

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on May 3<sup>rd</sup>, 2011, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 42, Parks and Recreation; Sections 144 and 201 of the Town of Old Orchard Beach Code of Ordinances are being amended by adding the underscored language and deleting the strikethrough language:

**Sec. 42-144. Prohibitions and restrictions.**

(a) It shall be unlawful and a violation of this division to engage in any commercial use or operation of any water toy or nonmotorized watercraft on or from the town beach.

(b) It shall be unlawful and a violation of this division to park, launch, use or operate any water toy on or from the town beach and in the adjacent tidewaters during the period June 21 through Labor Day of each year, except between 5:00 p.m. and 9:00 a.m.

(c) It shall be unlawful and a violation of this division to park any nonmotorized watercraft on the town beach in the area located between Union Avenue and Walnut Street, during the hours of 9:00 a.m. through 5:00 p.m., inclusive, between June 21 through Labor Day of each year.

(d) It shall be unlawful and a violation of this division to store on the town beach any water toy or nonmotorized watercraft during the period June 21 through Labor Day of each year.

(e) The use of nonmotorized watercraft other than surfboards is permitted and shall not be a violation of this division on and from the town beach and in the adjacent tidewaters. However, the chief lifeguard may prohibit or restrict the use of such nonmotorized watercraft when in his judgment factors, including but not limited to crowd conditions, weather conditions and tides, make such action necessary. The use of surfboards is prohibited except as allowed by subsection (f) and (g) of this section.

(f) The use of nonmotorized surfboards is permitted and shall not be a violation of this division in the following designated area of the town beach and adjacent ocean tidewaters: on the northerly side of the Old Orchard Pier from such pier to a point 125 yards from the pier. Such designated area shall be identified by appropriately placed signs, notices, ropes, buoys and/or other marks.

(g) The use of nonmotorized surfboards is permitted and shall not be in violation of this division along the entire town beach during the following dates and times:

(1) Between the dates of Labor Day and June 21, at all times; and

(2) Between the dates of June 21 and Labor Day, during the hours from 5:00 p.m. to 9:00 a.m.

(h) This section shall not apply to a marina; a passenger transportation service, such as excursion boats, charter boats, water taxis or water shuttles; ~~or~~ a waterborne amusement ride or a motorized water toy, which is: (i) operated at, to, from or adjacent to the pier or other such location as approved by the town council and; (ii) operated pursuant to an annual license issued by the town council under article II of chapter 18; and (iii) operated only in areas approved by the town council and marked off by buoys,

ropes, floats or other devices designed to keep swimmers and bathers from entering the operations area. The town council may approve such an operation only upon finding that it will not create a hazard to the public health, safety or welfare by endangering swimmers, distracting lifeguards from the performance of their duties, contributing to noise or water pollution or otherwise interfering with the public's use and enjoyment of the town beach and adjacent tidewaters, and the town council may impose conditions to ensure compliance with such findings.\*

\*Notwithstanding the provisions of Title 1, section 302 of the Maine Revised Statutes, this amendment shall affect proceedings pending at the time of its passage.  
(Ord. of 4-19-1988, §§ V, X; Ord. of 5-3-1988; Ord. of 6-6-2000; Ord. of 3-4-2008)

**Sec. 42-201. Use of the beach areas.**

No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and the town's public works vehicles, designated for public safety or beach cleaning purposes or vehicles authorized by The Town Council pursuant to a special amusement permit [or pursuant to an annual license issued by the Town Council under article II of chapter 18.](#)

Per Order of the Municipal Officers this 5<sup>th</sup> day of April, 2011

A True Copy

Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk