

Town of Naples

MARINE SAFETY DIVISION ORDINANCE

Section 1. Title

This Ordinance shall be known as the Town of Naples Marine Division Ordinance (the “Ordinance”).

Section 2. Authority.

This Ordinance is enacted in accordance with Title 12 M.R.S.A. Chapter 935 ss10402-10403 & 13072-13073, Title 38 Chapter 1 ss1-13, as may be amended.

Section 3. Purpose.

The purpose of this Ordinance is to define the scope and responsibilities and procedures of operation(s) for the Naples Marine Safety Division.

Section 4. Establishment.

There is hereby established the Naples Marine Safety Division. It shall be a municipal_department within the Town.

Section 5. Definitions.

For the purposes of this Ordinance, the following terms shall be defined as follows:

5.1 “Department”, “Unit”, “Division” means the Naples Marine Safety Division established pursuant to this Ordinance.

5.2 “Harbor Master (HM)” means the person whether it be full-time or part-time duly appointed pursuant to this Ordinance who serves as the head of the Division.

5.3 “Deputy Harbor Master (DHM)” means an active unit member(s) appointed by the Harbor Master whether it be full-time, part-time or on-call volunteer to fulfill the duties and responsibilities assigned to them by the Harbor Master or Deputy. The Senior Deputy Harbor Master shall be the first in charge in the absence of the Harbor Master (HM).

5.4 “Marine Patrol/Safety Officer(s) (MPO)” means an active unit member(s) appointed by the Harbor Master whether it be full-time, part-time or on-call volunteer to fulfill duties and responsibilities assigned to them.

5.5 “Town” means the Town of Naples

5.6 “Committee” established working group of members set up for the creation of policies/procedures/rules and guidelines for operation and training for the division

5.7 “Jurisdictional Response Areas (JRA)” established areas of jurisdictional authority and response. Areas of Jurisdictional Authority include but not limited to Long Lake, Brandy Pond, Songo River, Crooked River, North End of Sebago Lake, Muddy River, Bay of Sebago, Bay of Naples and Tricky Pond. (JRA) may also include areas in mutual aid or MOU jurisdictions.

Section 6. Division Organization and Duties.

6.1 Duties of the Division

6.1.1 The Division shall provide Marine related response, enforcement and education within the jurisdictional response areas.

6.1.2 The Division shall be authorized to provide emergency response services by responding to and managing said incidents within the jurisdictional response area.

6.1.3 Division members should be prudent in enforcement and primarily serve as a facilitator and educator regarding improper water-related procedures. Division members shall be authorized to issue and write summons/citations/USACs in the event of a violation of Town Ordinance or State Law. All criminal activity cases will be referred to the Maine Warden Service or Cumberland County Sheriff’s Office.

6.1.4 The Division shall educate and promote recreational and commercial boating and marine safety within the jurisdictional Maritime response area.

6.1.5 The Division shall assign and ensure all moorings within the Town’s jurisdiction are up to current standards and assigned appropriately with the guidance of State law and Town Ordinance.

6.1.6 The Division will work collaboratively with other Town departments (Code Enforcement, Planning Boards, ECT) for the safe and effective operations of shoreland zoning compliance.

6.1.7 The Division shall work to assist and enforce Invasive Aquatic Species Plants inspections per Town Ordinance.

6.2 Harbor Master Position.

6.2.1 Appointment.

The head of the Division shall be the Harbor Master, who shall be selected by the Town Manager. The Town Manager shall solicit a recommendation from the members of the Naples Marine Division prior to making a selection of Harbor Master. The Harbor Master shall be subject to the supervision of the Town Manager consistent with personnel policies established by the Board of Selectpersons.

6.2.2 Term, Compensation.

The Board of Selectpersons shall appoint a Harbor Master annually. The Harbor Master position is a hired/appointed position and is subject to annual review by the Town Manager or his/her designee. The compensation of the Harbor Master shall be determined by the Town Manager.

6.2.3 Powers and Duties.

The Harbor Master shall have the duties established by Title 12 M.R.S.A. Chapter 935 ss10402-10403 & 13072-13073, Title 38 Chapter 1 ss1-13, as may be amended. The Harbor Master shall be responsible for the immediate supervision and operation of the Marine Division and the conduct of the Division membership. The Harbor Master shall appoint officers positions within the division based on Training, Education and Experience. The Harbor Master shall appoint the following officer positions: Deputy Harbor Master (DHM), Field Training Officer (FTO), and Marine Patrol Officer (MPO). Job descriptions for all positions shall be submitted to the Town Manager.

6.2.4 Reporting.

The Harbor Master shall submit an annual written report on the activities of the Division to the Town Manager and additional reports when requested and shall discharge such other duties assigned by the Town Manager when appropriate.

6.2.5 Rules and Standard Operating Procedures/Guidelines.

Rules and Standard Operating Procedure/Guidelines shall be built and designed on best operating practices. All policies set forth for the Division may be drafted in committee form voted/approved by the committee and then reviewed by the Town Manager prior to implementation.

6.2.6 Removal.

The Harbor Master may be removed from the position consistent with Town personnel policies.

6.3 Division Personnel.

6.3.1 Division personnel may have the duties and responsibilities set forth in Title 12 M.R.S.A. Chapter 935 ss10402-10403 & 13072-13073, Title 38 Chapter 1 ss1-13, as may be amended.

6.3.2 All Division personnel shall work to their appropriate licensing and certifications as appropriate and allowed by State of Maine Standards or Rule. Emergency Medical Service (EMS) Licensed Personnel will operate at their appropriate license level when required ensuring Maine EMS Protocols are followed.

6.3.3 All appointments, discipline, suspensions and dismissals of members of the Marine Division shall be handled in accordance with the personnel polices established by the Town Manager and Board of Selectpersons.

6.3.4 All Division personnel shall be subject to annual review by the Harbor Master or his/her designee to ensure proper quality assurance and standards of conduct and professionalism.

Section 7. Associations

7.1 The Town of Naples shall maintain an active membership in the State of Maine Harbor Masters Association (MHMA).

7.2 The Town shall allow-members of the Division to establish an Association for the purposes of Fundraising monies or equipment for the betterment of the Division or the Town.

7.3 If established, an Association shall be of not for profit status, shall not be a department of the Town and shall be set up and organized as required by 501C3 guidelines.

Section 8. Assets and Funds

8.1 All equipment, vehicles, facilities and other materials purchased with funds appropriated for the Division shall be considered property of the Town of Naples.

8.2 The Harbor Master or designee shall be responsible for obtaining equipment, materials and services for proper operation of the Division within the allowable limits set forth by the municipal budget. All funds appropriated for the Division shall be treated as municipal funds and no expenditures may be made unless in compliance with all purchasing and disbursement policies and procedures of the Town.

8.3 The Division is authorized to apply for and receive grants provided such grants are consulted with the Town Manager and approved by the Board of Selectpersons.

8.4 Any and all Donations, gifts made to the Division whether conditional or unconditional shall be treated as public funds and will only be accepted or used in accordance with the Town of Naples gifting policy and provisions established in Title 30A M.R.S.A Chapter 223 ss5652-5654 as may be amended.

Section 9. Supersessions, Severability, Amendments and Adoptions.

9.1 Supersession

This Ordinance supersedes and replaces any or all like or comparable ordinances, policies or decisions previously enacted or adopted by the Town, including or without limitation the implementation policy for Naples Marine Safety, Naples Marine Patrol or Office of the Harbor Master. This Ordinance is designed to be a foundation for the future of the Marine Safety Division and Office of the Harbor Master. This Ordinance shall remain in effect unless it is revoked or suspended in accordance with Title 30A Chapter 141 ss3001-3009.

9.2 Severability.

The invalidity of any portion of this Ordinance shall not invalidate any other thereof.

9.3 Amendments.

This Ordinance may be amended from time to time in accordance with the provisions of Title 30A M.R.S.A. Chapter 141 ss3002, as may be amended. It is recommended the Harbor Master review this Ordinance periodically and consult with the Town Manager as to urgent or necessary amendments.

9.4 Adoption

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by regular or special Town Meeting.

Adopted:

Attest: _____

Judy Whynot, Town Clerk