

MINUTES
Ordinance Committee Meeting
Wednesday, January 15, 2025 – 5:00 P.M.

Item 1. Call to Order. Councilor Shupe, called the meeting to order at 5:04pm

Item 2. Roll Call. Committee members Councilor Karin Shupe (Chair), Councilor William Donovan, and Councilor Cory Fellows were present. Liam Gallagher, Assistant Town Manager was also present.

Item 3. Approval of minutes from October 9, 2024. Motion by Councilor Donovan, seconded by Councilor Fellows, to move approval of the October 9, 2024 meeting minutes as written.

Vote: 3 Yeas. Motion Passes.

Item 4. Public Comment. None at this time.

Item 5. Coastal Waters and Harbor Ordinance. Daryen Granata, Harbormaster gave an overview of this item. Discussion ensued between Committee members and Daryen Granata.

Motion by Councilor Donovan, seconded by Councilor Fellows, to move the Coastal Waters and harbor Ordinance amendments to the Town Council, as follows:

CHAPTER 1401
COASTAL WATERS AND HARBOR ORDINANCE FOR THE
TOWN OF SCARBOROUGH, MAINE

Article I - General Provisions

Section 1. Purpose and Authority.

This ordinance is to establish regulations for marine activities within the harbors, waterways and tidal waters of the Town of Scarborough, Maine in order to ensure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource. This ordinance shall be subordinate to existing Federal and State Laws governing the same matters and is not intended to preempt other valid laws.

This Ordinance is enacted pursuant to the authority granted by Subchapter I of Chapter 1 of Title 38 of the Maine Revised Statutes, by 30-A M.R.S.A. §3001 and by Article VIII, Part 2, Section 1 of the Maine Constitution.

Section 2. Harbor Limits.

“Harbors and waterways” Shall include the entire navigable portion of the Spurwink River, Libby River, Nonesuch River, Scarborough River, and Dunstan River located within the Town of Scarborough and all coastal waters within the Town of Scarborough.

Coastal wetlands. "Coastal wetlands" means all tidal and subtidal lands; all areas with vegetation present that is tolerant of salt water and occurs primarily in a saltwater or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. [PL 2005, c. 330, §13 (AMD).] [Adopted 11/09/2022]

Section 3. Channels.

The entrance channel shall be determined and marked annually by the United States Coast Guard and/or the Harbor Master. The approximate location of the channel is as follows: 200 feet wide beginning at the entrance buoy (Can #1) and shall extend to a point between the jetty and Ferry Rock where it narrows to 50 feet and then continues to the anchorage of the Public Landing. The entire channel extends some 2,400 feet from the entrance buoy to the anchorage. The channel is to include the area set forth as a federal navigation project deemed by the US Army Corp of Engineers.[Amended 04/04/2007; 11/09/2022]

Other channels may be established by the Corps of Engineers and/or the Town of Scarborough from time to time.

Section 4. Anchorage.

The anchorage shall include all harbors and waterways, as defined in Section 2, located outside channels as defined in Section 3. The approximate location of the anchorage is as follows: an irregularly shaped polygon of approximately 14 1/2 acres located at the terminus of the entrance channel off the public landing. The anchorage is set forth as a federal navigation project deemed by the US Army Corp of Engineers. [Amended 11/09/2022]

Other anchorages may be established by the Corps of Engineers and/or the Town of Scarborough from time to time.

Section 5. Other areas.

The Town of Scarborough may from time to time include other tidal areas under this ordinance as necessary to promote and regulate this public resource.

Section 6. Harbor Master.

The Harbor Master shall be appointed annually by the Town Manager for a term of twelve months commencing on January 3, 1994. Certain duties and responsibilities of this office are prescribed by Title 38, M.R.S.A. The Harbor Master has the additional duty to administer and enforce the provisions of this ordinance with the authority granted by law and through her/his appointment as harbor master. [Amended 11/01/17]

An Assistant Harbor Master may be appointed annually by the Town Manager for the same term as the Harbor Master.

The compensation for the Harbor Master and the Assistant Harbor Master shall be established by the Town Council.

In addition to the duties prescribed under Title 38 M.R.S.A., the Harbor Master and the Assistant Harbor Master shall be the overseers of the Town's waterfront facilities such as moorings, floats, docks, ramps and channels. They shall make recommendations to the Town Council for maintenance and improvements to all town-owned waterfront facilities. They shall have full authority to enforce all harbor regulations affecting the waterfront to the fullest extent permitted by law.

Section 7. Invalidity Provisions.

If any provisions of this ordinance are held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

Article II - Definitions

1. Abandoned Watercraft:

Abandoned watercraft means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This term includes motors, electronics and mechanical equipment and other machinery customarily used in the operation of watercraft. [Adopted 11/09/2022]

2. Anchorage:

See Article I, Section 4. [Amended 11/09/2022]

3. Basin:

Shall mean a naturally or artificially enclosed or nearly enclosed body of water where small craft may lie.

4. Beach:

Shall mean a public or private beach area bordering the coastal waters of Scarborough harbor.

5. Commercial Fisherman:

A commercial fisherman who derives more than 50% of his/her annual income from lobstering, fishing or clamming, or any other marine fishery and who has legally obtained all necessary permits, licenses and approvals. At the Town of Scarborough's request, an individual must present proof of income prior to being considered a commercial fisherman. [Adopted 02/20/2013]

6. Commercial Vessel:

Shall mean any vessel used or engaged for any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire.

7. Committee:

Shall mean the Coastal Waters and Harbor Advisory Committee.

8. Distress:

Shall mean a state of disability or a present or obviously imminent danger which is unduly prolonged could endanger life or property.

9. Emergency:

Shall mean a state of imminent or proximate danger to life or property in which time is of the essence.

10. Float Structure:

Shall mean any floating structure normally used as a point of transfer for passengers and goods and/or for mooring purposes.

11. Headway Speed:

Shall mean just enough power to allow your boat to navigate safely through the water. Depending on the size of your boat, headway speed may vary. [Amended 11/09/2022]

12. Houseboat:

A “houseboat” is, for registration and certificate of ownership purposes, any watercraft, as defined by 38 M.R.S.A. § 11, whose primary purpose is navigation and as a means of transportation, that has propulsion, has living quarters for habitation as a secondary purpose, is equipped with propulsion and steering controls in a location on the watercraft that also provides its operator a 180-degree forward view, and has all safety and sanitation devices required by the United States Coast Guard. A houseboat shall not be defined to include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion, mechanical means, or wind. [Adopted 02/20/2013; Amended 11/09/2022]

13. Mooring:

Shall mean any appliance, tackle, mooring used by a watercraft and which appliance, tackle, mooring and / or associated equipment is not carried aboard such watercraft when underway as regular equipment.

14. Non-resident:

Shall mean any person who is not a resident.

15. Resident:

Shall mean a person who has been domiciled in the Town of Scarborough for at least three months prior to the time his or her claim of residence is made.

16. Riparian Owner:

Shall mean an owner of a parcel of land located in the Town of Scarborough which borders upon the harbor as described in Article I, Section 2.

17. Sailing Vessel:

Shall mean any vessel having both sails and either an inboard or outboard motor and which may be propelled by its sails or its motor, or both.

18. Shore:

Shall mean that part of the land is in immediate contact with a board of water, including the area between the high and low water lines.

19. Shall and May:

“Shall” is mandatory, “May” is permissive.

20. State:

Shall mean the State of Maine.

21. To Anchor:

Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor or anchors or other ground tackle.

22. Underway:

Shall mean the condition of a vessel not at anchor; without moorings; and not made fast to the shore nor aground.

23. Watercraft:

Shall mean any type of vessel, boat, barge, float, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of watercraft. “Watercraft” does not include a vessel, canoe or craft located and intended to permanently docked in one location and not used as a means of transportation on water. [Adopted 11/09/2022]

24. Waterway, (fairway):

Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

Article III - General Boating and Traffic Control Regulations

Section 1. Water-borne/Water Control Authority.

The Harbor Master shall have the authority to control water-borne traffic in any portion of the waters of a harbor or maritime facility under her/his jurisdiction by use of authorized State regulatory markers, signal, orders or directions any time preceding, during and after any race, regatta, parade or other special event held in any portion of the waters of a harbor or maritime facility or at any time when the Harbor Master deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any person to willfully fail or refuse to comply with any authorized State regulatory marker utilized by the Harbor Master, or with any signal, orders of direction of the Harbor Master. [Amended 11/01/17; 11/09/2022]

Section 2. Headway Speed Law.

The operation of any vessel within the Anchorage Area in excess of headway speed, shall constitute a violation of this Ordinance; however, the Harbor Master may grant special written permission to exceed headway speed in connection with water sports and regattas in specific areas designated by the Harbor Master.

Article IV - General Regulations

Section 1. Liability.

(a) Boat Owner:

Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to her/his property and the Town of Scarborough assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the harbor or maritime facility. [Amended 11/01/2017]

(b) Marine Facility Owner and/or Operator:

It shall be the responsibility of the owner, licensee, lessee covers, or operator of any marina, anchorage, repair yard, or other marine facility, located within the harbor, waterway or other maritime facility, to maintain the physical improvements under her/his jurisdiction in a safe, clean, and visually attractive condition at all times, to provide adequate security and fire prevention measures and appropriate fire-fighting equipment as may be directed by the Town Manager. Failure to initiate activity within 30 days of receipt of written notice from the Town Manager to correct unsafe or otherwise unsatisfactory conditions and to pursue the same to completion to the satisfaction of the Town Manager shall be a violation of this section. [Amended 11/01/2017]

Section 2. Launching and Recovery of Vessels.

(a) None other than the driver may occupy a motor vehicle while it is present upon the area known as a launching ramp located within the Town of Scarborough. It is recommended [2/22/94] all motor vehicles using said ramp should securely block at least one wheel of the said motor vehicle while it is standing upon said ramp.

(b) No person shall use a boat launching facility owned or operated by the Town of Scarborough without first obtaining an annual boat launching permit or a one-day boat launching permit from the Town. Annual permits shall be valid from April 1st of the year of issuance until March 31st of the following year, and one-day permits shall be valid for the calendar day specified on the permit. Fees for the boat launching permits shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [Amended 05/07/03]

Section 3. Permits, Suspensions or Revocations.

(a) Mooring permits granted under Article V of this Ordinance shall be valid from April 1 of the year of issuance to March 31 of the following year. Other permits granted by the Harbor Master shall be valid for the period of time specified on the permit. The fees shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council.

(b) If the Harbor Master finds that a holder of a permit under this Ordinance has violated any of the provisions of this ordinance, the Harbor Master may suspend or revoke the permit. The Harbor Master shall notify the permit holder of the suspension or revocation in writing. The suspension or revocation shall take effect as soon as the Harbor Master (1) delivers the notice in person to the permit holder, (2) posts a copy of the notice on the permit holder's vessel or (3) mails a copy of the notice to the permit holder at the most recent address which the permit holder has provided to the Harbor Master. The permit holder may appeal a suspension or revocation under this paragraph as provided in Article XI of this Ordinance.

(c) If the Harbor Master finds that a mooring has not been used for at least thirty days between April 1 and October 1 of the year in which the permit was issued or if the Harbor Master finds that the holder of the permit no longer owns the vessel specified in the mooring permit application, the Harbor Master shall give notice to the permit holder of the Harbor Master's intent to revoke the permit. Notice shall be given and shall take effect as specified in paragraph (b) above. Unless, within fifteen days of the effective date of such notice, the permit holder demonstrates extenuating circumstances to the Harbor Master, the Harbor Master shall revoke the permit using the procedure set forth in paragraph (b) above. "Extenuating circumstances" means circumstances which make it impossible or impractical to have a boat in the water during the boating season, such as, but not limited to loss or destruction of the vessel, mechanical breakdowns or unexpected repairs, and death or serious illness of the permit holder. Decisions of the Harbor Master under this paragraph (c) may be appealed as provided in Article XI of this Ordinance.

(d) A person whose permit is revoked under paragraph (b) or (c) above shall be treated as a new applicant for purposes of placement on any waiting list in the next permit year.

Section 4. Damage to Harbor or Other Property.

It shall be unlawful to willfully or carelessly destroy, damage, disturb or interfere with any public or private property in the Harbor area.

Section 5. Tampering with or Boarding Vessels without Permission.

It shall be a violation of this Ordinance for any person willfully to board, break in, enter, damage, move or tamper with any vessel or part thereof, located within the harbor unless authorized by the rightful owner of such vessel or Harbor Master, or their designee, in an emergency. [Amended 11/09/2022]

Section 6. Willful Obstruction of Facilities.

It shall be a violation of this Ordinance for any person willfully to prevent any other person from the use and enjoyment of the harbor facilities. [Amended 11/09/2022]

Section 7. Signs, Placement and Maintenance.

The Town of Scarborough may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signal buoys or control devices as the Harbor Master deems necessary to carry out the provisions of this Ordinance, or to secure public safety and the orderly and efficient use of the harbor or maritime facility.

Section 8. Securing Permission for Debarkations.

It shall be a violation of this Ordinance to disembark passengers or discharge cargo from a commercial vessel onto any public or privately-owned float, pier or wharf within the harbor, without the consent of the owner thereof or of the Harbor Master, as the case may be, except at piers and wharves expressly designed for such purposes.

Section 9. Protected Swimming Areas.

It shall be a violation of this Ordinance to operate or navigate any vessel within a designated swimming area. Developed swim area means an area delineated by line buoys in accordance with the aids to navigation system established pursuant to Title 12, Section 1894. The Town of Scarborough may identify swimming areas by signs, buoys, or other means. [Amended 11/09/2022]

Section 10. Shellfish Areas.

Shellfish regulations are contained in the Town of Scarborough's Shellfish Conservation Ordinance.

Section 11. Marking of Boats Left on Shores or Flats.

Any boat that is left on the shores or flats of the Town of Scarborough must have owner information attached to the inside of its stern. If the owner is a mooring holder, the boat must also have the mooring number attached as well. Skiffs in violation of this section will be impounded and stored at the owner's expense. [Adopted 02/18/09; Amended 02/20/13]

Section 12. Unclaimed Mooring Tackle

The owner will be responsible to pay all removal and storage fees of mooring tackle caused to be removed by the Harbor Master prior to reclaiming the tackle. If the owner fails to claim the tackle the Harbor Master will dispose of it in accordance with Title 25 MRS. Nothing in this section prevents the Harbor Master from retaining and reusing the unclaimed mooring tackle in lieu of selling it.

Article V - Regulations Concerning Anchoring, Mooring and Security of Vessels

Section 1a. Placement of Private Moorings.

It shall be a violation of this Ordinance to place any mooring in the harbor without a permit from the Harbor Master issued in accordance with 38 M.R.S.A. Sections 3, 7-A and 8. Proof of boat registration and insurance, in the same name as the mooring applicant, must be shown prior to a mooring permit being issued. No more than two (2) moorings will be issued to the same household. No more than three (3) moorings will be issued to the same commercial entity. A person whose application for a mooring permit is denied may appeal as provided in Article XI of this Ordinance. There shall be no appeal from the issuance of a permit. [Amended 12/19/18]

The sale of a recreational boat does not include the sale of the mooring locations. The mooring permit holder must notify the Harbor Master immediately upon the sale of their boat. Commercial moorings may be transferable with the approval of the Harbor Master.

Section 1b. Minimum Mooring Requirements. [Amended 02/20/13; 12/19/18]

All mooring gear shall be inspected and/or serviced by a mooring service company, or by the owner with Harbor Master approval, at least once bi-annually to determine the condition of gear and to ensure compliance with minimum standards set forth by this ordinance.

All mooring owners or mooring service companies shall notify the Harbor Master's office in writing of all inspections and service completed to mooring gear.

The Town of Scarborough recommends a 2.5 to 1 ratio for permanent moorings with the following minimum specifications:

Mushroom, Granite Block, or Pyramid (of ample size/weight) - see chart below

Heavy Chain	1.0 times maximum water depth plus one foot
Light chain or Nylon line (not floating line)	1.0 times maximum water depth
Pennant waterline	1.5 times the distance from chock to

Buoy (white poly ball preferred)

Must have assigned number and blue band painted 3" (or larger) on buoy

Total scope = Heavy chain + light chain and/or nylon line + Pennant

Example: 25 ft. cruiser;

20 ft. maximum water depth;

Distance from chock to waterline = 3 ft.

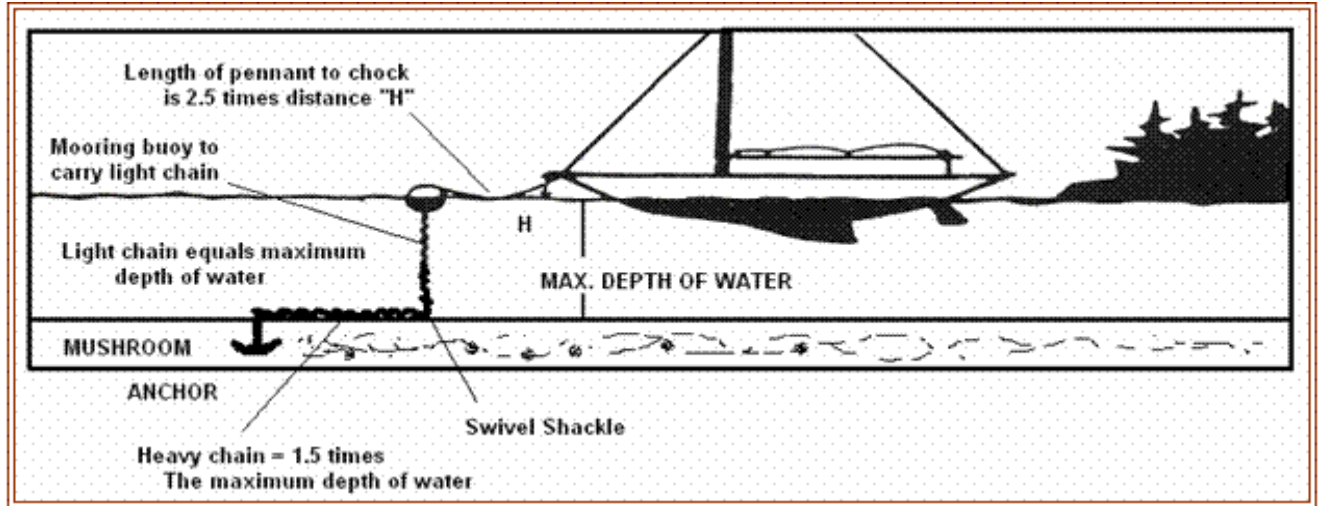
Requires: 1.05 x 20 = 30 ft. of heavy chain plus one foot
 1.0 x 20 = 20 ft. of light chain or equivalent nylon line
 1.5 x 3 = 4.5 ft. pennant

The following chart contains the minimum requirements for seasonal moorings in sheltered waters. Vessels moored year-round and/or in open areas should upgrade 1-3 steps.

Boat Length	Boat Weight	Mushroom Weight	Block Weight	Chain Size (Bottom)	Chain Size (Top)
22'	1,500 lbs	75lbs	300 lbs	1/2"	3/8"
26'	5,000 lbs	150 lbs	500 lbs	3/8"	3/8"
30'	8,000 lbs	200 lbs	1,000 lbs	5/8"	3/8"
35'	12,000 lbs	250 lbs	2,000 lbs	3/4"	1/2"
40'		500 lbs	3,000 lbs	3/4"	1/2"
50'+ over	Reviewed on an individual Basis.				

For the safety of his/her boat and that of adjacent boats, mooring permit holders are responsible for having their mooring set and making any required adjustments or repairs.

Boats must have been moored by July 1 of the permitted year or the mooring permit shall be revoked subject to the Harbor Master's discretion. The denied applicant may appeal the Harbor Master's decision to the Coastal Waters and Harbor Committee.



The Harbor Master may permit variations from these specifications, if in his or her judgment, the proposed mooring has holding power equivalent to that which would be provided by a mooring meeting these specifications.

All moorings that are to be placed up river from the day marker in Scarborough must be built using granite block only and cannot be any higher than 24 inches in overall height.

Marker Buoys to show at all tides. All chains to be at least one foot above the high water mark. All moorings to be inspected every two years - no later than July 1st.

The Harbor Master shall maintain a plot plan of the anchorage area indicating locations of moorings, size of boats, and areas to be used as waterways. A copy of this map will be kept on file at the Town Office.

Subletting of Mooring Space:

The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however, another boat owner may use the mooring, provided the original owner pays the fee or fees and has requested permission from the Harbor Master to moor such vessel through a completed notice of intent form that can be found on the Town of Scarborough website, scarborougmaine.org.

Riparian Rights Mooring Sites

The Town may permit and assign mooring sites to waterfront property owners demonstrating and claiming such right under the requirements of Title 38 MRS §3, Mooring Sites, under the following conditions:

1. The applicant must show legal interest in the property and in the case of joint ownership of property, that the person has legal authority to act for all owners before the application is accepted by the Town.

2. A Riparian mooring site may be located only in waters immediately in front of the intertidal land associated with the property as defined in Title 16, Chapter 2, Figure 1. Once a Riparian Mooring has been assigned to a property, it stays with the property. A Riparian mooring site may be used solely by the owner of the property for personal use. Such mooring site cannot be used by a third party, either temporarily or permanently.

3. A Riparian mooring site may be assigned only if the proposed location of said mooring site has been determined by the Harbor Master to be practicable and safe and not impede free navigation or infringe on the rights of others.

4. Number of moorings. Only one Riparian mooring site per qualifying waterfront lot may be granted, regardless of the amount of shorefront in excess of the 100-foot minimum requirement and 20,000 sq. ft. minimum lot size, except persons owning shore rights prior to January 1, 1987, are required only to have a 100-foot minimum shore frontage as established by state law. Riparian owners may also have an additional mooring in the coastal waters of the town as governed and allowed by the ordinance

5. Riparian mooring site permits are subject to annual user fees. Should the riparian user opt not to utilize the mooring for the mooring year they must notify the Harbor Master and not be subject to the annual user fee. If through the season they opt to use the mooring, annual user fees must be paid to the Town and Harbor Master notified of the change in use.

6. Exceptions

A. An exception to the mooring site location may be granted by the Harbor Master if the waterfront property is adjacent to an established mooring field or area and an additional mooring site would result in an unsafe condition. In such cases, the Harbor Master may either reassign existing mooring site locations, or, at its discretion, assign the riparian right mooring site to another location. The simple unsuitability of the property location for mooring a particular type of vessel does not justify this exception.

B. For the purpose of these regulations, in the case where a property owner's existing mooring fronts their qualifying waterfront lot, it is considered that property owner's riparian mooring site for as long as the person owns the property.

C. In the case where a non-qualifying lot has been legally assigned a riparian mooring prior to the adoption of these Regulations, that mooring may continue as a riparian mooring associated with that lot until such time the mooring has either been revoked or abandoned. Should a transfer of ownership of the non-qualifying lot occur, the new owner may continue the use of the riparian mooring subject to the provisions of these Ordinance, providing the mooring had not been revoked or abandoned by any previous owner.

Waitlist fee will be collected on a rolling basis and annual renewals will be due on April 1st which is in line with moorings. If the annual waitlist fee is not paid by April 1st each year, the waitlist applicant will be removed from the waitlist and will need to reapply. If the waitlist applicant reapplies, they will be added to the bottom of the waitlist. Annual fee will be allied over the course

of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only.

Section 1c. Creation and Maintenance of a Mooring Waitlist.

Two mooring waitlists shall be maintained by the Town Clerk and available for inspection in the Town Clerk's office. The first shall be for commercial applicants and the second for recreational applicants. Commercial applicants will be verified by the Harbor Master and shall provide proof of a commercial State license or a Federal permit. Commercial applicants will, if requested by the Harbor Master, provide proof of commercial waterfront activity equaling 20% of their annual household income. Applicants seeking a mooring shall be placed on the waitlist in order of date and time of application. No one household shall be allowed to hold more than two (2) spots on the waitlist at any one time. When a mooring becomes available the Town Clerk will first consult the commercial waitlist which will be given priority. If the next name on either waitlist is unable to accept the mooring they may request to stay on their respective waitlist until the next mooring becomes available. If, at the time of the second mooring becoming available, the applicant again is unable to accept the mooring their name shall be removed from the waitlist and the applicant would need to reapply if they wished to again be listed. If an applicant on the waitlist has died their spot may be reassigned to a legal heir providing the Town of Scarborough has been notified within six (6) months of the applicant's death. [Adopted 12/19/18]

Waitlist fee will be collected on a rolling basis and annual renewals will be due on April 1st which is in line with moorings. If the annual waitlist fee is not paid by April 1st each year, the waitlist applicant will be removed from the waitlist and will need to reapply. If the waitlist applicant reapplies, they will be added to the bottom of the waitlist. Annual fee will be applied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only.

Section 1d. Allotment of Special Anchorage to Prouts Neck Yacht Club.

Pursuant to an agreement with the Coastal Waters and Harbor Advisory Committee, the Prouts Neck Yacht Club has been given a special anchorage of moorings in Saco Bay for the use of its members. Prouts Neck Yacht Club shall administer those moorings, including but not limited to:

- (1) maintaining and managing moorings in the designated area,
 - (2) providing oversight of member mooring use, including inspecting moorings in accordance with the rules and regulations of the Coastal Waters Harbor Advisory Committee,
 - (3) providing the harbor master with completed mooring applications and mooring holder rosters,
- tendering the appropriate fees, and submitting a map showing the location of each mooring yearly.

If members of the Yacht Club should leave it for any reason, mooring spaces which have been assigned to them will revert back to the Prouts Neck Yacht Club and may not be assigned by the person who formerly used them.

The harbor master shall consult with the Prouts Neck Yacht Club and will, insofar as permissible and not otherwise inconsistent with this Ordinance, delegate to the Yacht Club the authority to establish and enforce mooring plans in those areas traditionally regulated by the Yacht Club, and shall provide support enforcement services to the Yacht Club in the administration of the mooring plans.

Mooring areas controlled by the Yacht Club shall be subject to the following requirements:

(1) The Yacht Club maintains a controlled mooring field.

(2) The Yacht Club provides oversight of member mooring use, including inspections.

(3) The Yacht Club is registered with the Harbor master and provides member/mooring holder rosters and mooring location plans to the Harbor Master.

Section 2. Obstructing Channels.

It shall be a violation of the ordinance to knowingly or willfully obstruct the free use of any channel or waterway within the harbor or to fail to report to the Harbor Master any collision between vessels or other accident or incident causing damage to persons or property.

Section 3. Abandonment of Watercraft.

When, in the opinion of the Harbor Master, a vessel has been abandoned in the harbor, he/she may take custody and control of such vessel and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. The vessel owner may appeal the action of the Harbor Master under this Section 3 as provided in Article XI of this Ordinance. [Amended 11/01/17]

No person may bring into or maintain in the harbor any derelict watercraft, watercraft for salvage, or abandon any watercraft in the harbor without a permit from the Harbor Master or if there is not Harbor Master, the appropriate official. Failure to obey an order of the Harbor Master is a Class E crime. Watercraft which are to be salvaged by firms licensed to the State to do salvage work shall be excluded from this section. The municipal board or commission entrusted with harbor management shall be the sole determiner as to what a watercraft that is derelict and what constitutes a watercraft that is abandoned. [Adopted 11/09/2022]

Section 4. Vessels Making Fast.

No person shall make fast or secure a vessel to any mooring already occupied by another vessel, or to a vessel already moored except a rowboat, dinghy or yacht tender regularly used by such a larger vessel. If tied within a slip, such rowboat, dinghy, or tender shall not extend into the fairway beyond the larger vessel if such larger vessel is also occupying the slip, or otherwise beyond the slip itself.

Section 5. Secure Berthing and Anchoring of Vessels.

The owner of any vessel moored or anchored within Scarborough Harbor or maritime facility shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage,

and shall thereafter provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring or tie lines at reasonable intervals.

Section 6. Unseaworthy Vessels Prohibited in Harbor.

A person shall not moor or permit to be moored in any harbor a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency, the Harbor Master, or their designee, has authority to remove any vessel that has been deemed unseaworthy.[Amended 11/09/2022]

Section 7. Correcting an Unsafe Berthing.

If any vessel shall be found in the judgment of the Harbor Master to be anchored or moored within any harbor or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or her/his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in absence of any such responsible person, the Harbor Master shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Scarborough in effecting such correction. The responsible person under this Section 7 may appeal the action of the Harbor Master as provided in Article XI of this Ordinance. [Amended 11/01/17]

Section 8. Removal and Custody of Illegally Berthed or Abandoned Vessels.

In any unattended vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if the Harbor Master has reasonable grounds to believe that a vessel has been abandoned within a Scarborough Harbor or maritime facility, the Harbor Master may assume custody of such vessel and cause it to be removed and held or placed in storage. The Town of Scarborough or its officials shall not be held liable for any damage to such vessel or liable to its owners before or after assuming custody. Vessels taken into custody shall be released to the owner by the Town Manager only after satisfactory proof of ownership has been presented and full reimbursement made to the Town for all costs incident to recovery, movement and storage. The vessel owner may appeal the action of the Harbor Master under this Section 8 as provided in Article XI of this Ordinance.

Section 9. Obstruction of Fairways, Channels, Launch Ramps or Berthing Spaces, and Removal of Sunken Vessels.

(a) It shall be unlawful to tie up or anchor a vessel in Scarborough Harbor or maritime facility in such a manner as to obstruct the fairways, launch ramps or channels or to prevent or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space; or to float loose timbers, debris, logs or piles in any channel, fairway, or berthing space in such a manner as to impede navigation or cause damage to vessels therein. Wrecked or sunken vessels within a harbor

are subject to the published rules and regulations of the United States Coast Guard, inside the Federal Navigation Project governed by the US Army Corp of Engineers, and any applicable local, State or Federal laws, rules or regulations. [Amended 11/09/2022]

(b) Whenever the navigation of any waters within a Scarborough Harbor or maritime facility, including anchorages and berths therein, shall be obstructed or endangered by any sunken vessel or other obstruction or danger has existed for a period of more than ten (10) days, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner or owners of such vessel or other property causing said obstruction or danger shall be liable to the Town of Scarborough for all costs incident to said removal and disposition, and the Town of Scarborough, its employees, agents, and officers, shall not be liable for damages of any nature whatsoever arising out of or in any way connected with removal, sale or disposition of such vessel or other property. The vessel or property owner may appeal the action of the Harbor Master under this Section 9(b) as provided in Article XI of this Ordinance.

Section 10. Houseboats. [Adopted 02-20-13]

Notwithstanding any other provision of this article to the contrary, houseboats are prohibited from mooring or anchoring in the anchorage except at marinas which provide the following:

- (1) A permanent float, dock or slip from which the houseboat may be directly boarded from land;
- (2) Connection to a public water supply by means of an individual anti-backflow valve;
- (3) A sewer connection to a public sewage system;
- (4) A year-round, all weather supply of electricity;
- (5) Parking as required by the codes and ordinances of the municipality where the marina is located; and
- (6) Compliance with the applicable land use codes.

Article VI - Regulations Concerning Commercial Activity

Section 1. Vessels for Hire - Passenger Information.

The owners, master or person in charge of or operating any vessel using Scarborough Harbor or maritime facility shall be required to furnish to the Harbor Master information regarding the number of passengers carried. Failure to provide such information to the Harbor Master on demand shall be a violation of this article.

Article VII - Sanitation Regulations

Section 1. Discharge of Refuse.

It shall be a violation of this Ordinance to discharge or permit the discharge into the waters of the harbor of any refuse or waste matter, petroleum or petroleum matter, paint, varnish or any other foreign matter, including dead animals, fish and bait.

Section 2. Responsibility for Sanitation of Facilities.

The owner, lessee, agent, manager or person in charge of a facility or water area adjacent to or within Scarborough Harbor shall at all times maintain the premises under her/his charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials. Should the Harbor Master find that any facility or water area is not so maintained, he/she shall in writing notify said owner, lessee, agent, manager or other person in charge of said facility or area to immediately commence and diligently prosecute to completion of the necessary correction of the unsanitary condition to the satisfaction of the Harbor Master. Failure to do so with reasonable dispatch shall be a violation of this Article, and the Harbor Master may then cause conditions to be corrected and the cost of such correction shall be charged to said owner, lessee, agent, manager or person in charge. The owner, lessee, agent, manager or person in charge may appeal actions of the Harbor Master under this Section 2 as provided in Article XI of this Ordinance. [Amended 11/01/17]

Article VIII - Safety and Maintenance

Section 1. Welding and Burning.

Except at specially designated areas, open fires are prohibited within the harbor, except for stoves or fireplaces permanently installed on board and below decks on vessels or hibachis or barbecues [sic] used for cooking and/or heating purposes. Major repairs to vessels requiring welding or other open flame devices may be performed only upon special authorization by the Harbor Master and within the time period stipulated in such authorization. In the case of extreme emergencies notification is waived.

Section 2. Flammable and Combustible Liquids and/or Materials.

Within a Scarborough Harbor or Maritime facility no person shall sell, offer for sale, or deliver in bulk any class of flammable liquid or combustible material, nor dispense any flammable or combustible liquids into the fuel tanks of a vessel except when in compliance with all requirements of the N.F.P.A. Fire Code and any other laws or regulations applicable thereto.

Section 3. Obstruction to Docks and Walkways.

Obstructing docks and walkways within the harbor by mooring lines, water-hoses, electrical cables, boarding ladders, permanently fixed stairs or any other materials is strictly prohibited. Dinghies may not be left on the launch ramp, floats and piers, but may be stored only in areas designated for that purpose.

Section 4. Motor Vehicles.

Motor vehicles are not to be left unattended on launch ramps or on the Public Pier. All motor vehicles are to be parked only in designated areas and motor vehicle operators are to comply with all parking regulations as posted by the Town of Scarborough. [Adopted 02/20/13]

Section 5. Defective or Dangerous Conditions.

Whenever any buildings, structures or floating facilities within or adjacent to Scarborough Harbor or a maritime facility either on land or water are found to be defective or damaged so as to be unsafe or dangerous to persons or property, it shall be the duty of the owner, agent, lessee, operator or person in charge thereof to immediately post a proper notice and/or fence or barricade and at night to adequately light such unsafe area or areas, and such unsafe area or areas shall be kept posted and lighted and/or fenced or barricaded until the necessary repairs are made. In the event and owner, agent, lessee, operator or person in charge fails or neglects to repair or to put up fences or other barriers to prevent persons from using or going upon the unsafe area or areas, the Harbor Master may then take such measures as he/she may deem necessary for the protection of the public and charge the cost of same to such owner, lessee, agent, person or persons having charge of the buildings, structures, or floating facilities that are defective or dangerous. The owner, lessee, agent, operator or person in charge may appeal actions of the Harbor Master under this Section 5 as provided in Article XI of this Ordinance. [Amended 11/01/17]

Article IX – Pier

[Adopted 02-01-2012]

Section 1. Permit Required.

All users of the pier shall obtain a permit for use by the Harbor Master. There shall be a fee established for the permit, the proceeds of which shall be used to defray the costs of operation and provide for regular maintenance on the pier and related infrastructure.

Section 2. Establishment of Policies and Procedures.

- a) The Harbor Master, in consultation with the Committee, shall establish operating guidelines, policies and procedures relating to proper use and operation of the pier to ensure safety of users and to avoid damage to pier infrastructure.
- b) Such policies and procedures shall balance the needs of commercial and recreational use of the pier.

Section 3. Regulations Relating to Use.

- a) No vessel other than a permitted skiff shall be made fast to the town wharf except for twenty (20) minutes as required for loading or unloading. There shall be no overnight tie-ups. Exceptions may be made in emergencies only by permission of the Harbor Master. No vessel other than the Harbor Master's patrol boat shall tie up to the town wharf in the space marked for use by the Harbor Master.
- b) No person shall store traps, bait, **barrels**, fishing gear, boats or waste materials on the **pier** or floats at Pine Point at any time. Traps, gear, etc., may be loaded and unloaded only.
- c) No person shall store any traps, bait, **barrels**, fishing gear, or waste material on the **pier** or floats for more than 24 hours for loading and unloading purposes throughout the year.

- d) The Town Council may make any and all other reasonable rules for the proper maintenance and use of any floats or wharves, which rule or regulation shall be in writing and shall be posted on the wharf and filed in the office of the Town Clerk.
- e) Rules and Regulations pertaining to all piers, floats and wharves controlled by said Town of Scarborough shall be posted in a conspicuous place on or adjacent to said piers, floats and wharves.
- f) Skiff's or Dinghy's may be left tied in designated areas of the float's provided they are used more than twice a week for the purpose of getting back and forth from their mooring.
- g) No boat or vessels at any time are to be left unattended in the area of the cranes on the front of the pier, dock, or on the floats without permission from the Harbor Master
- h) No person shall store any traps, bait, barrels, fishing gear or waste items in front of / or obstruct pier ladders, crane swing areas, and gangways.

Section 4. Violations Relating to Pier Use.

Any person violating any sections of this Article IX shall be subject to a fine of not less than \$100.00 nor more than \$500.00 plus costs, which fine shall be recovered on complaint to the use of the Town of Scarborough. Repeat violations can be subject to suspension or revocation of the members pier use permit at the discretion of the Harbor Master. Additional costs shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [Adopted 11/09/2022]

Article X – Coastal Waters and Harbor Advisory Committee

[Adopted 02/01/2012]

Section 1. Establishment

There is hereby established a Coastal Waters and Harbor Advisory Committee consisting of five (5) voting members and two (2) alternate members serving without pay, to be appointed by the Town Council for staggered three (3) year terms. The Harbor Master shall attend and serve as staff support at all meetings of the Committee. A member of the Town Council shall serve as liaison to the Committee.

Section 2. Duties

The Committee shall:

- (a) Exist for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the Town of Scarborough, working closely with the Harbor Master to advise the Town Council on all matters pertaining to the Coastal Waters and Harbor Ordinance;
- (b) Make recommendations for balancing the enhancement of harbor facilities with the conservation of natural, cultural and aesthetic resources for the long-term benefit for all stakeholders;
- (c) Propose regulations and policies or the use of waterways, navigational lanes, anchorage

areas, town docking facilities and mooring areas, such regulations and policies shall be consistent with federal and state law;

(d) Regularly inform the Town Council and other boards, committees, commissions or officials of the Town, as is appropriate, of its activities. Will present an annual report to the Town Council in December.

Section 3. Organization and Procedure.

The Committee shall adopt rules and regulation for the transaction of its business, which shall be subject to Town Council approval. The Committee shall maintain a permanent record of its proceedings and correspondence. All records maintained or prepared are deemed public and shall be filed in the Town Clerk's Office.

Article XI – Enforcement/Violation/Penalties

This Ordinance may be enforced by the Harbor Master, Assistant Harbor Master or any law enforcement officer vested with the authority to carry a weapon and make arrests. Violations shall be prosecuted as provided in 38 M.R.S.A. §12 (which incorporates the enforcement mechanism of 30-A M.R.S.A. §4452) and, where applicable, 38 M.R.S.A. §13. Any person violating any sections of this Ordinance shall be subject to fines for each violation as follows:

First violation: not less than \$100.00 and not more than \$500.00, for each violation plus costs.

Second violation: not less than \$500.00 and not more than \$1,000.00, for each violation plus costs.

Third and subsequent violations: not less than \$1,000.00 and not more than \$1,500.00, for each violation plus costs.

Article XII - Appeals

Any action or decision of the Harbor Master as to which this ordinance expressly provides a right of appeals may be appealed to the Town Manager pursuant to this Article XI. No other action, non-action, decision or determination of the Harbor Master is appealable under this Ordinance.

An appeal must be submitted in writing to the Town Manager no later than thirty (30) days after the action or decision is appealed from. Upon receipt of a written appeal, the Town Manager shall promptly schedule an appeal hearing, giving notice to the applicant and to the Harbor Master of the date, time and place of the hearing. The appellant and the Harbor Master each shall have an opportunity to be heard and to present written and oral evidence. After the hearing the Town Manager shall promptly issue a written decision. There is no appeal under this ordinance from the decision of the Town Manager.

Article XIII - Repeal of Previous Regulations

This Ordinance repeals and replaces the Ordinance Establishing Harbor Rules and Regulations for the Town of Scarborough and any other prior ordinances, rules or regulations inconsistent herewith.

Vote: 3 Yeas. Motion Passes

Item 6. Shellfish Conservation Ordinance and Fees. Daryen Granata, Harbormaster gave an overview of this item. Discussion ensued between Committee members and Daryen Granata.

Motion by Councilor Donovan, seconded by Councilor Fellows, to move the Shellfish Conservation Ordinance amendments to the Town Council, as follows:

**CHAPTER 1002
TOWN OF SCARBOROUGH
SHELLFISH CONSERVATION ORDINANCE**

1. Authority:

This Ordinance is enacted in accordance with 12 M.R.S.A., Section 6671.

2. Purpose:

To establish a shellfish conservation program for the Town of Scarborough which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- a. Licensing
- b. Limiting the number of shellfish harvesters
- c. Restricting the time and area where digging is permitted
- d. Limiting the minimum size of clams taken
- e. Limiting the amount of clams taken daily by a harvester
- f. Engaging in activities intended to protect and enhance the resource such as transplanting or seeding of shellfish. [Adopted 06/03/15]

3. Shellfish Conservation ~~Committee~~ Commission

The Shellfish Conservation Program for the Town of Scarborough will be administered by the Shellfish Conservation ~~Committee~~ Commission consisting of 7 members to be appointed by the Town Council for terms of 3 years. The ~~Committee's~~ Commission's responsibilities include:

- a. Establishing annually in conjunction with the Dept. of Marine Resources, the number of shellfish digging licenses to be issued.
- b. Surveying the clam flats to maintain current information on shellfish resources.
- c. Submitting to the Town Council, proposals for the expenditures of funds for the purpose of shellfish conservation.
- d. Keeping this Ordinance under review and making recommendations for its amendments.
- e. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the D.M.R.

f. Approving conservation closures and openings in conjunction with the Area Biologists of the D.M.R. [Amended 01/03/01].

g. Submitting an annual report to the Municipality and the D.M.R. covering the above topics and all other ~~Committee~~ **Commission** activities.

4. Definitions:

a. Resident

The term “resident” refers to a person who has physically resided at a fixed, permanent and principal home in the town for at least twelve months next prior to the date of application for a license under this Ordinance or, in the case of student, to a student living temporarily outside of Scarborough while enrolled in a college, university or post-secondary school, provided such student maintains his or her fixed permanent principal home in Scarborough. [Amended 07/17/02; 01/17/24]

b. Non-resident

The term “non-resident” means anyone not qualified as a resident under this Ordinance.

c. Shellfish, Clams

When used in the context of this Ordinance, the words “shellfish and clams” mean soft-shell clams **MYA ARENARIA**.

d. Municipality

Refers to the Town of Scarborough, Maine.

e. Conservation Projects

Conservation Projects may include seeding projects, crab projects, school projects, surveys or any other project accepted by the Shellfish Conservation Commission and/or the Marine Resource Officer. [Adopted 06/03/15]

5. Licensing - Municipal Shellfish Digging is required:

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this Ordinance.

A Commercial Digger must also have a valid **STATE OF MAINE COMMERCIAL SHELLFISH LICENSE** issued by the Department of Marine Resources, if state law makes possession of the state license a prerequisite to issuance of a municipal license.

A. Designation, Scope and Qualifications:

1. Resident Commercial Shellfish License:

The license is available to residents of the Town of Scarborough who are 18 years or older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.[Amended 03/21/13]

2. Non-resident Non-reciprocating Commercial Shellfish License:

The license is available to non-residents of this municipality who are 18 years or older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.[Amended 03/21/13]

3. Resident Student Commercial License:

The license is available to residents of the Town of Scarborough who are full time students between the minimum age of twelve (12) years old and the maximum age of twenty-two (22) years old on May 1 of the year in which the application is made. Applicants must show proof of age and proof of school attendance and students attending college must also show proof of a minimum of twelve (12) college credit hours per semester to be considered full-time students. Applicants under the age of 18 must also have the signature of a parent or guardian on the application for the license to be valid. This license entitles the holder to dig or take any amount of shellfish from the shores and flats of this municipality. [Amended 01/03/01; 07/17/02; 06/03/15]

4. Non-resident Student Commercial License:

The license is available to non-residents of the Town of Scarborough who are full time students between the minimum age of twelve (12) years old and the maximum age of twenty-two (22) years old on May 1 of the year in which the application is made. Applicants must show proof of age and proof of school attendance and students attending college must also show proof of a minimum of twelve (12) college credit hours per semester to be considered full-time students. Applicants under the age of 18 must also have the signature of a parent or guardian on the application for the license to be valid. This license entitles the holder to dig or take any amount of shellfish from the shores and flats of this municipality. [Amended 01/03/01; 07/17/02]

5. Over 60 Resident Commercial Bushel License:

The license is available to residents of the Town of Scarborough who are 60 years old and over. Applicants must show proof of age and residence. This license entitles the holder to dig or take one (1) bushel of shellfish from the shores and flats of this municipality at each tide. [Amended 02/18/98; 01/20/99]

6. Residential Recreational Shellfish License:

The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a residential recreational shellfish license. Any holder of a recreational license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(H)(3). [Amended 06/03/15]

6-a. Non-resident Recreational Shellfish License:

The license is available to non-residents of the Town of Scarborough and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a non-resident recreational shellfish license. Any holder of a non-resident recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this

ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(H). [Amended 03/19/03; 06/03/15]

7. 65 and Over Resident Complimentary Shellfish License:

The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a 65 and over residential complimentary recreational shellfish license. Any holder of a 65 and over resident complimentary recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(J). [Adopted 01/17/24]

7.a. 65 and Over Non-Resident Complimentary Shellfish License:

The license is available to non-residents of the Town of Scarborough and entitles the holder to dig and take no more than one peck of shellfish in any one day for ~~the use the holder and his or her family~~ for personal use. It is a violation of this ordinance for any person to sell, or otherwise receive remuneration for, any shellfish harvested pursuant to a 65 and over non-resident complimentary recreational shellfish license. Any holder of a 65 and older non-resident complimentary recreational shellfish license who is cited by the Shellfish Conservation Officer for selling or otherwise receiving remuneration for any shellfish harvested pursuant to that license, in addition to being subject to the other penalties provided in this ordinance, shall be ineligible for a recreational license in the next licensing year following that violation. The Shellfish Conservation Officer's determination of violation may be appealed in the same manner as a license suspension under Section 5(J). [Adopted 01/17/24]

8. Resident Recreational Day Licenses.

This license entitles residents and real estate taxpayers of the Town of Scarborough to dig or take up to one peck of shellfish for personal use from the shores and flats of this municipality during a single calendar day specified in the license. The duration of this license is one calendar day only. [Adopted 02/18/98]

9. Non-resident Recreational Day Licenses.

This license entitles non-residents of the Town of Scarborough to dig or take up to one peck of shellfish for personal use from the shores and flats of this municipality during a single calendar day specified in the license. The duration of this license is one calendar day only. [Adopted 02/18/98]

10. License must be signed.

The licensee must sign the license to make it valid.

11. Commercial and Recreational License Applicant. A commercial and recreational license applicant may apply for those licenses that they qualify for; however, an applicant can only hold no more than one license. [Amended 01/17/24]

B. Contents of Application:

Any person may apply to the Town Clerk for the license required by this ordinance on forms provided by the municipality.

1. Contents of the Application:

The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever other information the Town Clerk may require.

2. False Statements.

Any person who provides information in support of an application under this ordinance must do so in the form of an affidavit. If the applicant provides false information, the applicant forfeits the right to a license and a license previously issued to that applicant shall become void. Any other person who gives false information in support of an application under this ordinance commits a violation of this ordinance punishable under section 5(K). [Adopted 02/18/98].

C. Fees:

The fees for the licenses are as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council, and must accompany in full the application for the respective license. License fees for residents and non-residents will be established in accordance to M.R.S.A. Title 12, Section 6671.3-A.(b). The Town Clerk shall pay all fees received to the Town Treasurer. Fees received for shellfish licenses shall be used by the Town for shellfish management, conservation and enforcement. Fees are non-refundable, except that the holder of a student commercial license who surrenders the license within seventy-five (75) days after the date of issuance shall receive a refund of one-half the license fee. [Amended 01/05/00; 01/17/24; 01/17/24]

D. Conservation Activities: [Adopted 06-03-15]

The Town encourages all shellfish diggers to protect and enhance the resource by participating in conservation activities such as seeding clam beds, participating in shellfish surveys, and participating in other approved resource management activities. All Commercial License holders 18 years of age or older are required to participate in shellfish conservation projects as deemed necessary by the Shellfish Conservation ~~Committee~~ Commission and/or the Marine Resource Officer. Seeding or other approved conservation activities also may be undertaken on a volunteer basis. Commercial License Holders who complete the specified number of hours of conservation activities which may include required shellfish seeding hours and volunteer hours for a total of twelve (12), will be eligible for license renewal pursuant to Section 5.E.4.(a) of this Ordinance. [Amended 01/07/24]

The Shellfish Conservation ~~Committee~~ Commission will approve all accepted conservation activities by a majority vote. The names and number of hours completed on an accepted conservation activity will be recorded in writing by the ~~Shellfish Conservation Officer~~ the Marine Resource Officer and submitted to the Shellfish ~~Committee~~ Commission or the Town Clerk on a monthly basis for their records. All conservation time must be submitted by January 15th by close of business, unless the 15th falls on a weekend, then must be submitted the following Monday. [Amended 01/07/24]

It shall be the sole responsibility of the Commercial License holder to contact the Shellfish ~~Committee~~ Commission Members or the ~~Shellfish Officer~~ Marine Resource Officer to determine the conservation available to participate in. The Shellfish Committee Chair, with consent of the majority membership of the Committee, may designate special conservation work during any period of State closure of the Town of Scarborough shellfish beds. The Chair may poll the Committee by telephone, email, fax or in person for the purposes of this section. Each Commercial License holder is encouraged to contribute at least half of their voluntary conservation activity in the form of low tide work. All crab trapping is considered low tide work. The conservation year will run from May 1st to November 30th. Surveys of the shellfish resource shall be conducted annually as a conservation activity, with the date and location to be determined by the Shellfish Commission or the Marine Resource Officer. [Amended 01/07/24]

The Shellfish Conservation Committee may waive all or part of the requirement for shellfish seeding for an applicant who provides the Committee with a written statement from a physician indicating that the applicant was not able to participate in any regularly scheduled shellfish seeding due to incapacitation by illness or injury. The Committee may also allow the following alternative conservation work, on an hour for hour basis, upon the request of an applicant made at a regular monthly meeting of the Committee. Such alternative work may be used to meet the shellfish seeding requirement or may be used to qualify as additional volunteer conservation activity:

- i. Another time to complete conservation time for an applicant who demonstrates to the Committee that the illness or incapacitation of a parent, spouse or child prevented that person from participating in regularly scheduled conservation time; or,
- ii. Alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that the applicant is not physically able to participate in regular conservation work.
- iii. At the discretion of the Project Leader, any scheduled conservation project may be canceled and/or terminated due to severe weather or safety concerns for those involved. Any participant present or arriving within ten minutes at the designated meeting area and start time must still sign in and sign out. These participants will receive the allotted hours of conservation time for that particular project regardless of performing the activity.

E. Issuance of Shellfish Licenses: [Amended 06-03-15]

Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the Town. It is essential that the town carefully husband its shellfish resources. Following the annual review of the town's clam resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee, in consultation with the D.M.R. area biologist, will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

1) Prior to February 1 of 1998 and each succeeding year, the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license-year to the Commissioner of Marine Resources for concurrence.

2) After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to February 1 of 1998 and each succeeding year, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.

3) Notice of the number of licenses and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.

4) The Town Clerk shall accept applications for shellfish licenses annually commencing on the first day of March through to the first Monday and Tuesday in April. [Amended 03/19/03; 01/17/24]

(a) Commercial Renewal Licenses.

(i): The Clerk shall issue licenses only to holders of resident and non-resident commercial shellfish licenses who seek renewal and who have completed at least 12 hours of approved conservation activities which may include mandatory shellfish seeding as well as voluntary conservation work approved under this Ordinance during the term of their current licenses or at least 4 hours of such work if the holder is 70 years of age or older. Such applicants may apply by mail or must appear in person at the office of the Town Clerk during that two day period and pay the application fee at the time of issuance of the license. The Clerk shall issue commercial licenses to such qualified applicants on a first come, first served basis during those two business days. Any holder of a commercial license whose status as a resident or non-resident has changed at the time of application or who did not complete the requisite hours of approved conservation activities shall not be entitled to apply for renewal under this subsection (a) but may apply for a new license under subparagraph (b) below. [Amended 03/16/05; 06/03/1; 01/17/24]

(ii): Effective March 1, 1998 in lieu of applying in person pursuant to subparagraph (I) above, Applicants for a renewal resident or non-resident commercial license may apply by mail. Applications by mail must be received at the Town Clerk's office on a day that office is open for business no earlier than March 1 and no later than the Tuesday following the first Monday in April. The application must be accompanied by the required license fee, a copy of the applicant's driver's license, a copy of the applicant's motor vehicle registration certificate, and any other information upon which the applicant relies to document residency. The Clerk shall mark all applications with the date and time of receipt. If more than one application is received at the same time, the Clerk shall determine their order or receipt of random drawing and mark them accordingly. The Clerk's marks concerning order of receipt shall be conclusive for purposes of applying the first-come first-served provisions of paragraph (i) above. [Amended 01/17/24]

(b) Non-Renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses.

(i) On the third and fourth subsequent business days following the renewal process as noted in paragraphs 4.a (i)(ii) above, the Clerk shall accept applications for any remaining resident commercial shellfish licenses and non-resident non-reciprocating commercial shellfish licenses.

Applicants must apply in person and be 18 years of age at the time of application, at the office of the Town Clerk. The Clerk shall not issue any licenses during the third and fourth business days, but shall inform each applicant that licenses will be awarded on the basis of a lottery and advise each applicant of the time and place where the lottery will be held. On the fifth subsequent business day, the Clerk shall conduct a lottery for the issuance of the remaining resident commercial shellfish licenses and a lottery for the issuance of non-resident non-reciprocating commercial shellfish licenses. In order to be entered into the lottery, an applicant must be present and must tender the application fee at the time of the lottery drawing. The Clerk shall award the remaining resident commercial shellfish licenses by drawing the names of qualified applicants at random and then shall award the non-resident non-reciprocating commercial shellfish licenses by drawing the names of qualified applicants at random. [Amended 01/17/24]

(ii) If, after June 1 annually, any allocated licenses remain unissued, on the first consecutive Monday, Tuesday and Wednesday in June applications shall be taken and placed in a lottery pool. Applicants must apply in person and be 18 years of age at the time of application. On the following ~~Friday~~ Monday, applicants' names shall be drawn at random by the Town Clerk. Physical presence and full payment are required at the time of drawing, and all applicants must meet eligibility requirements for the license category that they apply for. The lottery shall be conducted in the same fashion as the lottery under section 5(E)(4)(b)(i).

(iii) Lottery Bonus Points shall be awarded to applicants who have successfully applied in previous years, as follows:

Applicants who apply to multiple lotteries in a row without winning a permit can earn bonus points (extra chances in drawing). Points are non-transferrable and are accumulated, as follows:

0-5 Lotteries:	1 Points/Lottery
6-10 Lotteries:	2 Points/Lottery
11-15 Lotteries:	3 Points/Lottery
16+ Lotteries:	10 Points/Lottery

Bonus points are tracked by the Town Clerk using your name and date of birth. To receive bonus points, an applicant must enter the correct name and date of birth on the application. The applicant will also need to indicate that they applied for the lottery the last year that it was held. The Town Clerk upon receiving an application will review the applicant's record and provide applicants with a number of bonus points which will be entered in the lottery.

An applicant will forfeit bonus points if the applicant:

- Fails to apply for bonus point in any one (1) Lottery; or,
- Obtains a Municipal Residential and/or non-residential Commercial Shellfish License through the Lottery; or,
- Is selected for a Municipal Residential and/or non-residential Commercial Shellfish License, but declines it, and/or fails to meet the criteria for legally possessing it; or,
- Is found to have not legally applied in the current year; or,

- Enters the incorrect name or date of birth on the application or fails to indicate that the applicant applied for a permit in the previous year.
[Adopted 01/17/24]

(c) Resident Student Commercial Renewal Licenses, Non-Resident Student Commercial Renewal Licenses and Over 60 Resident Commercial Bushel Renewal Licenses.

Shall be renewable in the same manner as Resident and Non-Resident Commercial Licenses under Section 5.E.4(a), except that required shellfish seeding hours and additional voluntary conservation hours shall be:

Resident & Non-Resident Student Commercial Licenses under the age of 18. [Amended 06/03/15]	No conservation time required. [Voluntary participation is encouraged.] [Amended 06/03/15]
Resident & Non-Resident Student Commercial Licenses 18 years of age or older at time the license is issued. [adopted 06-03-15]	Twelve (12) hours of approved conservation activities. [Adopted 06-03-15]
Over 60 Resident Commercial Bushel Licenses	Eight (8) Hours of approved conservation activities. [Amended 03/16/05; 11/02/05; 06/03/15]
All Commercial License Holders 70 or Older	Four (4) hours of approved conservation activities. [Amended 03/16/05; 11/02/2005; 06/03/15]

Any holder of a student commercial license or over 60 license whose status as a resident or non-resident has changed at the time of application or who did not complete the requisite hours of approved conservation activities shall not be entitled to apply for renewal under this subsection (a) but may apply for a new license under subparagraph (d) below.

(d) Non-Renewal Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel Licenses. Applications for new (non-renewal) Resident Student Commercial Licenses, Non-Resident Student Commercial Licenses and Over 60 Resident Commercial Bushel License shall be processed in the same manner as applications for non-renewal Resident Commercial and Non-Resident Non-Reciprocating Commercial Licenses under Section 5.E.4(b), except that for Resident Student Commercial Licenses and Non-Resident Student Commercial Licenses the clerk shall continue drawing names after all licenses have been awarded and until all applicants have been placed on a list in the order their names have been drawn. Any Student Commercial License which is surrendered after issuance shall be made available to the remaining applicants on that list in the order their names were drawn, and then to other applicants on a first-come, first-served basis.

(e) Resident Recreational Licenses.

Commencing on the second Monday in April annually the Town Clerk shall accept applications for resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis.

(f) 65 and Over Complimentary Resident Recreation Licenses.

Commencing on the second Monday in April annually, the Town Clerk shall accept application for 65 and over resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis. [Adopted 01/17/24]

(g) Non-resident Recreational Licenses.

Commencing on the second Monday in April annually, the Town Clerk shall accept applications for non-resident recreational licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first serve basis. [Amended 01/17/24]

(h) 65 and Over Complimentary Non-resident Recreational Licenses.

Commencing on the second Monday-in April annually, the Town Clerk shall accept application for the 65 and over non-resident recreational shellfish licenses. Applicants must appear in person at the office of the Town Clerk. Licenses shall be awarded on a first come, first served basis. [Amended 01/17/24]

(i) Remaining Licenses.

If, after August 1 annually, any allocated licenses remain unissued, the clerk shall issue such licenses on a first-come, first served basis, without regard to the residency of the applicant or the allocation between resident and non-resident licenses. [Amended 03/16/05; 11/02/05]

(j) Day Licenses.

After all available resident and non-resident recreational licenses have been issued under Section 5(E)(4)(d) and 5(E)(4)(e) above, the clerk may receive applications for and issue resident recreational day licenses and non-resident recreational day licenses, on a first-come, first-served basis. Applicants must appear in person at the office of the Town Clerk no earlier than five (5) calendar days before the day for which the license is requested. The five (5) calendar days starts the day the initial visit to obtain the permit is made. An applicant may obtain only a day license for up to three (3) ~~consecutive~~ days [within the five (5) calendar days noted above], and must appear in person for each license requested. Each license issued under this section shall specify the calendar day for which it is issued and shall be valid for that day only. If multiple licenses are requested, a license for each day shall be issued. [Amended 03/16/2005; 11/02/2005; 01/17/24]

(i) One – Peck Day License must be used on the date listed on the license. In the event of flat closures, per the State, please contact the Town Clerk’s Office at 207-730-4020 the day of the closure to inform staff your license was not used. If the office is closed, you must leave a voicemail stating your name, contact information and date of the closure. In some cases, a credit for the unused licenses may be issued at the discretion of the Town Clerk. All credits must be used within 30 days of the original license date or the credit will be forfeited. [Adopted 01/17/24]

F. License expiration date:

Each license issued under authority of this Ordinance expires at midnight the 30th of April next following the date of issue. Day licenses shall expire at midnight on the day they are issued for. [Amended 01/17/24]

G. Reciprocal Harvesting Privilege:

Licensees from any other municipality co-operating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their management program, may harvest shellfish according to the terms of their licenses.

H. Children 16 years or younger may accompany a recreational license holder:

The recreational license holder and accompanying children are entitled to dig no more than the previously stated amount, “one peck of shellfish in any one day for ~~the use of the holder and his or her family~~ personal use.” [Amended 07/17/02; 06/03/15]

I. Suspension:

1. Any shellfish licensee having one conviction for a violation of this Ordinance or for a violation occurring within the Town of Scarborough of any state statute regulating the digging or taking of shellfish shall have his or her shellfish license automatically suspended for a period of 14 days. Subsequent convictions during the same license year (May 1 - April 30) shall result in an automatic suspension of sixty (60) days. A licensee shall have his or her record cleared if there are no convictions within one year from the time of a conviction. As used in this paragraph, the term “digging” means using a shovel, spade, rake, tool or hands to uncover shellfish from the ground and the term “taking” means removing a marine organism from its natural habitat. [Amended 04/18/01; 06/03/15]

2. Any shellfish licensee having one conviction for a violation occurring within the Town of Scarborough of 12 M.R.S.A. § 6625 (governing identification and tagging of shellfish) shall have his or her shellfish license automatically suspended for a period of seven (7) days. Subsequent convictions during the same license year (May 1 - April 30) shall result in an automatic suspension of fourteen (14) days. A licensee shall have his or her record cleared if there are no convictions within one year from the time of a conviction. [Amended 04/18/01; 06/03/15]

3. A licensee whose shellfish license has been suspended pursuant to this section shall automatically have his or her license reinstated after the period of suspension has been served. [amended 04/18/01; 06/03/15]

4. The suspension shall be effective from the third business day after the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee or upon presentation of a Notice of Suspension by the Town Marine Resource Officer, whichever is earlier. [amended 02/18/98].

5. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon filing of a written Request for Hearing with the Town Clerk within 30 days following the effective date of suspension. Filing of the request for hearing with the Town Clerk stays the suspension until the end of the seventh day following the decision of the Shellfish Conservation Committee. The licensee may appeal the decision of the Shellfish Committee before the Town Council by filing a written Request for Appeal with the Town Clerk within 7 days of the decision of the Shellfish Conservation Committee. Filing of the Request for Appeal with the Town Clerk stays the suspension until the Town Council has rendered its decision. [Amended 04/18/01; 03/01/06;`]

6. No holder of a commercial license under this Ordinance shall dig or take shellfish during any time that holder's State of Maine Shellfish License is suspended. During any such period of suspension, the holder's license under this Ordinance is automatically suspended. [Amended 02/18/09]

J. Opening and Closing of Flats:

The Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, may open and close the areas for shellfish harvest (the "Conservation Areas"). Except in the case of emergencies, the Shellfish Conservation Committee shall follow the following procedure prior to opening or closing a Conservation Area:

1. Upon determination by the Shellfish Conservation Committee or by the Chair of the Committee that the opening or closing of a Conservation Area should be considered, the Chair shall place the proposed opening or closing on an agenda for a public hearing.

2. No less than 7 days prior to the hearing, a notice of the hearing describing the location of the Conservation Area proposed to be opened or closed shall be: (a) posted at the Town Office; (b) published in a newspaper of general circulation in the Town of Scarborough; and, (c) communicated to the Department of Marine Resources. The notice may also be placed on the Scarborough Shellfish Conservation Officer's telephone recording.

3. At the public hearing, the Shellfish Conservation Committee shall present and entertain evidence obtained from shellfish surveys and other sources. Members of the public may then comment on such evidence and may present additional evidence relevant to the proposed opening or closing.

4. At the conclusion of the evidence, the Shellfish Conservation Committee shall make findings of fact based on the evidence presented, shall reach conclusions based on those findings of fact, shall order whether the Conservation Area in question shall be opened or closed, and may set such time limitations and other harvesting conditions as are consistent with good conservation practices.

5. The order of the Shellfish Conservation Committee shall be forwarded to the Commissioner of Marine Resources and shall not take effect until approved by the Department of Marine Resources and notification by the Municipality to the public for five (5) days prior to the initial opening and closing dates.

In the event the Shellfish Conservation Committee determines that an emergency closing of a Conservation Area is necessary, the Committee may take action without following the procedures described above, provided that the Committee makes a reasonable effort to give adequate public notice and allow for public participation. [Amended 01/03/01]

K. Hours Prohibited:

It shall be unlawful to dig any shellfish anywhere in the Town of Scarborough between the hours of one half hour after sundown and one half hour before sunrise. [Amended 10/17/07; 03/21/13]

L. Penalty:

Any person who violates any provision of this ordinance commits a crime, not a civil violation, punishable by a fine of up to \$1,500 per offense, as provided in 12 M.R.S.A. §6671(10). Any person holding a commercial license under this Ordinance who aids or abets the harvest of shellfish

in violation of this Ordinance also commits a violation of this Ordinance and shall be subject to the same fines as the person he or she assisted. [Amended 04/04/07]

M. Administrative Suspension of Recreational License:

If the Shellfish Conservation Officer determines that the holder of a recreational license has sold or otherwise received remuneration for shellfish harvested pursuant to the recreational license, or that the holder of a license has violated Section 5(N) of this ordinance the Shellfish Conservation Officer may impose an administrative suspension of the License and of eligibility for a license in the next licensing year. The Shellfish Conservation Officer shall give written notice to the license holder of the administrative suspension, which shall be effective from the third business day after mailing of the Notice of Suspension or upon presentation of the Notice of Suspension by the Shellfish Conservation Officer, whichever is earlier. The license holder may appeal the administrative suspension in the same manner as an automatic suspension under section 5.H.(3). The Shellfish Conservation Officer may, at their discretion, employ the administrative suspension in addition to or as an alternative to the penalties provided in section 5.K. The administrative suspension process and determinations resulting from that process are separate from and shall not be affected by the pendency or outcome of any court proceeding for the imposition of penalties under section 5.K. [Amended 02/18/98; 06/03/15]

N. Clam Size and Tolerance of Harvest:

- 1) Clam size and tolerance of harvest. A person shall not harvest or possess softshell clams which are less than two (2) inches in the longest diameter to the amount of more than ten (10) percent of any lot.
- 2) The method of determining tolerance. The tolerance of ten (10) percent must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the lot. If the lot contains less than one (1) peck, the tolerance must be determined by numerical count of the entire lot.

O. Unlawful Sale of Shellfish.

It is a violation of this Ordinance for any holder of a license under this Ordinance to sell or otherwise receive remuneration for any shellfish dug or taken within the Town of Scarborough by any person who does not hold a valid shellfish license issued by the Commissioner of Marine Resources pursuant to 12 M.R.S.A. § 6601. [Amended 02/18/98]

P. Method of Harvest.

The only acceptable method of harvest shall be by use of the hand-held clamrake, with a handle no more than eighteen inches in length. Use of shovels, spades and pitch forks shall be prohibited. [Amended 03/01/06]

Vote: 3 Yeas. Motion Passes.

Motion by Councilor Donovan, seconded by Councilor Fellows, to move the Chapter 311—Schedule of Fees to amendments to the Town Council, as follows:

Chapter 311 – Schedule of Fees

Chapter 1002 - Shellfish Ordinance, Fees	Fee
Resident Commercial	\$200.00
Non-resident Non-reciprocating Commercial	\$400.00
Resident Student Commercial	\$100.00
Non-resident Student Commercial	\$200.00
Over - 60 Years Resident Commercial (Bushel)	\$100.00
Resident Recreational - (Over 65 Free)	\$25.00
Non-Resident Recreational 20 Available – (Over 65 Free -14 Available) [Adopted 12-17-2003]	\$50.00
Resident Recreational Day Pass (Amended 04/06/05; 01/17/24)	\$10.00
Non-Resident Recreational Day Pass (Adopted 01/17/24)	\$20.00
Non-Resident Recreational 3 Day pass	\$45.00

Chapter 1401 – Coastal Water and Harbor Fees [amended 02-20-13]	Fee
Annual Mooring & Pier Use Fees	
Recreational Pier Use - Resident and/or Taxpayer (amended 05/05/04; 12/20/17; 02/15/23)	\$250.00
Recreational Pier Use - Non-Resident (amended 05/05/04; amended 12/20/17; 02/15/23)	\$500.00
Commercial Pier User – Resident and/or Taxpayer (amended 12/20/17; 02/15/23)	\$450.00
Commercial Pier User – Non-Resident (amended 12/20/17; 02/15/23; 05/03/2023)	\$700.00
Recreational Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$300.00
Recreational Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$500.00
Commercial Mooring & Pier Use Fee – Resident and/or Taxpayer (amended 12/20/17; 02/15/23; 05/03/2023)	\$500.00
Commercial Mooring & Pier Use Fee – Non-Resident (amended 12/20/17; 02/15/23)	\$700.00
Mooring Fee for outside of the Federal Anchorage and Special Anchorage	\$150.00
One Time Pier Use Fee Resident (adopted 02/15/23; amended 05/03/2023)	\$150.00
One Time Pier Use Fee Non-Resident (adopted 02/15/23)	\$350.00
Mooring Wait List Annual Fee: Annual fee will be allied over the course of time on waiting list. Once the mooring is issued and what monies have been paid while on the wait list will be credited, not to exceed the annual mooring fee, for the first year only. (Adopted on June 26, 2024)	\$35.00
BOAT LAUNCHING FEE	
Launching from any town facility, includes Ferry Beach Boat Launch and Co-op Boat Launch (Note – Ferry Beach – parking is not included)	
Resident – Daily Boat Launching Fee (amended 05/05/04; 02/15/23)	\$25.00

Resident – Seasonal Boat Launching Fee (amended 02/15/23)	\$125.00
Resident – Additional Boat Launching Fee Registered to the Same Address (Amended 05/18/16; 02/15/23)	\$15.00
Resident Commercial Fisherman Seasonal Boat Launch Pass	Free
Non-Resident - Daily Boat Launching Fee (amended 05/05/04; 02/15/23)	\$45.00
Non-Resident - Seasonal Boat Launching Fee (amended 12/20/17; 02/15/23)	\$250.00
Resident - Commercial Charter Boat Fee- Seasonal (Adopted 02/15/23)	\$400.00
Non- Resident - Commercial Charter Boat Fee- Seasonal (Adopted 02/15/23)	\$600.00
Special Anchorage Fee	\$3,000.00

Vote: 3 Yeas. Motion Passes.

Item 7. Consider a recommendation from the Long-Range Planning Committee for proposed amendments to the Zoning Ordinance. Autumn Speer, Planning Director gave an overview of this item. Discussion ensued between Committee members, Autumn Speer, and Peter Freiling, Long Range Planning Committee and Zoning Board of Appeals member. The following recommendations were provided:

- Determine Town Council Goals around RF Zone and Running Hill;
- Gauge additional Town Councilors interest for the RF Zones.

Motion by Councilor Donovan, seconded by Councilor Fellows to table the recommendation from the Long-Range Planning Committee for proposed amendments to the Zoning Ordinance until the March 2025 Ordinance Committee meeting.

Vote: 3 Yeas. Motion Passes.

Item 8. Future Agenda Items.

- Moratorium;
- Ordinance and LRPC joint workshop (public comment in the beginning);
- Town Clerk Licensing Ordinance Changes;
- EV Sustainability in March 2025.

Chair Shupe allowed public comment due to their being none for item 4 and a member of the public asking to speak. The following public comment was made:

- Peter Freiling of Jasper Street and Long Range Planning Committee and Zoning Board of Appeals member spoke in regards to the RF and Running Hill districts, special exceptions processes, and the Town needing to clarify the intent of given districts and performance standards.

Item 9. Adjournment. Motion by Councilor Fellows, seconded by Councilor Donovan, to move approval to adjourn the regular meeting of the Scarborough Ordinance Committee.

Vote: 3 Yeas. Motion Passes.



Meeting adjourned at 6:15pm

Respectfully submitted,

Kristen Barth
Town Clerk