

**TOWN OF SOUTHWEST HARBOR  
MORATORIUM ON THE USE OF DOCKS, PIERS, WHARFS AND OTHER SUCH  
FACILITIES TO TRANSFER SHIP PASSANGERS IN EXCESS OF FIFTY PERSONS  
PER INSTANCE**

WHEREAS, there has been an increase in the use of docks, piers, wharfs and other such structures to facilitate the transfer of ship based passengers in the Town of Southwest Harbor; and

WHEREAS, such activity has considerable safety, environmental, and land use concerns; and

WHEREAS, the Town's existing ordinances do not provide an adequate mechanism to regulate and control the location and operation of the transfer of such passengers; and

WHEREAS, the Town needs a reasonable amount of time to determine the implications of such activities and to develop reasonable regulations governing their location and operation; and

WHEREAS, during the period of this Moratorium, the Town will work on developing appropriate land use regulations concerning the transfer and unloading of passengers at such docks, piers, wharfs, and other such facilities;

NOW THEREFORE, pursuant to the authority granted to it by 30-A M.R.S. § 4356, be it hereby ordained by the legislative body of the Town of Southwest Harbor as follows:

1. APPLICABILITY AND PURPOSE.

While in effect this Moratorium shall apply to the use of all docks, piers, wharfs, tendering or berthing facilities, or other such passenger facilities used in the transfer of persons from ship to shore, and shall limit the use of such facilities to no more than fifty (50) passengers per ship.

2. PROHIBITION.

During the time this Moratorium is in effect no dock, pier, wharf, tendering or berthing facility, or passenger facility shall be used to disembark, offload, discharge, or otherwise facilitate the transfer of more than fifty (50) passengers per ship. Currently existing operations which regularly involve the use of docks, piers, wharfs or other such facilities to transfer passengers in excess of fifty (50) persons per ship are hereby exempted from this Moratorium and the prohibition contained herein does not apply to such currently existing activity.

3. ENFORCEMENT, VIOLATION AND PENALTIES.

This Moratorium shall be enforced by the Code Enforcement Officer of the Town of Southwest Harbor. Any person who violates Section 2 of this Moratorium shall be subject to civil penalties and other remedies as provided in 30-A M.R.S.A. § 4452.

4. EFFECTIVE DATE.

This Moratorium takes effect immediately upon adoption and shall expire on the 180th day thereafter, unless earlier extended by the Town Board of Selectmen.

5. SEVERABILITY.

Should any section or provision of this Moratorium be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.