



TOWN OF SOUTHWEST HARBOR

**TOWN OF SOUTHWEST HARBOR ORDINANCE
ON THE USE OF DOCKS, PIERS, WHARFS AND OTHER
SUCH FACILITIES TO TRANSFER SHIP PASSANGERS**

Approved 05/08/2018

Attest a true copy

Marilyn J. Lowell
Marilyn J. Lowell, Town Clerk

**TOWN OF SOUTHWEST HARBOR
ORDINANCE ON THE USE OF DOCKS, PIERS, WHARFS AND OTHER SUCH
FACILITIES TO TRANSFER SHIP PASSENGERS**

Section 1. Title

This ordinance shall be known as the Town of Southwest Harbor “Dock Use Ordinance.”

Section 2. Authority and Scope

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, Title 38, Chapter 1, Subchapter 1 of the Maine Revised Statutes as Annotated and, Title 30-A, Section 3001 of the Maine Revised Statutes as Annotated.

Section 3. Purpose

The increase in the passage of large vessels in the harbors of the Town and the intensity of use of docks, piers, wharfs and other such structures to transfer shipborne passengers to land has considerable safety, environmental, and land use implications.

In order to address these safety, environmental, and land use concerns, this Ordinance regulates the use of all facilities used in the transfer of passengers from ship to shore, and the access and anchorage by passenger ships in the coastal waters and harbor of the Town of Southwest Harbor.

Section 4. No Embarkation or Debarkation

- 4.1 This Ordinance shall apply to the use of all public and private docks, moorings, floats, piers, wharfs, tendering or berthing facilities, or other such facilities used in the transfer of persons from ship to shore.
- 4.2 No public or private dock, mooring, float, pier, wharf, tendering or berthing facility, or passenger facility shall be used to embark, board, disembark, offload, disgorge, or otherwise facilitate the transfer of more than fifty (50) passengers per ship.

Section 5. Inner Harbor Access or Anchorage

- 5.1 This Ordinance shall apply to all ships, boats, vessels, or watercrafts carrying passengers for hire with overnight accommodations for fifty (50) or more passengers.
- 5.2 Ships, boats, vessels, or watercraft carrying passengers for hire with overnight accommodations for fifty (50) or more passengers are prohibited from access or anchorage within the Town of Southwest Harbor’s Inner Harbor as those terms are defined in Section 1(B) of the “Coastal Waters and Harbor Ordinance for the Town of Southwest Harbor.”

Section 6. Enforcement, Violation, and Penalties

- 6.1 This Ordinance shall be enforced by the Harbor Master and Code Enforcement Officer of the Town of Southwest Harbor.
- 6.2 Any person who violates this Ordinance shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

Section 7. Severability and Conflict with Other Ordinances

- 7.1 Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.
- 7.2 To the extent any section or provision of this Ordinance conflicts with another Ordinance of the Town of Southwest Harbor, the section or provision of this Ordinance shall control.
- 7.3 Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States, nor the State of Maine, with respect to the enforcement of navigation, shipping, or anchorage within the waters of their respective jurisdictions.

Section 8. Effective Date

The Ordinance shall take effect on: 8 May 2018.