

TOWN COUNCIL
TOWN OF FALMOUTH, MAINE

AN ORDINANCE AMENDING THE FALMOUTH COASTAL WATERS ORDINANCE
WITH REGARD TO MOORING ASSIGNMENTS AND WAITING LISTS

Be it ordained by the Town Council of the Town of Falmouth, Maine, in Town Council assembled, that Article IV of Chapter 9 of the Falmouth Code of Ordinances is hereby amended as follows:

Section 1. Section 9-94(h) is amended to read as follows:

(h) *Mooring assignment:* All persons who received and used a mooring assignment in the previous year and all persons who will access their mooring from a place other than town landing, and whose mooring application was received in a complete and timely fashion, will receive a mooring assignment for the current year before June 1st of that year. The harbormaster shall also, whenever practicable, locate a mooring for boat owners who are direct riparian owners or indirect riparian owners in front of their property if requested to do so, or if that location is determined by the harbormaster to be impracticable, at another location within the anchorage chosen by the harbormaster, provided that the total number of indirect riparian owner moorings in the anchorage shall not exceed two hundred fifty (250).

Additionally, the harbormaster shall, ~~before June 1, 2010,~~ issue mooring assignments to ~~not more than twenty (20)~~ persons who will access their mooring through town landing and who are on the waiting list established under subsection ~~9-94(i) of this section. Each year thereafter, the harbormaster may issue new mooring assignments to such persons on the waiting list~~ but such new mooring assignments may not exceed the number of mooring assignments not renewed from the previous year. Persons on the waiting list who receive a mooring permit must pay the appropriate mooring fee within fifteen (15) days and will have one (1) year to install a mooring and have a boat on same. Any such person failing to do so will forfeit their mooring permit and, upon request, will be returned to the waiting list and take the position would have as a new applicant on the date they requested to re-instated to the waiting list. All assignments from the waiting list shall use the priorities set forth in subsection (i) of this section. The harbormaster and the harbor/waterfront committee will endeavor to maintain a balance of not less than ten (10) percent non-residential mooring assignments. ~~At all times the following priority order shall be maintained:~~

- ~~(1) Resident fisherman;~~
- ~~(2) Resident/recreational;~~
- ~~(3) Commercial passenger boat;~~
- ~~(4) Resident commercial marine enterprise;~~

- ~~(5) Resident: additional mooring;~~
- ~~(6) Non resident recreational;~~
- ~~(7) Rental moorings;~~
- ~~(8) Non resident fisherman;~~
- ~~(9) Non resident commercial marine enterprise;~~
- ~~(10) Non resident: additional mooring.~~

(i) *Waiting list:* The harbormaster shall maintain one (1) chronological waiting list with complete application information ~~of~~ for all applicants who have applied for but not received a mooring assignment and who will access their mooring through town landing. Persons desiring a place on the waiting list may apply at any time by making out a mooring application form and filing it with the harbormaster. A ten dollar (\$10.00) waiting list fee will be charged upon initial application and then an additional ten dollar (\$10.00) fee per year must be paid to remain on the waiting list and to maintain current location on the list. Waiting list renewal fees must be paid prior to March 15th each year or the applicant will be removed from the waiting list. For the year in which an applicant is offered and accepts a mooring, the ten dollar (\$10.00) fee paid for that year will be applied to the mooring fee. The waiting list shall be in ~~eight (8)~~ ten (10) sections, each section in chronological order as to when the application was received, with recreational applications being limited to natural persons. At all times the following priority order shall be maintained:

- (1) Resident fisherman;
- (2) Resident/recreational;
- (3) Commercial passenger boat;
- (4) Resident commercial marine enterprise;
- (5) Resident: additional mooring;
- (6) Non-resident recreational;
- (7) Rental moorings;
- (8) Non-resident fisherman;
- (9) Non-resident commercial marine enterprise;
- (10) Non-resident: additional mooring.
- ~~(1) Resident fisherman;~~
- ~~(2) Resident/recreational;~~
- ~~(3) Commercial passenger boat;~~

- ~~(4) Resident commercial marine enterprise;~~
- ~~(5) Non resident fisherman;~~
- ~~(6) Non resident commercial marine enterprise;~~
- ~~(7) Non resident recreational;~~
- ~~(8) Resident; additional mooring;~~
- ~~(9) Non resident; additional mooring;~~
- ~~(10) Rental moorings.~~

A copy of this waiting list, shall be posted in the town office and shall be provided to all members of the harbor/waterfront committee, and made available for any commercial marine enterprise or any others who request a copy.