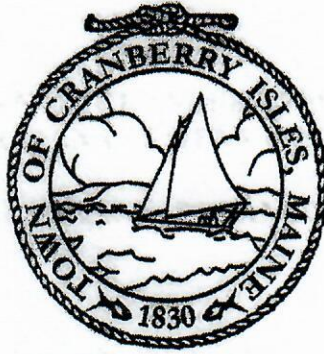


BOARD OF SELECTMEN

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TOWN CLERK / TREASURER

DENISE Mc CORMICK

ADMINISTRATIVE ASSISTANT

JAMES FORTUNE

I, Denise McCormick, the duly elected Town Clerk for the Town of Cranberry Isles, hereby certify pursuant to 30-A MRSA§3006, that the attached is a true and accurate copy of the Town of Cranberry Isles HARBOR MANAGEMENT ORDINANCE, which was amended at the Annual Town Meeting, March 10, 2012.

Denise McCormick
Denise McCormick, Town Clerk

**TOWN OF CRANBERRY ISLES
HARBOR MANAGEMENT ORDINANCE**

ARTICLE I – PREAMBLE

1.1 AUTHORITY

This ordinance is adopted under this authority granted in Titles 12, 17, 30-A and 38 M.R.S.A... as amended.

1.2 SHORT TITLE

This ordinance shall be known as and may be cited as the “Harbor Management Ordinance for the Town Of Cranberry Isles”.

1.3 PURPOSES

The purpose of this ordinance is to provide for the just and orderly operation and regulation of marine activities on and within all tidal waters of the Town Of Cranberry Isles and the Manset Dock in Southwest Harbor, Maine in order to insure 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.

1.4 JURISDICTION

The provisions of this ordinance shall govern all marine activities on and within all tidal waters of the Town Of Cranberry Isles and the Manset Dock in Southwest Harbor, Maine.

ARTICLE II – TIDAL WATERS, HARBOR LIMITS AND CHANNEL LIMITS

2.1 PURPOSE

The purpose of this article is to define the boundaries, tidal waters, harbors, and the channels within these harbors of the Town Of Cranberry Isles.

2.2 CRANBERRY ISLES: HARBOR LIMITS

The Town Of Cranberry Isles is composed of five islands: Bear Island, Sutton Island, Baker Island, Great Cranberry Island, and Little Cranberry Island (Islesford). For the purpose of this ordinance, all waters surrounding the five islands within a third of a mile and/or the halfway point between the mainland and any island shall be the harbor waters of the Town Of Cranberry Isles and the outer limits of these waters shall be the harbor limits. These harbor waters include “Cranberry Harbor” and the “Gilley Thoroughfare” as shown on US Department of Commerce, National Oceanic and Atmospheric

Administration National Ocean Service Nautical Chart #13312. The Town Of Cranberry Isles is contained within the limits of longitude 68 degrees 11 minutes to 68 degrees 17 minutes, and the latitude of 44 degrees 13.5 minutes to 44 degrees 17.2 minutes.

ARTICLE III – HARBOR MASTER(S) AND HARBOR COMMITTEE

3.1 HARBOR MASTER(S)

3.1.1 APPOINTMENT

The Harbor Master(s) shall be recommended by the Harbor Committee and shall be appointed by the Board of Selectmen.

3.1.2 DUTIES AND RESPONSIBILITIES

Certain duties, responsibilities of this office are prescribed by Titles 12, 17, and 38, M.R.S.A., The Harbor Master(s) shall administer and enforce the provisions of this ordinance with the authority granted by law, and as a representative of the Town of Cranberry Isles; and the provisions of all rules, regulations, ordinances and other laws, which are lawfully promulgated that are within their responsibility and within their legal certification and training. The Harbor Master(s) shall have authority over all moorings and mooring locations in accordance with the provisions of this ordinance, the laws of the State of Maine (Title 28 M.R.S.A.) as above and applicable Federal regulations.

The authority of the Harbor Master(s) shall include, but are not limited to the following:

- A) Promote order in the harbor and assure safety and use of the harbor for the general public.
- B) Regulate placement of new moorings and verify the inspection of existing moorings.
- C) Provide copies of all rules, regulations, ordinances and other laws which pertain to the harbors, their use, and to vessels within the Town Of Cranberry Isles and to make copies available to those persons using the harbors.
- D) Inspect or verify the inspection of docks, floats, piers, and wharves in the waters of the Town Of Cranberry Isles, and give notice to the owners of such structures that have fallen into a state of disrepair or which may create a dangerous condition or may interfere with safe passage.
- E) The Harbor Master(s) shall oversee the maintenance and enforcement of the Town's waterfront facilities to include but not be limited to, moorings, floats,

docks, ramps, channels, breakwaters, and adjacent municipal property and excluding parking lots.

- F) The Harbor Master(s) shall attend all meetings of the Harbor Committee as a non-voting member.

3.2 HARBOR COMMITTEE

3.2.1 APPOINTMENT

The Harbor Committee shall consist of not less than three and not more than five voting members appointed by the Board of Selectmen. The initial Committee shall have the following appointments:

The first three members shall serve a one, two and three year terms and position four will serve a two year term and position five will serve a three year term. In addition, two alternates will be appointed, who will serve one year terms and shall have voting power in the absence of a quorum. Harbor Committee members and alternates shall be voting residents of the Town Of Cranberry Isles and shall represent diverse interests in the harbor.

3.2.2 DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Harbor Committee shall be to oversee the Town waters and harbors and report to the Board of Selectmen as follows:

- A) To advise as to the care, management and enforcement of the Town waters and harbors.
- B) To recommend policy, rules, and regulations, and develop long and short range plans for the harbor waters of the Town.
- C) To make recommendations on the construction of piers, wharves, breakwaters, marine railways, or bulkheads within the harbor waters of the Town.

3.2.3 MEETINGS

The Chairman or the Harbor Master(s), may call meetings of the Committee. There shall be a minimum of two meetings per year conducted in public following a one week notification of the meeting date, location, and agenda. This notification shall be posted in the post offices located on Great Cranberry and Little Cranberry Islands.

3.2.4 QUORUM

A majority of the members appointed to the Committee shall constitute a quorum.

3.2.5 VOTE

The Committee decisions will be made by vote of a majority of the members present and voting.

3.2.6 CHAIRMAN AND SECRETARY

A Chairman of the Harbor Committee shall be elected by the membership by a majority vote of the Committee and a different member chosen by vote as Secretary. The Secretary shall keep a written record of all proceedings and provide them to the Board of Selectmen within two weeks following a meeting. This committee shall make a report at the close of each year for inclusion in the annual Town Report.

ARTICLE IV – GENERAL PROVISIONS

4.1 PURPOSE

The purpose of this Article is to set forth provisions for the safe and orderly operation of the waters and harbors within the Town, to ensure safety of persons and property, and to minimize conflicts between various users.

4.1.1 COMPLIANCE WITH HARBOR MASTER(S) ORDERS

No person shall refuse to obey any lawful order of the Harbor Master(s) with reference to the operation, navigation, movement, relocation or disposal of any vessel owned or occupied by said person within the waters and harbors of the Town Of Cranberry Isles.

4.1.2 INTERFERENCE WITH THE HARBOR MASTER(S)

No person shall assault, intimidate or in any manner willfully obstruct, intimidate or hinder the Harbor Master(s) in the lawful performance of his/her duties.

4.1.3 COMPLIANCE WITH MAINE BOATING LAWS

All vessels operating within the Town waters or using any property, equipment, or mooring managed by the Town Of Cranberry Isles will comply with Title 12 M.R.S.A.

4.1.4 COMPLIANCE WITH CGM1672-2D

All vessels operating within Town waters shall comply with CGM1672-2D (Navigational Rules).

4.2 BOAT OWNER OR OPERATOR

Any person using the facilities or moorings within the limits covered by this ordinance shall assume all risk of damage or loss to their person or property. The Town Of Cranberry Isles assumes no risk of liability on account of fire, theft, Act of God, or damage of any kind to vessels within the above stated geographic limits, or at any property or mooring managed by the Town Of Cranberry Isles.

4.3 OPERATION OF VESSELS

4.3.1 SPEED OF VESSELS

It shall be unlawful for any person to operate any boat or vessel in the harbors of the Town Of Cranberry Isles in such a manner as to cause a wash, or a wake of waves that disturb or damage any wharf, float, anchored or moored boat, or at a speed that endangers any person or property or is contrary to the provisions of Title 38, Section 281, M.R.S. A. as amended. Within the harbor boundaries is a no wake zone.

4.3.2 RECKLESS OPERATION

No person shall operate any vessel in a reckless or negligent manner or while under the influence of intoxicants or drugs so as to endanger the life, limb or property of any person, or contrary to the provisions Title 38, Section 283, M.R.S.A. as amended.

4.3.3 ABANDONMENT

No person shall abandon any boat, vessel, hulk, cradle, raft, float or any other possible obstruction within the geographic limits covered by this ordinance. Any property, as herein above described, which has been left unattended and deteriorating, may be deemed abandoned and therefore is a safety or waterway hazard. The Harbor Master(s) may order the owner to remove the same within fifteen days. In default of removal or in the event the Harbor Master(s) are unable to identify the owner or master of the vessel after reasonable efforts, the Harbor Master(s) may undertake its removal or destruction at the cost of the owner. Any violation of the above may be punishable by a fine of no more than five hundred dollars (\$500.00).

4.4 OBSTRUCTION OF CHANNELS, FLOATS, WHARVES, LAUNCH RAMPS, OR BERTHING SPACES, AND REMOVAL OF VESSELS

It shall be unlawful to tie up or anchor a vessel in such a manner as to obstruct mooring areas, launch ramps, wharves, channels or public floats. The head of floats and stairways are to be used solely to load or offload passengers and cargo. If the Harbor Master(s) should observe a condition in which one vessel is obstructing the free movement or safe anchorage of another vessel, he may order the offending vessel to move.

If any vessel is anchored within the channel limits and mooring fields established by the Town Of Cranberry Isles the Harbor Master(s) shall order the vessel to move. If space is available the Harbor Master(s) may designate the location to which the obstructing vessel may proceed to anchor. It shall also be unlawful to permit or carelessly sink or allow to be sunk any vessel in any channel, mooring area, or berthing space, which shall impede navigation or cause damage to vessels therein. The Harbor Master(s) may order any such vessel to be removed. If a vessel described in this section has no crew on board or if the owner, master, or person in charge neglects or refuses to move such vessel, as directed by the Harbor Master(s), or if the Harbor Master(s) are unable to locate the owner or master or person in charge after reasonable efforts, then the Harbor Master(s) may take steps to remove said vessel, in accordance with the provisions of Title 38, Section 5, M.R.S.A. Vessels so taken into custody shall be released to the owner by the Harbor Master(s) only after satisfactory proof of ownership has been presented, full reimbursement made to the Town for all costs incident to recovery, movement and storage; and a signed release of all claims is executed by the vessel owner or duly authorized representative. In an urgent situation, and in the absence of any such responsible person, the Harbor Master(s) may board any 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 Cranberry Isles in effecting such correction.

4.4.1 OBSTRUCTION OF CRANBERRY ISLES FLOATS

Vessels may tie up along the sides of public floats for no more than 2 hours in the Town of Cranberry Isles. In situations involving urgent repair or other special circumstances, the Harbor Master(s) may permit longer periods of time. If the sides of a Town float are not occupied on or after 10:00 PM local time, they may be used for overnight dockage, provided any vessel using them shall depart no later than 7:30 AM the following morning. This excludes the stairways and head of floats. Vessels remaining at a Town float after 7:30 AM local time without permission may be fined no more than two hundred and fifty dollars (\$250.00).

4.4.2 SKIFF FLOATS

Only a dinghy as defined in article nine: any 20 hp or less or un-powered punt, skiff, tender or the like fourteen feet in length or less, shall be tied up to the skiff floats. If any additional skiff floats are added the initial regulations will be set by the Harbor Committee.

4.4.3 OBSTRUCTION OF MANSET FLOATS

In Manset, the head of the outermost float is to be used solely to load or offload passengers and cargo. The sides of the four (4) floats are limited to a twelve (12) hour tie up. Dinghy, as defined in article nine, tie up will be designated on the inner most float. Harbor Master(s) or the Dockmaster may extend time limits on a case by case basis.

4.5 UNSEAWORTHY VESSELS PROHIBITED IN THE HARBOR

A person shall not moor or permit to be moored, in, a vessel of any kind whatsoever which is unseaworthy or is 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 with the express written permission of the Harbor Master(s).

4.6 WATER-SKIING

No water skiing or related activity shall be permitted within the anchorages or mooring areas of the Town Of Cranberry Isles.

4.7 DISPOSAL OF WASTE AND REFUSE

Unless specifically permitted pursuant to State or Federal law, no person shall deposit or dispose of any refuse, trash, waste, petroleum distillate, or hazardous substance or material in the waters of the Town.

ARTICLE V WHARVES, DOCKS, PIERS, FLOATS, LOBSTER CARS AND RAMPS

5.1 PURPOSE

The purpose of this Article is to set forth provisions for the safe and orderly operation of wharves, docks, piers, floats, lobster cars and ramps in order to ensure safety to persons and property and minimize conflicts between harbor users.

5.2 REMOVAL OF DEBRIS

Persons shall not deposit or leave rubbish, trash, debris or hazardous waste including motor oil on Town owned docks, piers, floats and ramps.

5.3 CONCESSIONS

Concessions operated on a commercial basis shall not be allowed at any Town owned dock, pier, float or boat ramp while doing business except with the express permission of the Board of Selectmen.

5.4 PERSONAL PROPERTY

No person shall leave any personal property on any wharves, municipal waterfront property, or in a public dock building for a period of time in excess of 72 hours without the permission of the Harbor Master(s).

5.5 BLOCKAGE OF TOWN RAMPS AND WHARVES

No person shall place or cause to be placed any float, boat, trailer, vehicle, gear or other object in such a way as to block or impede access to any Town ramp or wharf without the permission of the Harbor Master(s).

5.6 CONDITION OF DOCKS, PIERS, WHARVES, FLOATS AND LOBSTER CARS

Any dock, pier, wharf, float, lobster car or other such structure which is within the Town Of Cranberry Isles and which has fallen into a state of disrepair or which remains in a dangerous condition, or interferes with the keeping open of convenient channels for the passage of vessels in said harbor and or suitable portions of said harbor for anchorage, shall be deemed a nuisance. The Harbor Master(s) shall give the owner of the dock, pier, wharf or lobster car or other structure written notice of the condition. The notice shall order the owner to abate the nuisance within a reasonable period of time, which shall be specified in the notice. In the event that the Harbor Master(s) cannot give notice to the owner it shall be given to the occupant.

If the said owner or occupant refuses to comply with the terms of said order, he/she shall be deemed guilty of a misdemeanor and shall, upon conviction, the court may order the nuisance abated or removed at the expense of said owner or occupant.

5.7 CONSUMPTION OF ALCOHOLIC BEVERAGES

No person shall consume alcoholic beverages on or within publicly accessible areas of any Town pier, dock or float or any vessel tied to such areas.

ARTICLE VI – MOORINGS

6.1 PURPOSE

The purpose of this Article is to set forth the provisions for the placement, use, type and administration of all moorings and mooring spaces within the tidal waters of the Town Of Cranberry Isles, to ensure safety to persons and property of harbor users.

6.2 RESPONSIBLE AUTHORITY

The Harbor Master(s) shall have authority over all moorings and mooring locations in accordance with the provisions of this ordinance, the laws of the State of Maine (Title 38 M.R.S.A.) and applicable federal regulations.

6.3 PLACEMENT OF MOORINGS

After adoption of these ordinances no person shall place a mooring or mooring buoy in the harbor waters of the Town Of Cranberry Isles without first contacting and receiving approval of a location by the Harbor Master(s).

6.3.1 PLACEMENT OF NEW MOORED FLOATS OR LOBSTER CARS

The Harbor Master(s) will designate the placement of all new moored floats and lobster cars, so as not to be a hazard to navigation and moored vessels.

6.4 INSPECTION OF MOORINGS

6.4.1 BASELINE INSPECTION

All moorings within the Town Of Cranberry Isles shall be inspected topside visually and completely underwater to the rock within 365 days following the adoption of this ordinance and documentation of such is provided to the Town Office. All moorings in the Town Of Cranberry Isles shall be inspected as hereinafter provided.

6.4.2 ONGOING INSPECTION

A topside visual inspection shall be made no less than every second year after the adoption of this ordinance. Topside inspections shall require the examination of each mooring at low tide as far down as possible for conformity with the Town's specifications to the satisfaction of the Harbor Master(s). Additionally the mooring shall be completely examined underwater to the rock for similar conformity no less than every fourth year after the adoption of this ordinance. Any defects noted shall be corrected within a time period prescribed by Harbor Master(s). All expenses incurred for inspection, correction of defects, or removal of the mooring shall be the responsibility of the mooring owner.

6.4.3 INSPECTION QUALIFICATIONS AND REPORTING

A list of qualified contractors for mooring inspection, simple guidelines for self-inspection of moorings, and the mooring report shall be maintained in the Town Office. Completed and signed mooring reports shall be returned to the Town Office.

6.5 MOORING INVENTORY AND SAFETY

Upon adoption of this ordinance the Harbor Master(s) will create an inventory, which may include: location, owner/name of boat and size of boat, of all existing moorings within the waters of the Town Of Cranberry Isles. This inventory will be used for the designation of new moorings. A copy of this inventory will be kept in the Town Office. Should any mooring become a hazard to navigation the state of the mooring shall be

corrected to eliminate that hazard to navigation the state of the mooring shall be corrected to eliminate that hazard at the direction of the Harbor Master(s).

6.6 MOORING IDENTIFICATION

Moorings shall be clearly identified with one or all of the following: name of the owner, business, or boat. When the owner of an unsafe mooring cannot be located, identified or refuses to repair or replace the mooring, when so directed by the Harbor Master(s); the Harbor Master(s) may cause the entire mooring to be removed.

Before removing a mooring or buoy, the Harbor Master(s) shall notify the owner, if owner can be determined, by registered mail at his/her last known address, of the action desired, the fact that the mooring will be removed. If the matter is not settled within two weeks, the Harbor Master(s) may take the action provided for in this section.

6.7 GENERAL MOORING PROVISIONS

The following general mooring regulations shall govern the setting and maintaining of all moorings:

- A) The Harbor Master(s) may require heavier mooring gear at their discretion
- B) Floating rope on any mooring is prohibited
- C) All moorings shall carry an approved float from May 15th to October 1st. The use of poles is prohibited after adoption of these ordinances with the exception of the "Pool" area.
- D) From May 15th to October 1st the mooring scope shall be equal to the depth of the water at mean low tide + 15 feet multiplied by 2 from the rock to the bow of the boat. From October 1st to May 14th, pennants may be lengthened, provided such action does not interfere with nearby moorings.
- E) The following shall be minimum specifications for all new moorings and replacement mooring parts in all harbors except as otherwise provided.
- F) Town owned guest moorings within Town waters of Cranberry Isles and at the Town's Manset Facility in Southwest Harbor, Maine, shall be limited to two consecutive nights. Harbor Master(s) or the Dockmaster may extend time limits on a case by case basis.

<u>Boat Length</u>	<u>*Mushroom</u>	<u>**Rock Size</u>	<u>***Bottom Chain</u>	<u>Top Chain</u>	<u>Nylon Size</u>
<u>Less than 20'</u>	75 lb	500#	1/2"	1/2"	1/2"
<u>20" but < 30'</u>	N/A	2,250#	5/8"	1/2"	5/8"
<u>30' but < 40'</u>	N/A	3,000#	3/4"	1/2"	3/4"
<u>40' but < 50'</u>	N/A	5,000#	7/8"	5/8"	1"
<u>50' and over</u>	N/A	6,000#	7/8"	5/8"	1"

- * The diameter of the mushroom's eye can be no less than the size of the required bottom chain.
- ** The rock staple can be no less than 1" in diameter.
- *** The bottom chain can be no less than 10' in length.

G) Mooring owners have until May 15th, 2008 to comply with these newly adopted specifications.

6.8 MOORING PRIORITY

The privilege of maintaining a mooring in the harbors of the Town Of Cranberry Isles shall be allocated according to the following guidelines:

- A) Should a harbor reach capacity as determined by the Harbor Master(s), Harbor Committee, and Board of Selectmen, a waiting list shall be established and made available in the Town Office.
- B) In all events, mooring priorities shall be consistent with allocations required under State and Federal law.

6.9 MOORING RENTAL

Mooring owners may rent their moorings.

ARTICLE VII – REGULATIONS

7.1 PURPOSE

Each of our harbor waters within the Town Of Cranberry Isles is unique and requires individual treatment for its most efficient and satisfactory operation. Accordingly, within the intent and scope of this ordinance rules and regulations will be put into effect, as hereinafter set forth, by the Harbor Master(s) in each of the harbors and harbor waters of the Town upon approval by the Board of Selectmen.

7.2 PROCEDURE FOR REGULATIONS

The Harbor Master(s), in consultation with the Harbor Committee, and upon approval by the Board of Selectmen, shall put into effect rules and regulations governing the use of docks, piers, slips, moorings and maritime activity within the harbor limits.

7.3 VIOLATIONS

Violations of the regulations set forth in this Article shall be considered a violation of this ordinance and carry such penalty as may be provided for therein. A violation of a rule or regulations not specifically covered in the ordinance shall carry a penalty of a fine of not more than two hundred dollars (\$200.00).

7.4 DISPLAY OF REGULATIONS

Harbor rules and regulations shall be displayed in an appropriate location readily visible to the public.

ARTICLE VIII – LEGAL STATUS PROVISIONS

8.1 ADMINISTRATION

8.1.1 ENFORCEMENT

It shall be the duty of the Harbor Master(s), to enforce the provisions of this ordinance. If the Harbor Master(s) shall find that any provision of this ordinance, or any rule or regulation promulgated pursuant to its authority, is being violated, they shall notify the person responsible for such violation, in writing using either a letter or "Civil Violation and Citation" form depending on the nature of the violation. This notice shall contain the nature of the violation and an indication of the necessary action to correct it. A copy of any written notices shall be maintained as a permanent record and in the case of a Civil Violation Complaint and Citation a copy shall be forwarded expeditiously to the District Attorney of Hancock County.

8.1.2 LEGAL ACTIONS

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Harbor Master(s), may initiate proceedings, either legal or equitable, which may include seeking injunctions, imposing fines or any other action deemed necessary to enforce the provisions of this ordinance, or any rule or regulation promulgated pursuant to its authority, in the name of the Municipality. In any such action in which the Municipality prevails, it shall be awarded reasonable attorney's fees, court costs and any other relief to which it may be entitled.

8.1.3 FINES

Except as otherwise specified in this ordinance, persons who violate any provision of this ordinance after receiving notice of such violation shall be subject to a fine of no more than \$200.00 for each violation. Each day such a violation is continued is a separate offense. All fines shall be payable to the Town of Cranberry Isles and the penalty for such offenses shall be in addition to the Town's right to recover its reasonable attorney's fees and costs from the person or entity found in violation of this ordinance.

8.2 APPEALS

Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or the failure to act of the Harbor Master(s) may appeal said decision, order, rule, act, or failure to act. Such appeal must be in writing, directed to the Board of Selectmen for the Town Of Cranberry Isles, and filed within 10 days of said decision, order, rule, act, or failure to act, and state the reasons for appeal. The Board of Selectmen, upon hearing the appeal, may affirm, modify or set aside the decision, order, rule, act, or failure to act, only if such is not supported by any facts, or is clearly contrary to the intent and specific provisions of this ordinance.

An appeal from the decision of the Board of Selectmen may be taken by the aggrieved party or parties to Maine Superior Court, in accordance with Maine Rules of Civil Procedure 80B.

8.3 SEPARABILITY

Should any section or part of a section or any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

8.4 CONFLICT WITH OTHER LAWS

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of the ordinance or of any other ordinance, regulation, or statute, the provision imposing the greater restriction shall control.

8.5 REPEAL OF PRIOR ORDINANCES

All prior Harbor Ordinances are repealed.

8.6 AMENDMENT

Any amendment to this ordinance requires voter approval at any regular or special town meeting.

8.7 EFFECTIVE DATE

This ordinance shall become effective upon adoption by the citizens of the Town Of Cranberry Isles at either a regular or special Town Meeting.

ARTICLE IX – DEFINITIONS

9.1 CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance, shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication, between the text of this ordinance and any map illustration or table, the text shall control.

9.2 DEFINITIONS

In this ordinance the following terms shall have the following meanings:

ANCHORAGE: An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats and vessels.

AUXILLARY: A vessel having sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.

BERTH: A place where a boat lies when at anchor or at a wharf.

BOAT: A vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

BREAKWATER: A permanent solid structure of rock, stone, or combinations thereof, extending from the shoreline into the waters, for the principal purposes of breaking and reducing the force of waves.

BULKHEAD: A permanent solid structure or wall built along the shore to retain and protect the upland from wave action and sea erosion.

CHANNEL: Areas of the harbor kept open for navigation or other purposes, by rule or regulation of the Town Of Cranberry Isles, the Department of the Army Corps of Engineers, or other regulatory or Legislative body.

COMMERCIAL FISHERMAN: One whose vessel is commercially registered and makes his/her primary livelihood from harvesting the ocean.

COMMERCIAL VESSEL: 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, push-boats, tugs and barges.

CONCESSION: A business operated under a Contract or License associated with a degree of exclusivity in exploiting a business within a certain geographical area.

DINGHY: A dinghy shall mean any powered (with 20hp or less) or unpowered punt, skiff, tender or the like fourteen feet in length or less.

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

FLOAT: A floating structure which is anchored, moored or secured at or near the shore, used for landing, transfer of passengers or goods, or other purposes.

HARBOR: An area or areas as defined in Article II.

HARBOR MASTERS(S): An official or officials appointed by the Board of Selectmen and employed by the Town Of Cranberry Isles, to enforce the provisions of this ordinance and certain duties and responsibilities as prescribed by Title 38, M.R.S.A.

LANDING: A place for landing or discharging persons or things from a vessel.

MARINA: A dock or basin providing dockage for small vessels.

MOORING: An appliance, used by a vessel, for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

PIER: A platform type structure contiguous with the shoreline and built there from over the water, supported by piles and used for the berthing, loading and unloading of vessels.

PROMULGATE: To put a law into effect by formal public announcement.

RESIDENT: Any person who owns property in the Town Of Cranberry Isles, or any person who rents property with their boat registered in Town and the excise tax paid in Town.

SEAWORTHY VESSEL: A vessel in a fit state for travel or movement without extraordinary efforts or assistance provided to affect such travel or movement.

TO ANCHOR: To secure a vessel to the bottom within a designated area by dropping an anchor or anchors or other ground tackle.

VESSEL: Vessel shall include boats of all sizes propelled by sail, machinery, or hand; scows, dredges, shellfish cars, and craft of any kind.

WHARF: A structure of timber, masonry, cement, earth or other material, built along the shore of a harbor or the like, so that vessels may lie close alongside to receive and discharge passengers and cargo.