

TOWN OF NAPLES

INVASIVE AQUATIC PLANT SURVEY ORDINANCE NAPLES, MAINE

ADOPTED: JUNE 9, 2018
REVISED: APRIL 30, 2019

Attested: _____
Judy Whynot, Town Clerk

Section 1. PURPOSE

The purpose of this Ordinance is to prevent the introduction of invasive aquatic plants into Long Lake, Brandy Pond, Trickey Pond, Sebago Cove, Cold Rain Pond, Peabody and Sebago Lake in the Town of Naples, Maine. Protecting the public and private economic resources, fish and wildlife habitat, and the natural beauty of the lake and pond is of prime importance to the overall welfare of lakeshore communities. Only a small fragment of an invasive plant can infest and ultimately destroy a lake, and Long Lake has already experienced an infestation of Variable Leaf Water Milfoil.

Section 2. STANDARDS

This Ordinance requires that all owners of Boat Launching Sites and Significant Boat Docking Facilities, as defined herein, obtain an annual plant survey from a Certified Party, as defined herein. This Ordinance requires that the annual survey shall be conducted between June 15 and August 15. The survey should be conducted early in the prime growing season for aquatic plants, but this time range is intended to allow flexibility to accommodate variations in weather conditions, water conditions, and availability of Certified Parties.

Annual surveys for aquatic invasive plants at Boat Launching Sites and/or Significant Docking Facilities on Long Lake, Brandy Pond, Trickey Pond, Sebago Cove, Cold Rain Pond, Peabody and Sebago Lake in the Town of Naples, Maine will be the responsibility of the landowner where the site or facility is located. The Town shall provide forms to certify proof of survey and a list of qualified individuals or entities who capable of conducting aquatic plant surveys.

Inspection requirement for Marina's and Campgrounds:

- 1) Any employee of a marina or campground that launches boats shall attend an annual Courtesy Boat Inspector Training.
- 2) Boats maintained and launched by a marina employee must be inspected prior to launch by marina staff.
- 3) Boats launched by individuals privately at the marina or campground must be inspected for invasive plants by trained staff. These inspections should be documented using the same forms used by all Courtesy Boat Inspectors throughout the state. These forms should be turned into the town by October 15th. Any boat with a suspicious plant will be cleaned thoroughly prior to launch.
- 4) Boats that have been winterized and stored on site may be exempted from inspection

Section 3. DEFINITIONS

Boat Launching Sites shall mean any location where motorized watercraft of any type are launched or removed from Long Lake, Brandy Pond, Trickey Pond, Sebago Cove, Cold Rain Pond, Peabody and

Sebago Lake in the Town of Naples, Maine. This term shall not include launching sites used exclusively by individual landowners. However, such owners are encouraged to conduct an annual survey voluntarily.

Campground: An area devoted to overnight recreational or educational use where the land is divided into sites or lots for which a charge is made, either on a short term basis, by sale, rent, lease or condominium type of financing or ownership; and/or any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Marina: A business establishment having frontage on navigable water and as its principal use, providing for hire offshore moorings or docking facilities for boats and which must also provide accessory services, such as, boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Significant Boat Docking Facility shall mean any location where more than six (6) motorized watercraft of any type are moored, docked, stored, or beached on property adjacent to Long Lake, Brandy Pond, Trickey Pond, Sebago Cove, Cold Rain Pond, Peabody and Sebago Lake in the Town of Naples, Maine. This term shall not include docking facilities used exclusively by an individual private landowner or family. However, such owners are encouraged to conduct an annual survey voluntarily.

Certified Party is a person trained in the identification of invasive aquatic plants by the Maine DEP, the Volunteer Lake Monitoring Program or Lakes Environmental Association. The Certified Party may be a volunteer, employee or private contractor. NOTE: Certified Parties who are paid shall be compensated by the owner of the Boat Launching Site and/or Significant Boat Docking Facility at a fee mutually determined.

Section 4. ENFORCEMENT/PENALTIES

It is unlawful and in violation of this Ordinance to fail to obtain an annual Aquatic Plant Survey. Failure to submit the Aquatic Plant Survey to the Town of Naples by September 15th of each year is a violation. The Town shall provide an official form to certify proof of survey.

Any law enforcement officer or municipal code enforcement officer may issue a Notice of Violation. Such notice shall impose a fine of up to one thousand dollars (\$1,000.00), which must be paid to the Town Clerk of the town where a Boat Launching Site and/or Significant Boat Docking Facility is located within ten (10) days of the Notice of Violation. In the event said fine is not paid within the specified time limitation, a summons shall be issued for appearance in District Court.

Section 5. AVAILABILITY OF ORDINANCE

This Ordinance shall be on file at the offices of the Town Clerks in the Town of Naples and will be available to any member of the public.