ORDINANCE GOVERNING THE OPERATIONS OF

**THE TOWN-OWNED PROPERTY MANAGEMENT BOARD**

for the Town of Georgetown, Maine ***draft***

Approved June 12, 1993 Amended June 13, 1998 Amended June 13, 2009

Amended June 10, 1995 Amended June 12, 1999 Amended June 12, 2010

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Amended June 16, 2018 Amended June 26, 2021 *for amendment June 17, 2023*

The Town-Owned Property Management Board (TOPMB) shall have the following organization, scope of authority, duties, and limitations:

A. ORGANIZATION

1. The Town-Owned Property Management Board shall consist of three elected members, residents of Georgetown, each to serve three-year terms.

a. No more than one member shall be elected in a given year and one member shall be elected each year, except that in the event of a vacancy occurring during the year because of a resignation, death, or other cause, the Board of Selectmen shall appoint an interim member to serve until the next regular Town Meeting, at which time a new member shall be elected to fill the vacancy for the balance of the unexpired term.

b. No member of the Board shall be a “town tenant”. For purposes of this limitation, “tenants” shall be defined as officers, stockholders, or equity participants and their spouses of any individual, partnership, or corporation which leases any town properties for a substantial amount of money. As of 1992, the three buildings located on the Town Wharf comprised the only substantial lease.

c. Elections for the Board will be held at the Annual Town Meeting.

2. Members of the Board shall elect a Chairman and Secretary annually.

3. The Board shall meet monthly at dates and times established by the Board. Advance notice of each meeting will be publicly posted. All meetings shall be open to the public.

4. The Secretary of the Board shall keep minutes of each meeting which shall include attendance and an accurate summary of all matters discussed, voted upon, or otherwise considered by the Board. Copies of these minutes shall be posted for the public and delivered to the Board of Selectmen.

5. All action by the Board shall be by majority vote.

B. SCOPE OF AUTHORITY

1. The Town-Owned Property Management Board shall exercise its authority over the following real property owned by the Town of Georgetown:

Wales Lot (adjacent to Richards Library) U4 lot 24

Richards Library U4 lot 25

Five Islands Waterfront U13 lots 33 and 56

Stone School House R6 lot 14

Todd’s Landing, also known as the Shipyard U4 lot 4

2. The Board shall have authority to negotiate leases, set rents, and act with all the authority of a landlord with respect to the above-listed Town-owned property, and to sign all documents necessary to exercise such authority in the name of the Town of Georgetown. In selecting tenants, the Board shall give consideration to the character and background of the applicant as well as the amount of rent any such applicant agrees to pay.

3. The Board shall have the authority to issue permits for public and private functions and other organized activities on Town-owned properties under its jurisdiction.

4. The Board shall recommend the sale, development, or other disposal of any Town-owned property under its jurisdiction to Town Meeting whenever it deems that such sale, development, or disposition is in the Town’s best interest; and shall have no authority to sell, develop, or dispose of such property absent Town Meeting approval.

C. DUTIES. The Board shall:

1. Secure the fair rental value of any Town-owned property which it leases for commercial purposes.

2. Assist the Town Treasurer in maintaining a single consolidated income and expense record for all Town-owned property under its control.

3. Submit to each Regular Town Meeting a proposed budget for the following year’s property operations.

~~4~~. Keep maps and other boundary records in its permanent files available for public inspection for all properties under its jurisdiction.

5. Determine the boundaries and keep records thereof as described in subparagraph 5 for all subsequently acquired property which comes under its jurisdiction.

6. Turn over to the Town Treasurer all income as it is received.

7. Resolve claims of incursion on private property and right-of-way disputes involving property under its jurisdiction using services of Town Counsel.

8. See that the Town complies with the terms of the Submerged Land Lease from the State of Maine Department of Conservation.

9. Maintain in good repair the Town Wharf and Town-owned floats at Five Islands harbor and ensure repair and maintenance of all properties under its jurisdiction to protect the assets of the Town.

D. LIMITATIONS

1. The Board shall have no power to execute lease agreements which bind the Town for more than five years.

2. No agreements, promises, contracts, or leases with respect to any parcel of real property shall be binding on the Town or any other party unless such agreements, promises, contracts, or leases are made after two continuous weeks of public notice, posted at the usual places for public notices in the Town, that the Board is considering action with respect to that parcel. Such notice shall indicate the parcel involved, the nature of the agreement or lease sought by the Board, and the use of the parcel which has been approved by Town Meeting.

E. TOWN WHARF REGULATIONS:

E I. GENERAL

1. Free public access to the unrented or public use portion of the Town Wharf shall be assured, subject to the following limitation and exceptions: Use of the Town Wharf by commercial fishermen for any purpose other than to sell to the tenants of the wharf shall be restricted to fishermen who are R~~r~~esidents of the Town of Georgetown who have paid the commercial user fee described in Section F.1 below except under such special circumstances as may from time to time be determined by the Board on a case by case basis.

2. The three structures on the Town Wharf ~~(the Love Nest/Snack Bar, the Ice Cream/Bait Building, and the Lobster Pound)~~ shall be leased for use as a wholesale and retail seafood business.

3. A determination shall be made regarding the maximum vehicle tonnage the wharf deck can safely sustain. A sign shall be erected at the wharf indicating what this tonnage is. A fine of $500 shall be imposed on those placing vehicles weighing in excess of the maximum allowed tonnage on the wharf deck.

4. No unattended vehicles, including cars, ATV’s or motorcycles, shall be permitted on the Wharf or at the entrance to the wharf. A vehicle may be parked while loading or unloading only and only while the operator is present. Vehicles parked in violation of this ordinance shall be towed at the owner’s expense.

5. Town tenants shall not interfere with the public’s right-of-way.

6. Town tenants shall be assured of freedom from interference by the public with their use of any leased area.

7. A hoist shall be maintained at the east end of the wharf for Georgetown residents who have paid the appropriate user fee specified in Section F1 below or with the written permission of the TOPMB upon payment of a $50 per use fee.

8. Anyone whose boat damages the wharf shall be liable for the cost of repairs.

E. II. USE OF COMMERCIAL AND RECREATIONAL FLOATS

1. There shall be no overnight tie-ups on the east face of the wharf or floats.

 2. Commercial users shall have priority at the east face of the wharf.

 3. There shall be no recreational tie-ups at the commercial floats and no commercial tie-ups at the

 recreational floats.

 *4*. Tie-ups on the east face of the recreational floats shall be for no more than two hours. No boats

 shall be left unattended on the east face of the recreational floats in the yellow load/unload

 zone.

5. The recreational float and run shall be removed from service each winter from 15 October to 15 April.

 E.III. SANITATION AND CLEANLINESS

 1. No traps, fishing gear, trash or personal property may remain on the Wharf for more than 72

 hours without written permission from the TOPMB.

 2. No traps or gear may remain unattended on the floats at any time, except for equipment in use

 by the commercial leaseholder.

3. No bait is to be left unattended on the wharf. Individuals loading bait from the wharf are

 responsible for clean-up.

 4 .The Wharf tenant shall be responsible for appropriate disposal of waste derived from the

 business and for maintaining cleanliness in leased areas.

F. FEES FOR USE OF THE TOWN WHARF

1. Except as provided below, all Resident ~~full-time water-borne~~ commercial users of the wharf shall pay to the Town a user fee of $250 per fiscal year.

a. The user fee for individuals under the age of 18 shall be $50 per year.

b. Commercial fishermen over the age of 65 shall be exempt from paying the user fee.

c. Individuals whose only water-borne commercial use of the wharf is to buy from or sell to the tenants of the wharf shall be exempt from paying the user fee.

d. Water-borne commercial use of the wharf by individuals who do not pay the user fee shall constitute trespass.

 2. Commercial user fees shall be due and payable on 1 September of each year. A late fee of $100

 shall be charged on any user fee unpaid on October 1 and an additional $50 late fee shall be charged the first of every month thereafter that the fee remains unpaid. Failure to pay all fees and late penalties due by 1 April or, unauthorized use shall result in the loss of Wharf privileges and upon written notification by the TOPMB, the Harbor Master shall be authorized to issue notice of criminal trespass. When all fees, penalties, and applicable court costs, if any, have been paid in full, an individual may apply to the TOPMB for reinstatement of wharf privileges.

 3. *Commercial* users who tie up skiffs on the north float shall pay an additional $125 per year per

 skiff. Commercial skiffs shall be limited to 14 feet in length and the number of tie-ups shall be

 determined by the Board.

 4. Seasonal skiff tie-ups on the south float shall be for R~~r~~esidents of the Town and shall be by

 permission of the Board at a cost of $125 per season per skiff. Recreational skiff tie-up fees shall

 be due and payable by 1 June of each year. Recreational users will receive stickers to display in a

 prominent place on their skiffs on payment of the tie-up fee. After 1 June of each year, skiffs not

 displaying the required sticker shall be subject to removal at the owner’s expense.
 The number of tie-ups shall be determined by the Board.

G. TODD’S LANDING REGULATIONS AND FEES

1. Unless otherwise stated or approved by the TOPMB, the Landing operates as a trailered boat launch. Use of this facility shall be restricted to Residents of Georgetown. Users of the Landing shall display their Georgetown Transfer Station stickers, available at the Town Office, on their vehicles as proof of residency. Permit stickers issued to persons no longer resident in Georgetown are void. The Board of Selectmen may revoke a permit sticker following notice and hearing of a violation of this Ordinance.

2. Contractors such as marine services, boat haulers and building supply companies, whose only water or land-bourne use of the Landing is to service a Resident shall be permitted temporary use.

3. No vehicle shall be parked so as to block access to the ramp.

4. Vehicles, including trailers, shall be parked in designated areas only. No overnight parking.

5. Vehicles parked in violation of this ordinance shall be towed at the owner’s expense.

6. Anyone whose boat or vehicle damages the Landing shall be liable for the cost of repairs.

7. Residents of the Town may leave skiffs for personal use in the designated area to the east of the ramp above the high tide line upon payment to the Town of a fee. The fee shall be $25 per calendar year. On payment of the fee, users will receive stickers to display in a prominent place on their skiffs. After the due date for payment each year, skiffs not displaying the required sticker shall be subject to removal at the owner’s expense. Failure to pay skiff fees shall be subject to the same late penalties specified in Section F above. The number of skiff permits shall be determined by the Board.

8. Users of the Landing do so at their own risk and the user shall be responsible for any damage caused on Landing property. The Town shall bear no liability for any individual user-caused property damage or personal injury, except to the extent that governing state law imposes such liability for personal injury incurred at the Landing.

9. Carry in and carry out litter. Any liquid or solid waste or rubbish that floats on, dissolves in or otherwise pollutes tidal waters, shall not be deposited on Landing property.

H. PENALTIES AND ENFORCEMENT

 It shall be the duty of the Harbormaster to enforce the regulations in Sections E and ~~G 5~~ of this ordinance as requested by the TOPMB in accordance with the provisions in Section F2. A copy of each warning issued by the Harbormaster shall be delivered by email or voice mail to the TOPMB at the Town Office within 24 hours of being served.

I. First Warning

If an individual is found in violation of the regulations specified in Sections E. F. or G. the Harbormaster shall issue a written warning to the violator specifying:

 a) the nature of the violation

 b) the corrective action that must be taken within 24 hours

 c) the time and date before which compliance must occur

 d) time and date of delivery of the warning

II. Second Warning

If the corrective action has not been completed within 24 hours of the first warning, the Harbormaster shall issue a second written warning specifying:

 a) the nature of the violation

 b) the corrective action that must be taken within 24 hours

 c) the time and date before which compliance must occur

 d) the statement that it is the final warning before imposition of penalties

 e) time and date of delivery of the warning

III. Citations, Fines, and loss of Wharf privileges

1) If the corrective action is not completed by the deadline specified in a second warning the Harbormaster shall issue a citation imposing a fine in the amount of $100. If the violation is not corrected within 24 hours of the first citation, the Harbormaster shall issue a second citation imposing an additional fine of $250.

2) If an individual remains in violation of the ordinance more than 24 hours after a second citation has been issued, or if an individual has received three citations for violation of this ordinance within the past 12-month period the individual will lose all privileges at the Wharf or at Todd’s Landing without refund of user or tie-up fees.

 If the individual continues to use the Wharf or Todd’s Landing after receiving notice of the loss of privileges, the Harbormaster shall issue a notice of criminal trespass which may be rescinded upon application to the TOPMB after all corrective action has been completed and all fees, fines, and costs recoverable under Maine law have been paid.

1. APPEAL PROCESS

 A person may appeal any fines or fees assessed to her / him or orders of the Harbormaster made pursuant to this Ordinance to the Town of Georgetown Board of Appeals. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed, and the Board of Appeals shall hold a public hearing within thirty five (35) days from the date of receipt of the appeal. A party aggrieved by the decision of the Board of Appeals may appeal to Superior Court within thirty (30) days from the date of the Board of Appeals decision pursuant to Maine Rules of Civil Procedure, Rule 80B.

J. DEFINITIONS

1. Commercial User: An individual holding a commercial fishing or harvesting license or a tour-boat or charter boat operator using the wharf to pick up or discharge passengers.

2. Resident: The word “resident” shall have its ordinary meaning and shall include persons owning or renting real residential property in Georgetown who use that property for their year-round or seasonal home.

3. Skiff: The word “skiff” shall have its ordinary meaning of a boat no longer than 14’ that is typically used for short transport by oar, sail or motor to a larger boar or nearby destination. In neither section F nor G does the meaning include personal watercraft.

K. EFFECTIVE DATE

The amendments to this ordinance shall become effective following approval at the regular Town Meeting. The ordinance was adopted at the regular Town Meeting on June 12, 1993 and replaced the Charter, Instructions, and Ordinance previously approved as Article 3 at a Special Town Meeting held on October 23, 1974.