TOWN LANDING ORDINANCE
TOWN OF PHIPPSBURG, May 1999
Amended through May 7, 2013

1. **AUTHORITY:** This ordinance is enacted in accordance with Title 30, M.R.S.A. Section 1917, and repeals and replaces in their entirety the "Town Landing Ordinances" enacted March 29, 1986 and March 14, 1988. This ordinance may be amended by a majority vote of residents at a Town Meeting.

2. **PURPOSE**: Since the Town of Phippsburg is a peninsula almost entirely surrounded by water and has had a long history of commercial and recreational use of its tidal waters, it shall be the purpose of this ordinance to ensure that all the Town Landings are available for use in a fair and equitable manner. The Town has had several public landings for many years, has in recent years developed new ones, and may, subject to Town approval, develop new ones in the future. Furthermore, this ordinance also seeks to avoid conflicts with adjacent property owners and neighbors, thereby helping to preserve public support for town landings. Whereas, there historically have been large numbers of Phippsburg families deriving their incomes from the sea which continues today, and the town landings are a limited resource with respect to usable area and parking, and the Town has purchased and developed its landings without any state or federal moneys, and all landings are located in noise and traffic sensitive residential areas, and more than ninety percent of all shore frontage in the Town is owned by nonresidents, and there are two state-owned landings (Fiddlers Reach and Popham pier) available to everyone regardless of residency or taxpayer status, it shall be the intent of this ordinance to restrict the use of all Town-owned landings to Phippsburg residents, Phippsburg taxpayers and guests staying at their properties.

3. **ADMINISTRATION:** The Board of Selectmen, with the advice of the Town Landing Committee, may adopt rules and regulations to carry out the provisions of this ordinance, and may appoint or designate an agent or agents to ensure that the requirements of this ordinance are enforced. Such rules and regulations adopted by the Selectmen shall be limited to:

A. Designating parking areas and permits needed to ensure that town landing facilities are available to all entitled users.

B. Taking measures to protect the landing areas from damage, vandalism, and to ensure that all landing areas are used so as to minimize or control excessive noise, nighttime use, or other public nuisance.

C. Ensuring that watercraft do not unreasonably block access to any Town Landing, whether a pier, boat ramp, or undeveloped site.

D. Preventing commercial business activities from interfering with the use of these facilities by Phippsburg residents**,** Phippsburg taxpayers and their guests, while protecting the right of resident and taxpaying commercial marine harvesters to use landing facilities in compliance with this ordinance.

E. Restricting the use of all Town Landings, with the exception of the pier at Popham, to Phippsburg residents, Phippsburg taxpayers and their guests. A guest is defined as an individual who is staying with a Phippsburg resident or Phippsburg taxpayer or is renting a campsite, room or cottage from a business located in Phippsburg.

4. **TOWN LANDING COMMITTEE**: The Board of Selectmen shall appoint a five member Town Landing Committee, for staggered terms of three years, whose responsibility it shall be to review town landing needs and to advise the Board of Selectmen of such needs, and to inform the townspeople at any regular or special Town Meeting of the status of the town landings. At least two members of the Town Landing Committee shall be persons who earn a substantial portion of their income from commercial marine harvesting.

5. **APPLICABILITY AND RULES:** The following rules shall apply to all Town Landings, town rights-of-way leading to the water, and all town-owned and town-leased land and facilities used for access to the water or for recreation, except as otherwise noted:

A. The use of landing facilities after 10 p.m. and before 7 a.m. shall be restricted to fishing activities and the launching and landing of boats. During these nighttime hours the use of radios, loud talking or other loud noise shall be prohibited. This restriction shall not apply to the noise of boats or vehicles equipped with mufflers in good operating condition.

B If landing facilities covered by this ordinance are located within 1000 feet of a residential dwelling, all music, yelling or other noise loud enough to unreasonably disturb neighboring residents shall be prohibited.

C. No landing facility shall be used to provide regular mainland parking for island residents.

D. No fires of any kind, including barbecues, shall be kindled without the appropriate permit from the Town Fire Warden and the approval of the Selectmen.

E. No person shall place or maintain at or on any Town Landing any barrels, boxes, gear, traps, nets, sails, equipment, or other materials longer than is necessary for the prompt loading or unloading of the same. In no case shall such materials be left on or tied to any pier when the person responsible for such materials is not present. Temporary storage of materials on the town-owned land of the landing facility shall be limited to areas designated for such use by the Board of Selectmen, or their agent, with the advice of the Town Landing Committee, and such materials shall not remain longer than necessary, and in no case for longer than one week. No person shall deposit or leave rubbish, garbage or litter of any kind at any landing facility or on adjacent land, whether town-owned or leased, or privately owned, except that such materials may be placed in the appropriate trash receptacles if so provided.

F. No person shall sweep or cause to be deposited on any Town Landing property or into the marine waters any gasoline, oil, noxious chemicals, sewage, contaminated bilge

water, ashes, dirt, stones, gravel, mud, logs, brush, building materials, bottles, cans, paints, or other liquid or solid wastes that float on, dissolves in, or otherwise pollutes the water, obstructs navigation or decreases water depth.

G. Parking along access roads shall be done in such a manner that it will not impede the free flow of traffic, and will not block access to driveways or entrances to other roads.

6. **RESPONSIBILITY AND LIABILITY:**

A. Persons using any town landing facility do so at their own risk. The Town of Phippsburg shall not be responsible for accidents that occur on or at any facility or for damage to boats or injury to persons using any facility.

B. Persons landing or docking watercraft or using vehicles at town landing facilities shall be responsible for repairing any damage that may occur to the facility as a result of their use. Said damage shall be repaired under the direction of the Board of Selectmen and by such persons as the Selectmen may choose with all costs to be borne by those responsible for the damage.

C. The Town does not certify that any pier, whether at Sebasco or anywhere else, is safe for motor vehicles. All vehicles are driven onto the pier at the owner's risk. No vehicle larger than a three-quarter ton pickup shall be driven onto the Sebasco pier.

D. The Town does not certify the safety or lifting capacity of the boom at the Popham pier. All use of the boom shall be at the user's risk. No load greater than 200 pounds shall be lifted.

7. **SELLING:**

A. The Selectmen shall designate an area or areas where state licensed wholesale marine products dealers may park for the purpose of purchasing or picking up fish or other marine products. No buildings or other structures may be built or left at any facility for such wholesale activities. Dealer vehicles may be parked only when boats with marine products to sell are actively loading or unloading their product or when such activity can reasonably be expected to occur within one hour.

B. The establishment of retail fish or other marine product businesses at or on any town landing facility is prohibited. This provision shall not, however, prohibit the casual sale of marine products by the harvester to the public at any town landing facility.

8. **UNATTENDED WATERCRAFT:** No boat or other watercraft shall be left unattended while tied or fastened to the pier, except as otherwise posted at the Popham pier.

9. **PARKING:** At all Phippsburg Landing facilities all unattended vehicles shall have a current, valid Phippsburg "Transfer Station and Town Landing Permit" decal attached to the lower left inside corner of the vehicle windshield. Furthermore, the Selectmen may designate areas for vehicle parking by persons using any landing facility. Daily

unattended parking shall be allowed while the driver of the vehicle is using watercraft. Selectmen may designate areas for longer term parking for use by commercial marine harvesters who are going to be at sea for longer than 24 hours.

10. **ENFORCEMENT AND PENALTY:**

A. It shall be the duty of the Board of Selectmen and the Phippsburg Police to enforce the provisions of this ordinance.

B. The Board of Selectmen are authorized to institute any or all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be necessary to enforce this ordinance in the name of the Town of Phippsburg.

C. Any person who violates any provision of this ordinance shall be guilty of a civil violation subject to a penalty of between $50 and $500 for each violation. All fines levied under this ordinance shall be paid to the Town of Phippsburg. Persons found guilty of violating this ordinance also shall be liable for the Town's attorney's fees and costs.

11. **EFFECTIVE DATE:** This Ordinance shall become effective after it's adoption at the May 18/19 1999 Town Meeting and will stay in effect until repealed or replaced. Any other Ordinance concerning the use of the Town Landings is hereby repealed.

12. **SEPARABILITY:** If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance

Amendment Summary		
Date	**Section**	**Amendment**
5/7/13	Section 5.C.	Removed restriction on using a facility to develop islands

Attest to be a true copy: John M. Young
Deputy Town Clerk
Town of Phippsburg