

The Bar Harbor Town Council will hold a public hearing on June 18, 2024 to hear comments on the following proposed amendment to the Municipal Code.

Port and Harbor Ordinance Amendment

Town of Bar Harbor
2024-05

An Amendment to the Port and Harbor Ordinance to clarify the Harbor Master's authority for enforcement of codes and ordinances.

The Town of Bar Harbor hereby ordains that Chapter 153: Port and Harbor, of the Town Code is amended as follows:

[Please Note: Old Language is ~~stricken~~. New language is underlined.]

**Chapter 153
Port and Harbor**

§ 153-4 Harbor Master.

The Harbor Master may appoint deputies who, under his/her direction, shall be authorized to enforce and carry out the rules and regulations of this chapter.

- A. Compensation. The compensation to be paid to the Harbor Master and deputies shall be determined by the Town Council and the compensation of deputies set as provided by the personnel rules.
- B. Duties. It shall be the duty of the Harbor Master to:
 - (1) Enforce the provisions of all rules, regulations, ordinances and other laws which are lawfully promulgated and which are within his/her jurisdiction pursuant to law.
 - (2) Provide copies of all rules, regulations, ordinances and other laws which pertain to the harbor, waterfront and watercraft within the Town of Bar Harbor and to make said copies available to those persons using said harbor.
 - (3) Promote order in the harbor and ensure safety and use of the harbor for the general public.
- C. The Harbor Master is hereby authorized and it shall be his/her duty to remove or cause to be removed any watercraft from any wharf or dock in Bar Harbor when so requested by the owner of said wharf or dock. Whenever he/she shall deem it necessary, he/she shall remove or cause to be removed any watercraft lying in tier or rafted from any dock, wharf or mooring within his/her jurisdiction. If any vessel, boat, or raft or any watercraft shall anchor or lie contrary to any ordinance, rule or regulation of the Town of Bar Harbor, said Harbor Master shall forthwith serve notice to the owner or master or the person in care of said watercraft to remove the same and, if the person given a notice does not comply with said notice of the Harbor Master without delay, the Harbor Master shall cause the removal of said watercraft at the expense of said owner, and the Harbor Master may recover the cost of

any such removal from the watercraft owner upon complaint filed in the Maine District Court. For all purposes of this chapter, “rules and regulations of the Town of Bar Harbor” include all applicable sections of this Code, and the Town of Bar Harbor, Maine Cruise Ship Standard Operating Procedures, as may be amended.

§ 153-30 Enforcement.

In addition to being subject to authority of the Harbor Master as already set forth in this Chapter and Town Code, the owner or master or the person in care of the watercraft that has anchored or that lies contrary to any such ordinance, rule or regulation of the Town of Bar Harbor, or has otherwise violated any provision of this Chapter, shall be subject to legal proceedings initiated by the Town of Bar Harbor for the recovery of the monetary penalties set forth in 30-A M.R.S. § 4452, as amended, and that violator shall further be subject in legal proceedings initiated by the Town of Bar Harbor, in a court of competent jurisdiction, to injunctive relief in order to prevent or abate such violations now or in the future. In any such proceedings in which the Town of Bar Harbor substantially prevails, it shall be awarded attorney’s fees, court costs and any other relief to which it may be entitled. The scope of the Harbor Master’s authority and the reach of the rules and regulations set forth in § 153 extend to the fullest extent permitted by law in Subchapter 1 (“Harbor Masters”), of Chapter 1, of Title 38 of M.R.S., as amended, up to the boundaries of the territorial waters defined in 38 M.R.S. § 1 directly affecting the area described in § 153-1(A).

[End of ordinance]