

**Order  
of the Bar Harbor Town Council  
for the November 8, 2022 Town Meeting**

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

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**WARRANT ARTICLE**

**Article XX CITIZEN PETITION FOR LAND USE ORDINANCE AMENDMENT — Daily Limits on Cruise Ship Disembarkations Ordinance — Shall an ordinance dated July 19, 2022 and entitled “An amendment to the Town of Bar Harbor Code to Impose Daily Limits on Cruise Ship Disembarkations,” be enacted?**

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**SUMMARY**

The amendment, with a retroactive date of March 17, 2022, will limit the number of persons allowed to disembark in Bar Harbor from cruise ships to a maximum of 1,000 per day.

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**EXPLANATION**

The amendment for daily limits on cruise ship disembarkations has a retroactive date of March 17, 2022.

The amendment will limit the number of persons from cruise ships allowed to disembark in Bar Harbor to a maximum, in the aggregate, of 1,000 per day. Exempt from this limit are persons disembarking from cruise ships that have made reservations prior to March 17, 2022. A cruise ship is defined as a watercraft carrying passengers for hire which is capable of providing overnight accommodations for 49 or more passengers.

The Harbor Master will develop rules and regulations to include, but not limited to, a cruise ship disembarkation reservation system, a daily counting and tracking system for persons disembarking, and a violation reporting system.

The Code Enforcement Officer will be responsible for enforcement of the disembarkation daily limit. Pursuant to the rules and regulations developed by the Harbor Master, property owners will be required to secure a written permit from the Code Enforcement Officer for any person disembarking from a cruise ship on, over, or across their land. The Harbor Master will report violations to the Code Enforcement Officer.

Each disembarking person exceeding the daily limit will constitute a specific violation resulting in a minimum civil penalty of \$100 per person.

**AN AMENDMENT TO THE TOWN OF BAR HARBOR CODE TO IMPOSE DAILY  
LIMITS ON CRUISE SHIP DISEMBARKATIONS**

The Town of Bar Harbor hereby ordains that Bar Harbor Code Chapter 125, Article VII, Section 125-77 shall be amended as follows (additions are underlined, and deletions are ~~struck through~~):

§ 125-77 Permit required for certain activities.

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H. Disembarking persons from cruise ships on, over, or across any property located within the Town of Bar Harbor.

- (1) For the purposes of this section, "cruise ship" has the same meaning as set forth in § 153-22 B. of the Town of Bar Harbor Code.
- (2) As determined by the Harbor Master, no more than 1,000 persons, in the aggregate, may disembark on a single calendar day from any cruise ship(s) and come to shore on, over, or across any property located within the Town of Bar Harbor; provided, however, that this subsection shall not apply with regard to any cruise ship reservations that have been accepted by the Harbor Master prior to March 17, 2022.
- (3) The Harbor Master shall develop rules and regulations in order to establish (a) a reservation system for cruise ships that transport persons by watercraft for disembarkation in the Town of Bar Harbor; (b) a mechanism for counting and tracking the number of persons disembarking each day; (c) a mandatory procedure for reporting violations to the Code Enforcement Officer; and (d) any other provisions that the Harbor Master deems necessary under this subsection. Any property owner issued a permit under this § 125-77 H. shall comply with all rules and regulations promulgated by the Harbor Master under this subsection.
- (4) This subsection shall be enforced by the Code Enforcement Officer in accordance with § 125-100 of this chapter, based on information as to violations provided by the Harbor Master, and property owners in violation of this subsection shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S. § 4452, as the same may be amended, provided that each disembarking person exceeding the permitted daily limit in § 125-77 H. (2) is a specific violation under 30-A M.R.S. § 4452(3)(B), resulting in a minimum \$100 penalty per excess unauthorized person.
- (5) Notwithstanding 1 M.R.S. § 302, and regardless of the date on which it is approved by the voters, this subsection will be applicable as of March 17, 2022.

and shall govern any and all applications for permits or approvals required under this subsection that were or have been pending before any officer, board, or agency of the Town of Bar Harbor on or at any time after March 17, 2022; provided, however, that the Town will not take any enforcement action under this subsection with regard to any cruise ship visits occurring prior to the date of adoption by voters at Town Meeting.

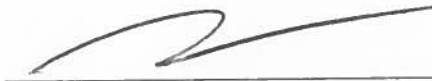
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Given under our hands and seal at Bar Harbor this 2nd day of ~~July~~ AUG, 2022:

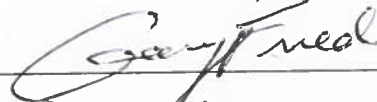
**Municipal Officers of the Town of Bar Harbor**



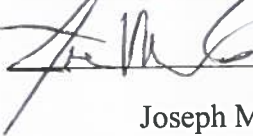
Valerie Peacock, Chair



Matthew A. Hochman, Vice Chair



Gary Friedmann



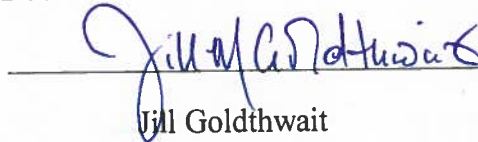
Joseph Minutolo



Jefferson G. Dobbs



Erin E. Cough

  
Jill Goldthwait