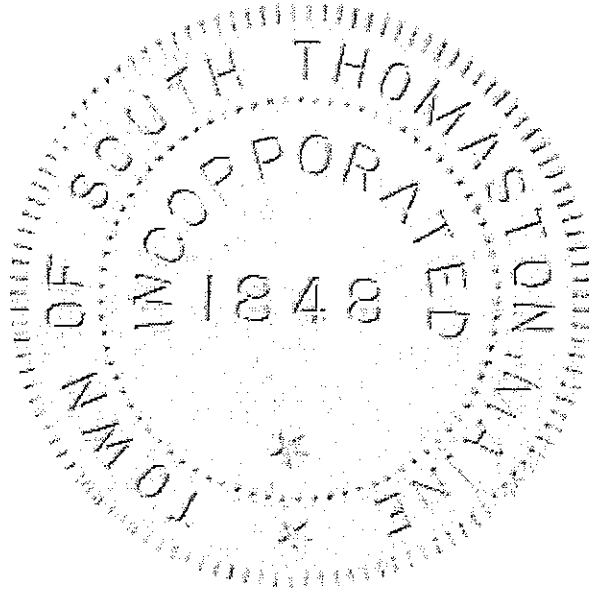


TOWN OF  
SOUTH THOMASTON, MAINE



PUBLIC LANDING ORDINANCE

Adopted: March 31, 2015

# Town of South Thomaston, Maine

## Public Landing Ordinance

### Section 1. Purposes.

- A. The purposes of this Ordinance are to protect the public health, safety and welfare of all users of the South Thomaston Public Landing, which is public property located in the area known as the 'Keag'; and to ensure that river channel lines to and from the South Thomaston Public Landing remain open and accessible.

### Section 2. Authority and Applicability.

- A. This Ordinance is adopted pursuant to Title 30-A M.R.S.A. Section 3001.
- B. The Town of South Thomaston hereinafter shall be referred to as the Town.
- C. The South Thomaston Public Landing hereinafter shall be referred to as the Public Landing.
- D. The Public Landing is located on MAP 14 LOT 63 as shown on the tax map by Aerial Survey and Photo, dated April 1, 2014, and consists of a memorial area, parking lot, boat ramp, pier and float including the waterway approaches to the ramp, float and pier.
- E. The South Thomaston Code Enforcement Officer (CEO) shall be authorized to enforce this Ordinance
- F. The word "person" shall include an individual, business, corporation or organization.

### Section 3. Liability.

- A. The public may use the Public Landing facilities at their own risk. The Town and its employees assume no liability for damage or theft of any personal property at the Public Landing, and the Town by this Ordinance does not limit or waive the protections of the Maine Tort Claims Act, Title 14 M.R.S.A. Chapter 741.

### Section 4. Rules

- A. No person shall park any vehicle, including trailers, in any zone marked fire lane or any other area designated as a no parking area
- B. No person shall park any vehicle, including trailers, on the pier or boat ramp any longer than is necessary to promptly load or unload.
- C. No person shall park any vehicle, including trailers, overnight or in excess of 24 hours, without permission from the CEO.
- D. The CEO may, at the owner's expense, have any vehicle that is parked in violation of this ordinance removed from the Public Landing.
- E. No person shall moor, anchor, or tie boats so as to block or impede waterway approaches to the ramp, float or pier.
- F. Without permission of the CEO, no person shall moor, anchor, or tie boats within 50 feet of the Public Landing in excess of 24 hours except that skiffs, not exceeding 12 feet in length, may be tied to the float, provided they are tied in a manner that does not block or impede loading and unloading activities on the southwest side of the float.
- G. The Town may, at the owner's expense and at the recommendation of the Code Enforcement Officer, have any boat that is moored, anchored, or tied in violation of this ordinance, removed [K1] from the Public Landing or relocated to another part of the Public Landing.

- H. No person shall leave personal property at the Public Landing, including boats, equipment, bait, or gear, any longer than is necessary to promptly load or unload, without permission from the CEO.
- I. The CEO may, at the owner's expense, have any personal property that is left at the Public Landing in violation of this ordinance, removed from the Public Landing or relocated to another part of the Public Landing. [K2]
- J. No person shall set up any commercial, fundraising, or similar type operation at the Public Landing without written permission from the Selectboard.
- K. All persons shall obey all posted signage and any verbal or written orders of the Code Enforcement Officer related to use of the Public Landing.

#### **Section 5. User Fees and Fines.**

- A. This Ordinance shall be enforced according to the provisions set forth in 30-A M.R.S.A. § 4452. The Code Enforcement Officer shall have authority to initiate enforcement action in the event of a violation of this Ordinance, except where such authority rests by law with law enforcement officers[K3]. Any person who violates any part of this ordinance shall be liable to the Town for the following penalties:
  - (1) The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be \$2,500. Each day that the penalty exists may be considered a separate violation.
  - (2) The offender shall pay to the Town an amount equal to reasonable attorney's fees, court costs, expert witness fees, and other expenses incurred by the Town in the prosecution of any proceeding to enforce the provisions of this ordinance, including proceedings in equity to abate any nuisance or other condition in violation of this ordinance.
- B. Any person who is cited by the CEO for violating this ordinance twice in any one year period may, after notice and hearing, have his/her privileges to use the landing suspended by the Selectboard for up to one year.
- C. Any property removed from the Public Landing by the CEO in accordance with this Ordinance that is not claimed after 60 days, may be sold or disposed of by the Town. Proceeds from any such sale shall accrue to the Town.
- D. Any person or persons found causing damage to Town or private property at the Public Landing may be subject to criminal charges and penalties.

#### **Section 6. Validity and Separability.**

- A. If a court of competent jurisdiction declares any section or provision of this ordinance to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

#### **Section 7. Effective Date and Repeal.**

- A. This Ordinance shall be effective on the day following enactment or amendment by a majority vote at the Town Meeting and shall repeal and supersede the Public Landing Ordinance that was enacted on March 26, 2013.

#### **Section 8.**

- A. Any person aggrieved by a decision of the CEO under the terms of this ordinance may appeal the said decision to the Selectboard. All appeals must be in writing and filed with the Town Clerk within 10 days of the issuance of the CEO decision.  
[K4]