc. d/b/a Cinemagic & IMAX/Previews Grill & Bar for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

**C. CODE AMENDMENTS TO CHAPTER 118 – MOORING PERMITS – (FIRST READING)**

The Coastal Waters Commission is proposing changes to the Chapter 118 Ordinance and the Mooring Permit Application. A summary of the proposed amendments follows:

► Additions to the “Definitions” section to clarify terms and add new terms for vessel types and undesirable behavior;
► Splitting the mooring details out from the “Harbormaster’s Duties” as its own section to make it easy to find;
► Added a section providing remedies for disorderly conduct at the pier;
► Set forth a third classification of Pier User – “Charter Vessel”;
► Added a provision to limit the number of Charter Vessel permits granted to address overcrowding;
► Changed the original text describing abandoned moorings and replaced it with equivalent text from the current Boothbay Harbor ordinance. We respectfully wish to have the council revisit their removing similar wording late last year;
► Added the table describing mooring construction requirements;
► Formatting updates to improve flow and address changes listed above; and
► Updated the attached Mooring Permit to reflect some of these changes.

Councilor Lovell moved, Councilor Tardif seconded “Be it ordered that the City Council approve the First Reading of the documents titled, ‘Chapter 118 River, Harbor, and Waterfront Ordinance dated February 4, 2013’, and ‘City of Saco Mooring Permit Application Revised February 4, 2013’, and further move to schedule the Public Hearing for March 4, 2013.” Further move to approve the order. The motion passed with seven (7) yeas.

The complete Chapter 118 Ordinance is below.
CHAPTER 118
RIVER, HARBOR AND WATERFRONT ORDINANCE

Dated: March 4, 2009 February 4, Spring 2013

ARTICLE I

General Regulation of Waters
§ 118-1. Title and Purpose.
§ 118-2. Scope and Enforcement.
§ 118-3. Violations, Penalties, Manner and Method of Service.
§ 118-4. Definitions.
§ 118-5. Coastal Waters Commission
§ 118-6. Harbor Master; Duties

ARTICLE II

Prohibited or Restricted Actions
§ 118-8-. Waterskiing and Aircraft
§ 118-9-. Derelict Vessels.
§ 118-10-. Obstructing a Wharf, Dock or Pier
§ 118-11-. Diving, Swimming, Fishing on or near Wharves, Docks, Landings, Piers or Within the Channel Prohibited
§ 118-12-. Obstructing Channel or Inner Harbor
§ 118-13-. Operation of a Vessel Without Proper Safety Equipment
§ 118-14-. Imprudent Operation of a Vessel
§ 118-15-. Failing to Report Collision or Accident
§ 118-16-. Endangerment of Life or Property

§ 118-17-. Beach Restrictions
§ 118-18-. Headway Speed Only Zones
§ 118-19-. Use of Dune Area
§ 118-20-. Harbor Patrol
§ 118-21-. Waste and Refuse
§ 118-22-. Storage

ARTICLE III

Rentals and Rental Agents
§ 118-23-. Definitions
§ 118-24-. Licensing and Rental Agreement
§ 118-25-. Prohibited Acts
§ 118-26-. Agent Negligence; City’s Right to Recovery of Costs

ARTICLE IV

Camp Ellis Pier, Parking Lot and Public Landing Regulations
§ 118-27-. Title
§ 118-28-. General Pier Use Regulations
§ 118-29-. Camp Ellis Pier and Parking Lot Fund
§ 118-30-. Traffic & Parking Regulations
ARTICLE I
General Regulation of Waters
[Adopted 4-18-1995; Amended 5-15-2006]

§ 118-1. Title and Purpose.

This article shall be known as the "Saco River, Harbor and Waterfront 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, which includes all waters adjacent to riverfronts and beaches within the City of Saco, including waterways, tidal areas, rivers and beaches.

§ 118-2. Scope and Enforcement.

No provision of this Ordinance shall be interpreted as conflicting with federal and state laws applicable to the coastal waters, tidal rivers and harbors of this State, but shall be read as supplementing said laws where applicable. This 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, or part of a day, or event during which the violation is committed or continued, or permitted. Unless stated 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 §118.4-9 - A violation of 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 §118.4-13 - 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.

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.

BEACHING PILINGS – Pilings installed adjacent to the landing for purpose of pier user permit holders’ boat maintenance.

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

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

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

CHARTER VESSEL – a vessel that carries passengers for hire to engage in sightseeing or fishing.

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

COMMERCIAL VESSEL – The owner of a commercial vessel engaged in commercial fishing for profit.

DISORDERLY CONDUCT – In a public place, a person intentionally or recklessly causes annoyance to others by intentionally:

(1) Making loud and unreasonable noises;
(2) Activating a device, or exposing a substance, that releases noxious and offensive odors; or
(3) Engaging in fighting, without being licensed or privileged to do so;

B. In a public or private place, the person knowingly accosts, insults, taunts or challenges any person with offensive, derisive or annoying words, or by gestures or other physical
conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.

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.

HARRASSMENT - A person is engaged in harassment if, without reasonable cause; the person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been notified, in writing or otherwise, not to engage in such conduct by any sheriff, deputy sheriff, constable, police officer or justice of the peace or person of equivalent authority.

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

INNER HARBOR – Refers to the area from green can buoy #7 to the area known as the Lower Narrows and encompasses all of Camp Ellis.

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

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

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.

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

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

A. COMMERCIAL VESSEL PIER USE – Allows vessels paying the appropriate fee the priority use of the floats, pier, and hoists for the unloading of perishable product, as well as use of the fuel facility (if available).

B. CHARTER VESSEL PIER USE – Allows vessels paying the appropriate fee the use of the pier, floats and hoists, as well as the fuel facility (if available).

C. RECREATIONAL VESSEL PIER USE – Allows vessels paying the appropriate fee use of the
PORT – Includes Saco Bay, the City wharves at Saco, together with all known landings and any other public landings or wharves that might be acquired by the City of Saco.

RECREATIONAL VESSEL – a vessel used solely for personal recreation.

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

SAFETY EQUIPMENT – Includes, but is not limited to, signals, flares, horn, fire extinguisher and personal flotation devices as defined in federal law per the Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

VESSEL – Includes boats of all sizes, propelled by sail, machinery or hand; scows, dredges, shellfish cars and craft of any kind, 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, hoists and fuel facility 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. How are those “waters”?

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 and procedures. 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 and procedure 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 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 or her 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 commissioner shall be a resident of the City, shall be persons qualified to perform the duties of such office and shall serve without compensation.

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 four members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.

(3) The Secretary shall assure that a permanent record of all Commission meetings and all correspondence of the Commission is maintained. 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 conditions 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 their 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 therefor. Notice of any decision shall be mailed or hand delivered to the petitioner, their 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 to 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 (DPW). The Harbor Master will 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, Coastal Water 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.

The Harbormaster’s duties shall include:

A. The proper designation of channels.

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. Said channel shall also remain consistent with the US Army Corps of Engineers designation of the tidal portion of the Saco River as a Project.

B. The assignment and location of anchorages.

B. Anchorages—Vessels shall be anchored in the harbor in such places or areas as the Harbor Master shall designate. The Harbor Master may at any time order any vessel at anchor to change position when, in his or her opinion, such vessel is so anchored as to impede navigation or to endanger other vessels. Anchorages shall also remain consistent with the US Army Corps of Engineers designation of anchorages within the Saco River Project.
C. The assignment and monitoring of moorings.
D. The maintenance and placement of buoys.
E. Implementation of this Ordinance, and
F. Any other defined tasks herein set forth below.

Moorings.

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 submit a Mooring Permit Application to the City and request such permission in advance from the Harbor Master. 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, the Harbor Master shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and the Harbor Master shall assign mooring privileges in all cases where individuals who own or have an interest in the shore rights are complainants and shall locate suitable mooring privileges temporarily or permanently, fronting their lands if so requested, but not so as to encroach upon the natural channel or channels established by this article. Moorings shall be set by July 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. If 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) The City of Saco Mooring Permit Application form contains additional rules and regulations regarding use and placement of moorings.

(c) Permits shall be good for one year (March 15 to March 14).

(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.

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, 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 or her within thirty (30) days of receipt of said notice, in accordance with M.R.S.A. 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) 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 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.

(a) All mooring requirements will be determined by the Harbor Master. Guidelines on mooring block weight, attachment requirements and chain link size are listed below and on the mooring permit application.

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Minimum 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></td>
<td>5/8</td>
</tr>
</tbody>
</table>

(4) Inspections of moorings. The Harbor Master or their designee shall inspect moorings biannually. [Amended 4-18-2000] It is the permit holder’s responsibility to contact the Harbormaster to arrange for inspections. Two visits by the Harbormaster are included in the mooring application fee; any additional visits required to complete an inspection shall be at the applicant’s expense.

(5) Manner/Condition of Moorings:

(a) All mooring floats shall meet United States Coast Guard regulations.

(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 or her intention to examine the mooring, either in writing or verbally, and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.
(d) If a party fails to properly maintain their mooring, float or cable, the Harbor Master may, in writing, issue a seven (7) day notice to cure letter. If the party thereafter fails to correct the deficiency identified by the Harbor Master, the party’s mooring permit shall thereafter be revoked upon the filing of a written decision from the Harbor Master.

(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, whether written or verbal; 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 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, unless, in the sole opinion of the Harbor Master, immediate action is determined necessary to mitigate a hazardous condition and ensure proper navigation and/or public safety. In the event of such determination, a verbal notification is deemed sufficient.

(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 obstructing navigation or that remain in violation of this article, provided that a written warning has first been given to the owner, except as noted above in paragraph 9(a). 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 or she removes under this article to secure his or her 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

<table>
<thead>
<tr>
<th>§ 118-78. Waterskiing and Aircraft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Vessels towing water-skiers and aquaplanes. There shall be no waterskiing in congested mooring areas, anchorage areas or in speed-limit areas. No person shall operate a vessel while towing water-skiers, aquaplanes or similar devices unless there is present in said vessel, in addition to the vessel operator, another person in a position to observe and assist the person or appurtenance being towed. The operator of such a vessel will be held responsible for compliance with the navigating rules for both the vessel and the person or appurtenance being towed. Except in connection with water carnivals and exhibitions authorized by the City Council, no such activity may be conducted during the period between 1/2 hour after sunset and 1/2 hour before sunrise. Special waterskiing areas will be designated by the City Council.</td>
</tr>
</tbody>
</table>

| ☞B. 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. |

| ☞C. Aircraft. Aircraft shall be governed by the appropriate rules and regulations of the Maine Aeronautics Commission, excepting that they shall observe the same mooring and anchorage rules and regulations that apply to vessels. |

<table>
<thead>
<tr>
<th>§ 118-98. Derelict Vessels.</th>
</tr>
</thead>
<tbody>
<tr>
<td>An owner, captain or operator of a vessel allows that vessel to become derelict if:</td>
</tr>
<tr>
<td>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;</td>
</tr>
<tr>
<td>B. Is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;</td>
</tr>
<tr>
<td>C. Is damaged to the extent that it cannot be moved under its own power; or</td>
</tr>
<tr>
<td>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;</td>
</tr>
<tr>
<td>E. The owner of the vessel has failed or refuses to pay any applicable license fee, excise tax, harbor usage fee, mooring fee, dock or landing fee or any other service fee imposed by the city or Harbor Master. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>
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 or her actions thereon to the clerk forthwith. If the owner or part owner is unknown or resides outside this state, such notice shall be given by publication in a paper published in the county for three successive weeks.

(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.

§ 118-910. Obstructing a Public Wharf, Dock, Landing or Pier.

No person shall obstruct a wharf, dock, landing or pier by 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.

§ 118-1140. 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.

§ 118-124. 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

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.

§ 118-132. Operation of a Vessel Without Proper Safety Equipment.

No Person shall operate a vessel without meeting current State Law.

§ 118-142. Imprudent Operation of a Vessel.

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

§ 118-154. 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 Harbor Master by quickest means.

Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.

§ 118-165. 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 bow while underway; 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 and/or carbon monoxide gases.

§ 118-176. 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.

§ 118-185. Headway Speed Only Zones

A. Headway speed only zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.

B. Designated headway speed only zones will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All types and locations of markers or buoys placed into the river or harbor will be approved by the authority having jurisdiction over navigable waters.

C. Once approved, buoys will be placed in the designated areas by the Harbor Master, or by an independent contractor hired by the City with the recommendation of the Harbor Master and Coastal Waters Commission. Placement of buoys or markers within the areas shall be at the discretion of the Harbor Master.

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

§ 118-198. 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.

§ 118-2049. 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.

§ 118-224. 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.

118-23 Disorderly Conduct / Harrassment

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

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

ARTICLE III
Rentals and Rental Agents

§ 118-224. 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.

§ 118-225. 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 headway speed violations and a map indicating “headway speed only” 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.

§ 118-246. Prohibited Acts.

The following violations, in addition to the 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.

§ 118-247. 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]

§ 118-268. Title.
This article shall be known as "Camp Ellis Pier Use Regulations."

§ 118-279. 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. A pier use agreement must be signed prior to the issuance of a user permit.

B. No person who owns, leases or operates a commercial charter or recreational vessel shall store said boat or vessel on any public wharf, dock, pier or parking lot.

C. All said pier use and mooring fees should be paid to the City of Saco through City Hall and a receipt for same presented to the Harbor Master. [Amended 4-18-2000]

D. User fees, mooring fees and parking fees are to be established annually by the City Council, by resolution, after a public hearing, as recommended by the Coastal Waters Commission.

E. Commercial Fisherman Pier Use Permit holders have priority use of the hoists for loading and unloading perishable products.

F. Use of the beaching piles located adjacent to the public landing will be available to pier use permit holders. The maximum size boat to use the piles shall not exceed 20,000 pound displacement. Proper support must be installed under a berthed boat prior to allowing people to go into the boat fall area. Boats may only be berthed on the north side of the pilings to maintain access to the public landing at all times. Berthed boats may remain at beaching piles for one full tide cycle.

118-30 Pier Use Permits

A. There shall be three (3) types of Pier Use Permits.
   1. Commercial Vessel Pier Use
   2. Charter Vessel Pier Use
   3. Recreational Vessel Pier Use

   Commercial Vessel Pier Use—Allows vessels paying the appropriate fee the priority use of the floats, pier, and hoists for the unloading of perishable product, as well as use of the fuel facility.
   Charter Vessel Pier Use—Allows vessels paying the appropriate fee the use of the pier, floats and hoists, as well as the fuel facility.
   Recreational Vessel Pier Use—Allows vessels paying the appropriate fee use of the floats for loading and unloading. Limited occasional use of the pier, hoists, and fuel facility is allowed at the discretion of the Harbor Master.

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

C. Pier Use by Mooring Permit Holders – A Mooring Permit holder who wishes to maintain a vessel at the pier shall obtain a Pier Use Permit.
§ 118-2831. Camp Ellis Pier and Parking Lot Fund.

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

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

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

§ 118-3229. 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 pier users with permit holders.

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 vessel pier user permit stays with the permit holder and is transferable to another vehicle.
City of Saco
Mooring Permit Application
Revised February 4, 2013

Owner’s Last Name: ______________________

Date of Application: ______________________

New _____ Renewal _____

Use (circle): Recreational Comm. Fish Other: _______

Boat Information:
Boat Reg/Doc #: ______________________ Boat Name: ______________________

Make: ______________________ Type: ______________________


Owner Information (individual/business):
Name: ______________________

Summer Address: ______________________

Winter Address: ______________________

E-mail: ______________________ Home Tel. #: ______________________ Bus Tel. #: ______________________

Contact name: ______________________
(business contact or local responsible person required for non-residents)

I have read and agree to the attached terms and conditions of the mooring permit.

Signed: ______________________ Date: ______________________

Office Use Only

Harbor Master Biannual Inspection Date: ____________ By: ________________

Mooring Tackle Information: Heavy Chain: _______ ft. Light Chain: _______ ft.

Bowline Nylon: _______ ft. Ball Size: _______ Pennant Size: _______

Location of Mooring: ___ Camp Ellis ___ Up River: ______________________

Date Present Mooring Put Down: _______ Latitude: _______ Longitude: _______

Harbor Master Signature: ______________________ Date: ______________________

City Staff
Date Received: ________________ By: ________________

Payment Type: _______ Cash _______ Check/Money Order

Fees
Mooring Fee: $125.00
Late Fee: $50.00
Application Fee: $10.00
Terms and Conditions

1) THIS PERMIT IS NON-TRANSFERABLE and is for the use of the above-named boat only, except on a temporary basis at the discretion of the Harbor Master.

2) Location of all moorings will be assigned by the Harbor Master or Assistant Harbor Master. The location is subject to change at any time at the discretion of the Harbor Master or Assistant Harbor Master as conditions dictate.

3) The Permit Holder is responsible for setting their mooring and making adjustments as required for the safety of their boat and adjacent boats.

4) MOORING NUMBERS AND BOAT REGISTRATION NUMBERS MUST BE ON THE WHITE MOORING BUOY in at least 3" tall font numbers on a white ball.

5) If any boat on a mooring is taking on water or in danger of sinking, the Harbor Master may authorize a private contractor to pump out said boat at the boat owner’s expense of the owner. The owner must pay the contractor within 60 days, or lose mooring privileges.

6) Registration form and fee must be received on or before March 15th or a pay an additional late fee. All moorings not registered by July 30th will be considered abandoned, removed and their locations reassigned. All moorings must be in by July 30th or their location will be reassigned according to waiting list priority.

7) 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.

7) 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, 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 the Ordinance.

8) 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.

(a) The following mooring standards are provided as a guideline, all mooring requirements will be determined by the Harbor Master.

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Minimum 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>
</tbody>
</table>
D. ZONING ORDINANCE AMENDMENT - §412-1 HEIGHT OF BARNs AND SIMILAR STRUCTURES – (SECOND AND FINAL READING)

The proposed Zoning Ordinance Amendment would increase the height limit for barns from 35 feet to 50 feet in those zones where they are most likely to be proposed: C-1, and to a lesser extent, B-2a and B-2b, where ‘Public Riding Stables’ are a conditional use.

A proposed footnote 23, will be added to §412-1, which is a list of footnotes to Table 412-1, and also proposed is a definition of “Barn,” which represents an amendment to Article 3. Definitions.

The Planning Board considered the proposed amendments in two workshop sessions, held a public hearing on Nov. 27, 2012, continued to December 11, and forwards a positive recommendation for the proposed changes.

The Council discussed this at Workshop on January 7, 2013 and the First Reading was on January 22,
2013; the Public Hearing was February 4, 2013.

**Note:** Councilor Lovell learned at the Public Hearing that Ms. Austin is being represented by the same firm that employees his wife. Mr. Lovell stated that there is no relationship between the Lovell’s and the Austin’s. But, there is the appearance of a conflict of interest. Mr. Lovell requested that the Council be polled on whether he should abstain from voting on this matter.

Councilor Tripp moved, Councilor Smith seconded that there was no conflict of interest and that Councilor Lovell could participate and vote on the item. The motion passed with six (6) yeas and one (1) Abstention – Councilor Lovell.

Councilor Blood moved, Councilor Lovell seconded “The City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012’.”

“Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012”

**Amend Section 412-1 as follows. Language proposed for deletion is **struckthrough**, while proposed new language is **underlined**.**

23. The maximum height of a non-commercial barn or similar structure in the C-1, B-2a, B-2b and BP zones shall be 50 feet. If proposed as 35-40 feet in height, a barn shall be set back no less than 50 feet from side and rear lot lines. If 41-45 feet in height, a barn shall be set back no less than 75 feet from side and rear lot lines. If 46-50 feet in height, a barn shall be set back no less than 100 feet from side and rear lot lines.

**Amend Article 3 as follows.**

**Barn:** a large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles.

(End: ‘Proposed Amendments to the Saco Zoning Ordinance Concerning Section 412-1 and Article 3, December 11, 2012.’)

**AMENDMENT** - Councilor Smith moved “The City Council hereby ordains and approves the amendment to the document ‘Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012’; as follows:

If proposed as 35-40 feet in height, a barn shall be set back no less than 50 feet from side and rear lot lines. If 41-45 feet in height, a barn shall be set back no less than 75 feet from side and rear lot lines. If 46-50 feet in height, a barn shall be set back no less than 100 feet from side and rear lot lines. The barn or similar structure shall have a sideyard and rearyard setback equal to 105% of its height.

**TABLED –** Councilor Cote moved, Councilor Lovell seconded to table this item and request the City Administrator to designate a person to sit down with both parties and try to come to some agreement. The motion passed with five (5) yeas and two (2) nays – Councilors Tripp and Smith.

This item will come back to the Council on March 4, 2013 for a vote.

**Note:** Councilor Cote was nominated to sit with the parties to discuss a resolution.
VI. CONSENT AGENDA

Councilor Smith moved, Councilor Tripp seconded to approve consent agenda item #1 & #2 as follows:

1. “Be it Ordered that the City Council approve the minutes for February 4, 2013”. Further move to approve the Order;

2. “Be it Ordered that the City Council grant the applications for a License to Operate Games of Chance: Various Pull Tickets with 20 games from April 1, 2013 to October 1, 2013 as submitted by the Fraternal Order of Eagles – Saco Aerie #3792”. Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. ADJOURN THE MEETING

Councilor Tripp moved, Councilor Smith seconded to adjourn the meeting at 7:42 p.m. The motion passed with unanimous consent.

Attest: _________________________________

Michele L. Hughes, City Clerk