

Town of Kennebunkport

Cape Porpoise Pier Rules and Regulation

1. Authority

These rules and regulations are adopted by the Board of Selectmen pursuant to the Administrative Code, Article I – 1.2.9(n) and the Cape Porpoise Pier Ordinance Section 5 – Regulations.

2. Purpose

The Inhabitants of Kennebunkport have authorized the Board of Selectmen to operate a fish pier in Cape Porpoise Harbor for the convenience and economic well-being of the Town. The Selectmen have been charged with establishing rules and regulations governing the use and operation of the Cape Porpoise Pier in order to ensure its primary use as a fish pier while maintaining public access to the water.

3. Enforcement

The Pier Manager, Harbormaster, and all law enforcement officers have the authority to enforce these rules and regulations.

4. Definitions

- a. Commercial Fisherman: one who makes the majority of their income from lobstering and/or fin fishing, not to include tuna fishing.
- b. Dealer: a licensed wholesale or retail lobster dealer who buys and sells lobsters.
- c. Commercial: concerned with or engaged in commerce related to fishing with the intention of making a profit.

5. General Provisions:

- a. Non-compliance with pier rules and regulations may result in fines and/or the loss of pier privileges.
- b. The Pier operating hours will be from 8:00 am until 4:00 excepting Town holidays. The Pier Manager is allowed approved time off.
- c. Service vehicles are allowed on the pier, provided the vehicle is not left unattended.
- d. There will be no recreational swimming or diving from the pier.
- e. There is a 10 pm curfew for all non-commercial use of the pier.
- f. All refuse must be deposited in the containers supplied for this purpose, and all waste oil must be deposited off property.
- g. The discharge, disposal, or dumping of oil, dead fish, or parts, rubbish, refuse, or debris from the Fish Pier, Vessel or other sources into or on the tidewaters or shores is strictly prohibited.

- h. There will be no drain oil left in trash containers or on pier premises.
- i. There will be no above-ground fuel or gasoline tanks left on pier complex, including the parking lot.
- j. There will be no dressing of fish at the pier.
- k. Hand fishing, sightseeing and buying fish and lobsters for personal consumption are permitted.
- l. The drinking of alcoholic beverages is prohibited at the fish pier, when off restaurant premises.
- m. It shall be the responsibility of each Captain to comply with these regulations and further be responsible for the clean-up of the area immediately after loading/unloading.

6. Pier Rules:

a. Storage:

- i. There will be no dead storage on wharf, ramps, or floats, or adjacent owned town property. Dead storage shall include, but not be limited to: lobster traps, barrels, rope, buoys, nets, lobster crates, mooring gear, boat gear, wood, metal, fiberglass, and any other personnel or marine related gear.
- ii. Gear may be left no longer than 72 hours (3 days), unless it is related to major storm damage, then a grace period may be extended by the Pier Committee.
- iii. A fine of \$3.00 per unit will be levied against the owner of gear left beyond the 72 hours, 3 day grace period. At the end of 6 days, if the fine has not been paid and gear removed, the fine will be doubled and the violator will be reviewed by the Pier Committee, and forwarded to the Selectmen with their recommendations.

b. Punt Floats:

- i. Boats up to and including 14' in length will be allowed at the punt float.
- ii. Mooring permit numbers must be affixed to all punts using the punt float. Any punts without proper demarcation will be removed.
- iii. Any derelict punts left unattended for 48 hours are subject to removal at owner's expense.
- iv. No bait will be taken down the punt ramp.

c. Bait Shed:

- i. The bait shed will be kept clean in good repair.
- ii. Each person holding space in the bait shed will be responsible for keeping his or her own area clean. Those not in compliance will be brought before the Town Manager and Pier Committee and then forwarded to the Board of Selectmen for disciplinary action.
- iii. The bait shed will be used strictly for bait.

- iv. The bait space maximum limit will be determined based upon available space by the Pier Manager.
- d. There will be no overnight docking except by permission of the Pier Manager. The pier manager may authorize overnight dockage for up to 48 hours.
- e. No vessel may be left unattended under the hoist of the pier for a period of more than $\frac{1}{4}$ (one-quarter) hour. In no event, shall any vessel not actively using said facilities for loading or unloading remain there, when any other vessel requires the use of said facilities for said purposes.

7. Pier Member Fees

Pier members shall pay applicable fees for access and use of the pier. Use of pier facilities be dependent upon the categories of use. Commercial Pier membership will include access to the punt float, bait shed, fuel, fresh water, and use of pier and cranes. Recreational Pier members will have access to fuel, fresh water, and punt float.

The Pier Committee will review the fees on a regular basis and recommend annual Cost of Living Adjustment increases to the Board of Selectmen. The Selectmen will determine the annual fees prior to the annual billing cycle.

Pier users / members will pay their annual pier dues for the first boat. Any additional boats will be charged at \$5.00 /ft.

Commercial pier users who have a debilitating illness may apply for a waiver fee (\$100) each year the illness prevents them from fishing. The application will be submitted to the Pier Committee for review and approval.

Pier Members will be billed each year, and bills will be due and payable within 30 days. After 60 days, all unpaid bills will be forwarded to the Board of Selectmen for dispensation. Pier members with accounts 60 days or greater past due may be removed from the Pier Member schedule and all member privileges will be revoked.

8. Fuel

For the convenience of Pier Members the Town of Kennebunkport sells fuel at the Cape Porpoise Pier. Pier members may apply for a key to charge fuel at their convenience. Due to the limited number of keys, commercial fishermen will have first priority. The Pier Manger will assign keys. Pier Members may charge fuel for up to 15 days. Any member who has not paid in full will be restricted from any future fuel charges immediately. Fuel privileges will be restored if the member pays within 30 days. After three past due fuel incidents the Pier Member will lose all future fuel charge privileges. Pier Members may use a credit card to charge fuel with a surcharge applied to the purchase.

9. Parking / Traffic

- a. Parking in the pier parking area shall be permitted for the following uses, in order of priority: (1) individuals paying pier dues to the Town; (2) users of the Cape Porpoise Pier for its primary use as a public fish pier, such as fishermen, vendors and others conducting business or performing services associated with the Pier; (3) users (including staff) of any businesses leased by the Town and located on Town-owned property on the Cape Porpoise Pier for the operation of businesses incidental to a public fish pier such as food take-out, restaurant, ship store, retail and wholesale, and lobster pounds; and (4) members of the general public who wish to access the Pier for sightseeing or recreation; and (5) other users by permission of the Town.
- b. No vehicle may stop, stand or park in the Pier parking area between the dates of May 15 and September 15 for the purpose of launching a kayak, canoe or other hand-carry boat or flotation device. The Town may assign personnel to permit, manage and direct the parking of vehicles in the Pier parking area.
- c. Vehicles illegally parked, or not parked within designated areas are subject to being towed at the owner's expense.
- d. There will be no overnight parking allowed except for pier members on multiple day fishing trips.