

COASTAL WATERS ORDINANCE

of the Town of Chebeague Island
MAINE

With Amendments adopted as of:

March 22, 2008

September 13, 2008

January 9, 2010

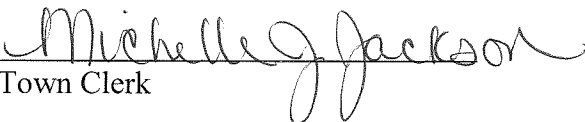
June 8, 2013

June 10, 2014

Adopted by the Town Meeting: July 1, 2007

Effective: July 1, 2007

Attest:


Town Clerk

Seal:

Section 101. TITLE

This Ordinance shall be known as and may be cited as the “Coastal Waters in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

Section 102. PURPOSE AND AUTHORITY

This ordinance is enacted to provide for the establishment of uniform rules governing the types of activities permitted or prohibited on the coastal waters of The Town of Chebeague Island. It is intended to ensure the safety of persons and property, to promote the availability and use of public resources, to encourage and protect traditional maritime and commercial activities, to provide for Aquaculture activities, and to create a fair and efficient framework for administering the use of those resources.

This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001 and 38 M.R.S.A., Chapter 1, Subchapter 1.

Section 103. DEFINITIONS

- a) **Abandoned Moorings.** The term ‘Abandoned Mooring’ shall refer to any mooring that is unused or unregistered for 365 days by the owner or his family.
- b) **Abandoned Vessel.** The term ‘Abandoned vessel’ means any vessel in the waters of the Town of Chebeague Island that is inoperative and neglected, submerged or partially submerged, or that has been left by the owner in coastal waters without intention of removal.
- c) **Anchorage.** The term ‘Anchorage’ shall refer to the occupancy of any space within the waters of the Town of Chebeague Island by a vessel while at anchor, whether or not the anchoring device is resting on lands under water within the boundaries of the Town of Chebeague Island.
- d) **Aquaculture.** The term ‘Aquaculture’ shall mean the culture or husbandry of marine organisms by any person.
- e) **Catch Storage Mooring.** The term ‘Catch Storage Mooring’ shall mean a mooring used by Commercial Fisherman to store their catch and cannot be used to moor a vessel or float.
- f) **Chebeague Transportation Company (CTC) Vessel.** The term ‘Chebeague Transportation Company (CTC) vessel’ shall mean any vessel owned and operated by the Chebeague Transportation Company.
- g) **Commercial Fisherman.** The term ‘commercial fisherman’ shall refer to a fisherman who is licensed by the State to harvest the marine species authorized by the license.
- h) **Floating Business.** A ‘floating business’ is the use or occupancy of a raft, hull, barge, or other vessel floating on the waters adjacent to and within the jurisdiction of the Town of Chebeague Island for any commercial operation such as, but not

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limited to, the providing of personal services, retail operations, restaurants, drinking establishments, galleries, performing arts, studios and other such service or business operation. Fishing vessels used primarily for the harvesting, processing, transport or storage of fish or seafood products, or vessels used for dredging or other navigational purposes are not floating businesses as defined herein.

- i) **Harbormaster.** The term ‘Harbormaster’ shall refer to the person appointed to serve as such by the Board of Selectmen.
- j) **Mooring.** The term ‘mooring’ shall mean an anchoring device not carried aboard a vessel as regular equipment.
- k) **Non-Resident.** The term ‘non-resident’ shall refer to any individual who does not maintain a legal residence within the Town of Chebeague.
- l) **Non-Resident Taxpayer.** The term ‘non-resident tax payer’ shall refer to a non-resident who pays real estate taxes to the Town of Chebeague.
- m) **Oil.** The term ‘oil’ shall refer to any and all petroleum products and their by-products of any kind and in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, bunker fuel, and crude oil.
- n) **Rental Mooring.** The term ‘rental mooring’ shall refer to a mooring which is leased or rented to a person other than the holder of the mooring registration.
- o) **Resident.** The term ‘resident’ shall refer to an individual who maintains a legal resident status in the Town of Chebeague Island.
- p) **Shorefront property owner.** The term ‘shorefront property owner’ shall mean any person owning at least 100 feet of contiguous shorefront in the Town of Chebeague Island.
- q) **Town Float.** The term ‘town float’ shall refer to a float owned by the Town of Chebeague Island.
- r) **Town Landing.** An area of land or easement contiguous to the waters of the Town of Chebeague Island which is owned by the Town.
- s) **Traditional Fishing Areas.** ‘Traditional fishing areas’ are the Waters of the Town of Chebeague Island and those areas sharing these borders considered adjacent areas. For the purpose of this ordinance, waters bordering these boundaries are also included under this term.
- t) **Vessel.** The term ‘vessel’ shall refer to boats of all sizes powered by wind, machinery, by hand or by tow. It includes barges, dredges, scows and watercraft of any kind.
- u) **Waters of the Town of Chebeague Island.** All waters below the mean high tide mark within the legal boundaries of the Town of Chebeague Island as established by Private and Special Law 2007, Chapter 47.

- v) **Water Taxi.** The term 'Water taxi' shall mean any boat (1) approved and licensed by the U.S. Coast Guard and used to carry passengers to and from Chebeague Island for a fee, (2) under the command of a person duly licensed to operate said boat, (3) offering, subject to weather conditions, an on-call water transportation service between Chebeague Island and the mainland or other islands in Casco Bay daily, (4) which is in full compliance with all applicable rules of any governmental agency, and (5) whose owner or operator, if requested by the Town of Chebeague Island Selectmen, provides a bond in form and amount satisfactory to the Town of Chebeague Island Selectmen guaranteeing safe and reliable performance of the service described in (3) above.

Section 104. COASTAL WATERS COMMISSION

- a) **Membership.** The Coastal Waters Commission shall be comprised of 5 people each of whom is a Resident or Non-Resident taxpayer. At least three (3) members shall be employed currently, or have been employed in the past, in the fishing industry or some other marine related activity.
- b) **Term.** Members shall serve for terms of 3 year(s). Terms shall be staggered.
- c) **Chairman.** The Commission shall annually elect a Chairman from among its members. The Chairman shall call meetings as necessary or when so requested by a majority of members or the municipal officers. The Chairman or his appointee shall preside at all meetings.
- d) **Secretary.** The Commission shall annually elect a Secretary. The Secretary shall maintain a record of all proceedings including all correspondence of the Commission and regularly submit the records to the Town Clerk.
- e) **Notice.** All meetings shall be held in a public place and scheduled through the Town Administrator who shall provide reasonable notice.
- f) **Quorum.** A quorum necessary to conduct business shall consist of at least a majority of appointed members.
- g) **Meetings.** All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. §§ 401-410.
- h) **Rules of Procedure.** The Commission may adopt rules of procedure not inconsistent with this ordinance.
- i) **Project Development and Recommendations.** The Commission will use the following procedure when developing projects or making recommendations:
 - i. The Commission is tasked with identifying aspects of the marine infrastructure that may need the attention of the Town. The issues may include but are not limited to: facilities development and maintenance, regulations, usage, permitting, and access.
 - ii. Once an issue has been identified, the Commission will evaluate the scope of the problem and its importance. If the issue is deemed to be a high priority,

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the Commission will inform the Town Administrator first and then the Board of Selectmen.

- iii. The Administrator and Selectmen will meet with the Commission to determine if the issue should be pursued, to what extent, and what if any financial and / or staff support (such as the Harbormaster or Administrator) will be allocated. The Selectmen will make the final determination as to whether the project will be taken to completion. The Selectmen will execute any bid documents and will oversee the project with the Commission serving in an advisory capacity.

The municipal officers and Town staff shall cooperate with and provide the Commission with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

Section 105. DUTIES OF THE COASTAL WATERS COMMISSION

The Coastal Waters Commission exists:

- a) to review and recommend to the Board of Selectmen development and activities on or in the coastal waters of the Town of Chebeague Island;
- b) for the general purpose of studying and evaluating public usage of, and access to, the Coastal Waters of the Town of Chebeague Island;
- c) for the planning for the future use of those waters;
- d) to advise the Selectmen on policy matters and proposed regulations concerning the Coastal Waters of the Town of Chebeague Island;
- e) in conjunction with local, State, and Federal authorities, to plan and recommend improvements in the Coastal Waters of the Town of Chebeague Island;
- f) to sit as a board of appeals to hear appeals as provided by this Ordinance from any person aggrieved by a decision, act, or failure to act on the part of the Harbormaster. Decisions of the Coastal Waters Commission may be appealed to the Board of Selectmen for a final determination;
- g) to review applications for wharf or pier construction as required by Chapter 17, Article II, Section 421.3 of the Zoning Ordinance of the Town of Chebeague Island;
- h) to recommend the use and maintenance of marine facilities to the Board of Selectmen and review these recommendations from time to time as required;
- i) to review candidates for the Harbormaster position and make recommendations to the Board of Selectmen;
- j) to determine whether a vessel is abandoned in accordance with 38 M.R.S.A. § 9;
- k) to develop criteria for reviewing permit applications for proposed Aquaculture in traditional fishing areas;

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- l) to review all permits, leases, licenses, or renewals for Aquaculture in the Town of Chebeague Island under Title 12 of the Maine Revised Statutes and prepare a written report to the municipal officers and Harbormaster that includes at a minimum:
 - i. an assessment of the impact to local marine activity,
 - ii. an assessment of potential public safety issues,
 - iii. a recommendation to the municipal officers to request or not request a public hearing under 12 M.R.S.A. §6072-A(6), and
 - iv. a recommendation to the municipal officers to request or not request intervener status as allowed under 12 M.R.S.A. §6072(5) if applicable.
- m) at the request of the Board of Selectmen, to review existing Aquaculture and make a written report;
- n) to prepare for the presentation of facts and evidence at any public hearings held by the Board of Selectmen or the Department of Marine Resources for Aquaculture in Traditional Fishing Areas; and
- o) to review permit applications for wharves, fish weirs, or traps in tidewaters, pursuant to 38 M.R.S.A. §§ 1021-27, and provide comments in writing to the Board of Selectmen, the Planning Board, and the Code Enforcement Officer within 10 days of receiving the application.

The Commission shall regularly inform the Selectmen, Planning Board and such other boards, committees, or officials of the Town of Chebeague Island as appropriate of its activities.

The Code Enforcement Officer shall provide The Coastal Water Commission with a copy of any application filed for a wharf, fish weir, or trap in tidewaters permit submitted to the Board of Selectmen pursuant to a 38 M.R.S.A. §1021-§1027.

Section 106. HARBORMASTER

The Selectmen shall appoint a Harbormaster, and shall recommend the Harbormaster's compensation annually. The Selectmen, for cause by them declared in writing, after due notice to the officer and hearing, if requested, may remove the Harbormaster and appoint another one.

Section 107. DUTIES OF THE HARBORMASTER

The Harbormaster shall:

- a) manage the Floats, Docks, Ramps, Moorings, Landings, and Watercraft owned by the Town;
- b) seasonally set channel markers for the approach to the Stone Wharf in order to provide safe passage for boats entering at low tide;

- c) take whatever action is necessary and appropriate to remove any menace to navigation within the waters of the Town of Chebeague Island;
- d) regularly attend meetings of the Coastal Waters Commission, but shall not be a member of the Commission;
- e) keep the Town Administrator and Commission fully informed of his activities;
- f) provide information on matters pertaining to the Commission's duties and responsibilities;
- g) attend Selectmen's meetings as requested by the Commission, the Selectmen or Town Administrator; and
- h) maintain a permanent bound record in which he shall record all complaints received (both written and oral), the date and time received, the response made to the complaint, and the date and time of such response. This record shall be maintained in ink.

Section 108. OPERATION OF VESSELS

Any vessel owner, operator, or agent desiring to conduct activities within the Waters of the Town of Chebeague Island that may injure, damage, disrupt the normal activities or occupations of, or otherwise harm the residents of the Town of Chebeague Island or their property shall first obtain permission from the Board of Selectmen. Notice of such activities, and a request for permission must be provided a minimum of forty-eight (48) hours in advance to the Harbormaster or, in his absence, the Town Administrator.

It shall be unlawful for any person to engage in any of the following in the Waters of the Town of Chebeague Island:

- a) operating a vessel so as to endanger persons or property;
- b) operating a vessel in a manner that creates excessive wake/wake-wash;
- c) establishing or maintaining a temporary Anchorage without prior authorization from the Harbormaster;
- d) Blocking or restricting access to a Town Landing or ramp.
- e) Abandoning a vessel, including abandoning a vessel on the shore of the Town of Chebeague Island. Except where the vessel constitutes an immediate hazard to public health, safety and welfare, the Harbormaster shall notify the owner of an Abandoned Vessel of the owner's duty to remove any abandoned vessel within thirty (30) days of the date of the notice. If the vessel is not removed within the applicable thirty (30) day period, it may be removed by the Harbormaster at the expense of the owner in accordance with the procedures of 38 M.R.S.A. § 5. Where the Selectmen determine that the abandoned vessel constitutes a threat to public health, safety and welfare, they may authorize the Harbormaster to remove the vessel immediately and without notice at the expense of the owner. Removal

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- of an abandoned vessel does not constitute payment of any penalties which may be assessed;
- f) abandoning lobster, crab, and/or shellfish traps, cars, crates, floats, or moorings;
 - g) Refusing to obey any lawful order of the Harbormaster.
 - h) violating any laws, rules or regulations of any local, state or federal agency with regard to operating vessels, overboard discharges, cargo transfers, lading of dangerous cargo, emissions to the atmosphere, or any other activity deemed unsafe to the residents of the Town of Chebeague; and
 - i) Transferring any Oil in bulk in quantities in excess of 5,000 gallons, including bunker fuel, without first deploying an Oil spill containment boom around the area of the transfer to contain any potential spill. Should the Oil spill containment boom not be able to be secured sufficiently to the vessels to prevent any potential spill from escaping the boom, then sufficient boom must be deployed to encircle both vessels in their entirety, and held in such a manner that will prevent any contained Oil from escaping until cleanup is completed.

Section 109. MOORINGS

a) Registration

All Moorings located below low water, except outhauls, shall be registered with the Town Clerk. Permits will be issued for the calendar year January 1 through December 31. Any applicant who completes a renewal application by July 1 prior to the start of any calendar year shall be given preference as to the location then occupied by that registrant’s Mooring for that calendar year, unless the Harbormaster determines that a demonstrated need for that site has been shown by someone higher on the list of priorities in section d) below. In such an event, the Harbormaster will provide a mutually agreeable site and re-assign the Mooring at the expense of the Mooring owner taking over the applicant’s previous site.

b) Fees

The Board of Selectmen shall set a fee for Mooring registration in accordance with Chapter 11, Art. II, Section 109(s) of the Town of Chebeague Island Code of Ordinances. The fee schedule may reduce the registration fees for multiple registrations by the same Mooring owner. The fee schedule may set separate fees based on mooring classifications consistent with this section:

Mooring Classification	Fee Allowed	Priority
Resident Commercial	Yes	1
Non-Resident Commercial	Yes	4
Resident	Yes	2
Non-Resident Taxpayer	Yes	3
Non-Resident	Yes	5
Rental Mooring	Yes	
Catch Storage Moorings	No	

If more than five (5) new Moorings are desired by any one applicant, a written request must be submitted to the Commission with the application form, stating the reason for the request. The request must be approved by a vote of the Commission.

c) Unregistered Moorings

If any Mooring in the Town of Chebeague Island is unregistered after July 1, the Town Clerk or Harbormaster shall notify the owner. If registration is not completed within ten (10) days of notice, the owner shall pay a fine for each day that the Mooring remains unregistered, as set forth in Section 114 of this Ordinance. If the Mooring has not been completed within 30 days of notice, the Harbormaster may remove the Mooring at the expense of the Mooring owner in accordance with 38 M.R.S.A. § 4. In addition to the removal costs and accumulated penalties, the Mooring owner must pay a fee of \$100 to the Town.

d) Assignment

Registered Moorings shall be assigned locations by the Harbormaster on a first-come, first-served basis as space permits, with due regard to navigation and the safety of persons and property, and, where feasible, the prior year location.

If there is insufficient space to assign allocations for all registered Moorings in the location requested, the applicants not assigned Mooring locations shall be placed on a waiting list, which will be maintained by the Town Clerk. The list will be posted and available for inspection in the Town Office.

As space in the Waters of the Town of Chebeague Island becomes available, assignments of Mooring locations shall be made from the waiting list in accordance with the terms of 38 M.R.S.A. § 7-A(2) on the basis of the date of the applicant's request and with the priorities identified in SECTION 110 (b). Notwithstanding the above, Residents and Non-Resident Taxpayers who are Shorefront Property Owners shall have priority for one Mooring fronting their land, if so requested, but not to encroach on the natural channel or channels established by the municipal officers; provided that not more than one Mooring may be assigned to any shorefront parcel of land under this privilege. The limitation of one Mooring assigned under this privilege does not prevent the owner of a shorefront parcel from receiving additional Mooring assignments under the allocation system.

The sale of a Mooring to a third party, when a waiting list exists, shall not convey the assigned Mooring location, unless sold to the person holding the next assignment on the waiting list. The Harbormaster shall be notified of all sales of Moorings in the Waters of the Town of Chebeague Island.

The Harbormaster shall be responsible for relocating Moorings when they pose a danger to other property due to their position. Such relocation shall be paid for by the owner of the dangerous Mooring.

e) Mooring Plan

The Commission may recommend to the Selectmen a Mooring plan for any area in the Waters of the Town of Chebeague Island.

f) Markings

The Town Clerk will issue a registration number for each Mooring, which is to be painted on the Mooring float. Numbers must be no less than three (3) inches in height, and of black paint or quality adhesive characters.

All Mooring balls, except those used for rental purposes, will be white. Rental buoys should be orange. Rental buoys will bear characters three inches high indicating the Mooring weight; i.e. 75lbs, 100lbs, 200lbs, 1000lbs, etc.

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Catch Storage Moorings will be considered temporary Moorings and must be registered at the Town Office with no fee. These moorings will be assigned a number by the Town Clerk and identified with the letter “S”.

g) Construction

Moorings applicants are responsible for constructing their Moorings in a manner suitable for its intended purpose.

h) Removal of Abandoned Moorings

The Harbormaster shall notify the Board of Selectmen of abandoned Moorings. The Selectmen shall notify the owner of an abandoned Mooring of his duty to remove the Mooring within thirty (30) days of the date of the notice. If the Mooring is not removed or re-registered within the applicable thirty (30) day period, it may be removed by the Harbormaster at the expense of the owner in accordance with the provisions of 38 M.R.S.A. § 4.

Section 110. PUBLIC WHARVES AND FLOAT SYSTEMS

a) Stone Wharf

The Town shall maintain a float system at the Stone Wharf for the benefit of the public. The float system shall provide for the following functions:

Function	May Apply				Description
	Fee	Permit	Size limits	Time limits	
Emergency Services	No	No	Yes	No	Includes the transportation of Fire, Rescue and Law Enforcement personnel or equipment in the performance of professional services for the Town.
Regular ferry access to the mainland	No	No	Yes	No	A commercial or governmental operation that maintains a regular public service to the island.
Commercial Marine activities	No	No	Yes	Yes	A business whose main occupation involves the maritime environment such as fishing, water taxi, guiding, tours and is engaged in the commercial activity.
Transient tie-up	Yes	No	Yes	Yes	A vessel may temporarily tie multiple lines to cleats or a tie rail to secure the vessel and safely load or unload passengers or cargo. The vessel may be left unattended.
Annual tie-up	Yes	Yes	Yes	No	The town guarantees access to a float or floats for the purpose of tying the bow line only (normally) to a cleat or tie rail designated for that purpose.
Loading zones for recreational use	No	No	Yes	Yes	A vessel may temporarily tie multiple lines to cleats or a tie rail to secure the vessel and safely load or unload passengers or cargo. The vessel may not be left unattended.

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Gear storage (optional)	No	No	Yes	Yes	The term gear refers to any and all items that might be left on surface of the float. This is an optional provision and may be entirely disallowed by the rules and regulations.
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a) Chandler’s Cove Wharf

The Town shall maintain a float system at the Chandler’s Cove Wharf for the benefit of the public as may be allowed by the Department of Transportation. The float system shall provide for the following functions:

Function	May Apply				Description
	Fee	Permit	Size limits	Time limits	
Emergency Services	No	No	Yes	No	Includes the transportation of Fire, Rescue and Law Enforcement personnel or equipment in the performance of professional services for the Town.
Public Utilities	No	No	Yes	No	A vessel used to transport personnel or equipment to or from the island may tie up while performing its professional services.
Commercial Marine activities	No	No	Yes	Yes	A business whose main occupation involves the maritime environment such as fishing, water taxi, guiding, tours and is engaged in the commercial activity.
Transient tie-up	Yes	No	Yes	Yes	A vessel may temporarily tie multiple lines to cleats or a tie rail to secure the vessel and safely load or unload passengers or cargo. The vessel may be left unattended.
Annual tie-up	Yes	Yes	Yes	No	The town guarantees access to a float or floats for the purpose of tying the bow line only (normally) to a cleat or tie rail designated for that purpose.
Loading zones for recreational use	No	No	Yes	Yes	A vessel may temporarily tie multiple lines to cleats or a tie rail to secure the vessel and safely load or unload passengers or cargo. The vessel may not be left unattended.
Gear storage (optional)	No	No	Yes	Yes	The term gear refers to any and all items that might be left on surface of the float. This is an optional provision and may be entirely disallowed by the rules and regulations.

b) Rules and Regulations

The Board of Selectmen may develop rules and regulations to govern the use of the float systems in accordance with this section. If rules or regulations are inconsistent with this ordinance then this ordinance shall take precedence.

c) Permits

Annual permits shall be issued by the Town of Chebeague Island. Application forms are provided by the Town Clerk and approved by the Harbormaster. Applications may be rejected if the vessel does not meet the size requirements or

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is deemed a hazard to other boats by the Harbormaster. Applicants will receive a sticker that must be applied to the boat in a place clearly visible from the bow.

Boats will be placed in designated areas and shall receive annually a permit and location area. Boats shall be required to dock in their designated float area. Individual spaces will not be assigned, but areas shall be designated for boats less than 14' in length and 12' to 17' in length.

d) Review

The Coastal Waters Commission shall review the rules and regulation annually and provide a report to the Board of Selectmen by October 1st of each year addressing at a minimum: 1) the capacity of the float system, 2) the effectiveness of the rules and regulations and 3) the physical condition of the float system.

e) Harbormaster Discretion

The Harbormaster may temporarily suspend provisions in this section only in cases where public safety or property are at risk and such action will reduce that risk. Such a decision must be recorded in the Harbormaster's log.

Section 111. FEES

Fees authorized under this ordinance may be set by the Board of Selectmen in accordance with Ch. 11, Art I, Sec 109(S) of the Town of Chebeague Island Code of Ordinances.

Section 112. FLOATING BUSINESSES AND RESIDENCE

It is a violation of this ordinance to live aboard a vessel in the Waters of the Town of Chebeague Island for more than 30 consecutive days without a permit. It is a violation of this ordinance to conduct a Floating Business within the waters of the Town of Chebeague Island without a permit. Permits are issued by the Harbormaster. Permits are issued for a calendar year. No fee may be charged for a permit issued under this section.

Section 113. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered by the Town Administrator and may be enforced by the Harbormaster, municipal officers, code enforcement officer or any law enforcement officer with jurisdiction in the Town of Chebeague Island.

Section 114. PENALTIES

The Town may issue citations for violations of the Rules and Regulations promulgated under Section 111 of this Ordinance, as follows:

\$10	1 st offense
\$25	2 nd offense within 1 year of 1 st offense
\$50	3 rd offense within 1 year of 1 st offense

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Each day that a violation continues after the time allowed for correction shall be a separate offence.

Any other violation of this Ordinance shall be a civil infraction subject to a fine of not more than \$250. Each violation, and each day that a violation continues, shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or related structure and reasonable attorney fees and costs. If an owner fails to remedy a violation after having been given notice and an opportunity to correct, the municipal officers may authorize the Harbormaster, the Code Enforcement Officer, or the Town Attorney to bring a civil action in court to enforce the provisions of this Ordinance.

Vessels in violation of this ordinance or the rules and regulations established by the Board of Selectmen shall be subject to impoundment by the Town of Chebeague Island after the second offense in a single calendar year.

Section 115. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

Section 116. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.