

## **1411. PUBLIC DOCKING ORDINANCE**

### **1411.1 Section 1. Legislative Findings**

The Town has several public docking systems located throughout the Town of Lincoln. These docking systems are located at Folsom Pond, Long Pond, Upper Cold Stream Pond aka (Little Narrows), Pollard Brook, Prince Thomas Park and MacEachern Memorial Park. The Town Council hereby finds the public has been using the docking system located at the MacEachern Memorial Park for unauthorized overnight mooring. This goes against the intended purpose of public docking systems.

### **1411.2 Section 2. Statement of Purpose**

The purpose of this ordinance is to control the docking tie-up at the various docking systems located throughout the Town of Lincoln. The docking systems were installed to allow a temporary mooring for boaters who wished to frequent our many lakes, our local restaurants, retailers, and various town sponsored events, such as, but not limited to, the Friday night concerts and the Loon Festival.

### **1411.3 Section 3. Docks and floats**

Landing docks will be maintained from May to October for the use of the public, unless weather conditions dictate later installation and/or earlier removal, as determined by the Public Works Director.

- A. Tie-up time will be allowed from sunrise to sunset. No tie-up will be allowed between sunset and sunrise; the exception being the Gazebo docking system (2 slips) on Main Street.
- B. Other boats, rowboats, canoes, kayaks, or other unpowered boats may be tied to the docks with the same maximum tie-up to apply.
- C. Docking at these limited number of slips can be rented for overnight docking/storage from the months of May first through Indigenous Peoples' Day at the Town Office.

#### **1411.3.1 Fee Schedule**

Slips can be rented seasonally, with a permit obtainable at the Town Office. Seasonal fee will be five hundred dollars (\$500.00) and cover a period no longer than from May first through Indigenous Peoples' Day.

#### **1411.3.2 Application for Permit**

Applications for a docking permit will be accepted until April 1st of each year or the first Monday thereafter if April 1st falls on a weekend. Applicants who owe outstanding fines and/or fees under this ordinance will not be permitted to obtain a slip permit. If more applications are received than slips available, the Town Clerk and/or the Cemetery, Parks, and Recreation Director of the Town of Lincoln shall conduct a random drawing on the first Tuesday after April 1st to determine which applicants will be allowed to obtain slip permits for that season. Selected applicants will have two (2) weeks (10 business days) after that Tuesday to pay for their slip permits or else lose their opportunity to obtain a slip permit for that year. Permits will be assigned to a specific watercraft and will not be transferrable to a different watercraft. Slip permits that become available after April 17th of each year may be applied and paid for on a first-come, first-served basis. If a slip is purchased on or after August first, the seasonal fee will be prorated to \$250.00.

The permit sticker issued must be visibly displayed on the bow of the watercraft,

**1411.3.3 Surrender of Permit**

Slip permit holders who vacate their slip for the remainder of a season are encouraged to surrender that permit to the Town Office so that slip may be subsequently rented to another watercraft owner for the remainder of that season. If the vacated slip is rented to another applicant on or after August first, the seasonal fee will be prorated to \$250.00.

**1411.4 Section 4. Penalty**

Any person who leaves a watercraft moored to the public docks beyond the allotted time will be fined \$100.00 per day as long as the violation continues. Any person who illegally parks their watercraft in or blocking a rented slip shall be fined \$250 per day as long as the violation continues and after two (2) nights their watercraft may be towed and impounded until fine and towing charge has been paid.

**1411.5 Section 5. Enforcement**

This ordinance will be enforced by any Police Officer, Code Enforcement Officer, and/or Cemetery, Parks and Recreation Director of the Town of Lincoln who shall have authority to initiate enforcement actions by serving a citation upon the defendant in accordance with Rule 80H(b), Maine Rules of Civil Procedure, as the same may be amended, directing the defendant to appear in district court at the date, time and location stated in the citation. Citations may be served in person to the owner and/or user of the watercraft and/or may be taped to the watercraft that is in violation of his ordinance. Defendants may plead guilty and pay fines and associated fees at the police station prior to district court date in lieu of appearance. All court proceedings under this ordinance shall be conducted in accordance with Rule 80H, Maine Rules of Civil Procedure.

**1411.6 Section 6. Severability**

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.