



# RULES AND REGULATIONS

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## **1 INTRODUCTION**

### **1.1 PURPOSE AND APPLICATION**

The rules and regulations set forth the requirements of the Port of Edmonds (Port) and promote the safe and efficient operation and utilization of the Port marina facilities and services.

The Port establishes controls to limit use of moorage and dry storage for specific purposes and then administers controls to ensure fairness to all users.

All users of Port facilities and services, boats, vehicles, trailers, apparatus, and persons operating within the Port of Edmonds are subject to these rules and regulations.

### **1.2 CHANGES TO RULES AND REGULATIONS**

The Port Commission and Executive Director reserve the right to modify, amend, or add rules or regulations to meet special or unusual conditions as they occur and maintain current and relevant controls.

### **1.3 AUTHORIZATION TO ADMINISTER RULES AND REGULATIONS**

1.3.1 The Port Commission authorizes the Executive Director to administer these rules and regulations by written or verbal instruction.

- A. The Executive Director may require persons who violate these regulations to leave the marina and/or obtain the assistance of law enforcement officers to protect property, lives, or preserve the peace.
- B. Differences of opinion regarding the interpretation of these rules and regulations, or their application, should be brought directly to the attention of the Deputy Director. If the matter cannot be satisfactorily resolved, then it should be submitted in writing to the Executive Director. If the Executive Director cannot resolve the matter, or if the proposed solution is not acceptable to the complainant, then the matter shall be referred to the Port Commission. In all cases, the decision of the Port Commission is final.

### **1.4 APPLICABLE STATUTES**

All applicable Port, city, county, state, and federal regulations and laws, generally accepted safety standards, and requirements apply to all users of the Port.

1.5 **INVALIDITY OF PARTICULAR PROVISIONS**


If any term or provision of these rules and regulations, or the application thereof to any user or circumstances shall, to any extent, be invalid or unenforceable, the remainder of these rules and regulations shall continue in full force and effect.

1.6 **VIOLATIONS**

Violations of these rules and regulations may result in the Port terminating the tenancy and permanent loss of the use of moorage or dry storage space by the tenant or guest.

## 2 DEFINITIONS

Listed in alphabetical order

**Accessible Parking:**  parking spaces identified by the universal symbol for accessible parking and intended to provide access for people with disabilities, or special needs.

**Business:** an entity which, as a sole proprietorship, partnership, corporation, or non-profit.

**Casual Use Moorage:** a boat occupies a tenant's slip with tenant's written authorization for a maximum time period of thirty (30) days.

**Category on the Waiting List:** the sub-sections of a waiting list, which the Port defines by; length of space, open, covered, and storage.

**Charter Boat:** a boat that is certified for hire. Charters include such activities as fishing, diving and sailing excursions, travel to different locations for purposes of passenger excursions, sightseeing, and social or recreational purposes. Charter boats do not include tenants who, from time to time, entertain guests, business associates, clients, customers or potential clients or customers on their boats as long as the primary use of tenant's boat is for tenant's family and friends.

**Commission:** the Port Commission, a five member Board of Commissioners who are elected by the citizens of Edmonds that live within the Port District boundaries and the Town of Woodway to serve four year terms. The Commission establishes policies necessary to operate the Port and performs other functions within the Port District.

**Complimentary Moorage:** a slip or space, which the Port assigns for temporary or permanent use by a community organization, public agency, or non-profit group. The Port may waive any and/or all fees.

**Dinghy:** a small boat, less than 15 feet in length, which is exclusively used as a tender for the tenant's vessel.

**Downgrading:** the transfer by a tenant to a shorter length space, shorter width space, or a transfer from covered to open moorage, or from wet moorage to dry storage.

**Dry Storage:** the area of Port operations which consists of boats that are stored on land or in dry storage racks.

**Exchanging:** the transfer of spaces between tenants and /or the Port.

**Executive Director:** the person delegated by the Commission to implement Commission-approved policies and establish controls that promote fair, safe and efficient operation and utilization of Port owned assets. Hereafter, when the term Executive Director is used, it means Executive Director of the Port of Edmonds or his/her designee.

**Fairway:** the water area between adjacent docks as measured between the east-west line determined by the ends of the finger piers or pilings.

**Finger Pier:** is the individual access docks extending north or south of the main walkway.

**Guest Moorage:** short-term moorage generally not exceeding 30 consecutive days. Fees for guest moorage are collected after four (4) hours of moorage. Daily and weekly rates are approved on an annual

basis by the Commission. Fees must be paid in advance. State of Washington leasehold excise tax is applicable and charged if boat remains for more than 30 days.

**Length Over All (LOA):** stem-to-stern measurement in feet and inches from the furthest protruding object forward to the furthest protruding object aft on the boat. This includes anchors, bow pulpits, swim steps, tenders and any other equipment or part of the boat which is permanently or temporarily attached to the boat while it is in the slip. Measurement for LOA will be to the nearest inch.

**Live-Aboard:** a moorage holder of the Port who resides on their boat as the primary residence or on Port property nine (9) or more nights in any calendar month. It also includes any members of the family or other persons who reside with the moorage holder.

**Loan-a-Slip Program:** Port tenants may turn over their slip to Port staff when their boat is gone from the marina. The slip may be used by short-term guest boats.

**Main Walkway:** the primary dock structure linking individual finger piers to each other and the shore.

**Marina:** the wet moorage and dry storage operations owned and operated by the Port of Edmonds.

**Overhang:** each slip is assigned a set amount of overhang in one-foot increments from zero (0) feet to seven (7) feet. The overhang length is determined by the Port in accordance with physical characteristics of the slip.

**Port:** the Port of Edmonds, a municipal Corporation of the State of Washington.

**Pre-Launch:** the dry storage operation which consists of launching a tenant's boat upon request prior to the desired use.

**Proof of Ownership:** current Washington State Registration or Coast Guard Documentation.

**Recreational Vehicle (RV):** a motor vehicle or trailer equipped with living amenities similar to those found in a home.

**Seaworthy Vessel:** a vessel that is able to operate under its own power and/or is not in danger of sinking. Vessel must operate under its own power at least once per calendar year.

**Slip Length:** the length of the finger pier measured from the main float to the end of the finger pier excluding the pile and pile ring.

**Slip Width:** the distance from the structural edge of the finger pier, excluding permanent bumper material, to six (6) inches less than the center line between two finger piers. Side-tie or single-berth slips are measured from the structural edge of the finger pier to the point six (6) inches less than the designated slip width.

**Small Vessel:** a dinghy, canoe, or kayak that meets the qualifications for storage. This vessel must be easily lifted and managed. Vessel must weigh no more than 200 pounds and may not exceed 15 feet in length.

**Sublease:** Port tenant (lessee) grants a lease (lessor) of their slip to another party for a maximum of 6 months.

**Trailer:** an automobile drawn vehicle designed to transport a boat.



**Upgrading:** the transfer by a tenant to a space of greater length, from open to covered moorage, or from dry storage to wet moorage.

**Waiting List:** the list of tenants and non-tenants who request to either upgrade to a larger slip or who request to have first time access to a slip in wet moorage or a space in dry storage.

**Wheeled Sports:** a means of conveyance propelled by wheels and used primarily for recreational transport of a person(s), including but not limited to skateboards, roller blades, roller skates, scooters, bicycles, battery powered electric vehicles, personal transporters, and unicycles.

### **3 ASSIGNMENT**

#### **3.1 WAITING LISTS**

The Port maintains waiting lists for moorage and storage areas that are fully occupied and in demand. Waiting lists are classified according to length, open, covered, wet moorage or storage (i.e., dry, small vessel, trailer, or recreational vehicle). The waiting lists for each size and category are arranged in chronological order by the date the Port receives appropriate application and deposit for a specified wait list.

- 3.1.1 Tenants and non-tenants requesting moorage, storage, or a transfer can be placed on a waiting list:
- A. Applicant must complete the appropriate application for moorage or storage form, which is available at the Port Moorage Office, and pay the current Commission approved waiting list fees and/or deposits. The waiting list deposit will be applied to the tenant's security deposit upon acceptance and assignment of moorage or storage. The security deposit may be greater or less than the waiting list deposit.
  - B. Applicants are responsible for keeping the Port informed of current address and contact information such as phone number and e-mail address. Changes shall be submitted to the Port in writing.
  - C. Only the surviving spouse of a deceased person whose name is on a waiting list may retain the position on the waiting list. If a surviving spouse does not wish to remain on the waiting list, a full refund of the deposit will be processed upon receiving written request.
  - D. There is an annual renewal fee to remain on the waiting list. The Port will send out a reminder by first class mail to the address on file. If there is no response, a second letter will be sent via certified mail. If there is still no response, name will be dropped from the waiting list and deposit will be forfeited.
  - E. An individual may be on more than one waiting list, but must pay the appropriate fees and/or deposits for each waiting list. When an individual accepts a moorage or storage assignment and wishes to remain on the waiting list for another category, the tenant may do so without forfeiting their deposit.
  - F. A person on a waiting list who requests to be removed without initiating tenancy at the Port of Edmonds will forfeit their waiting list deposit.
  - G. A person who has initiated tenancy from a waiting list assignment must be an active tenant for at least one year before being eligible to receive a refund of the security deposit. The security deposit refund will be credited to the tenant's account upon termination. If a credit balance remains, the Port will issue a refund check to the tenant.
  - H. If an individual elects to be removed from any waiting list or fails to pay the annual waiting list fee, they forfeit all waiting list deposits.

#### **3.2 FILLING VACANT SPACES**

- 3.2.1 A vacancy is filled by taking the top name from the waiting list.
- 3.2.2 If an individual on a waiting list declines the offered space, the space is offered to the next individual on the same waiting list until the space is filled. If the waiting list is exhausted without an acceptance, Port staff may offer the space to the first name on another waiting list or advertise availability.

- A. An individual who declines an offered space once will remain in their position at the top of the waiting list but will not be eligible for another offer for six (6) months. The Port will continue down the waiting list to assign the vacant space in a timely manner. After a second decline, the individual is moved to the bottom of the waiting list and the chronological date is changed to the date of second decline.
  - B. Slips of the same length category may have different widths. If an individual on a waiting list is offered a slip that will not accommodate the beam of their boat, the offer does not qualify as a decline of moorage.
- 3.2.3 In the case of a tenant transfer, a tenant may refuse the first transfer offer by Port staff. If that tenant declines a space a second time, their name will be removed from the waiting list. If tenant wishes to remain on the waiting list, they must reapply and pay the appropriate fee. Tenant will be placed on the waiting list with a new application date.
- 3.2.4 The Port may issue any number of moorage spaces as complimentary moorage, business moorage, or charter moorage without considering the waiting list. Tenants using these spaces must comply with applicable Port Rules and Regulations. Based upon demand and achieving maximum utilization of Port facilities, the Port may limit the number of slips that one individual or business can lease.
- 3.2.5 Tenant Deposits:
- A. Deposit Refunds: Deposits made for the waiting list are NOT refundable. When tenancy is initiated, the base rate deposit is NOT refundable during the first twelve (12) months.
  - B. When a tenant moves to a different space or slip, the deposit is adjusted accordingly and the tenant's account is charged or credited the difference. When the Port of Edmonds increases the base rate, Accounts Receivable increases the tenant's deposit and charges the tenant's account for the difference.

### 3.3 **TENANT TRANSFERS**

- 3.3.1 **Upgrading:** A tenant must register their name on the appropriate waiting list to upgrade their space. Prior to upgrading, the tenant must be in compliance with all Port Rules and Regulations, including payment of all charges when due. The first placement on the waiting list requires a non-refundable fee and annual waiting list renewal fees. If a tenant wishes to be on more than one waiting list, they will be required to pay the applicable waiting list deposit for each additional waiting list. The tenant will be placed on the specified waiting list with the effective date being the date of placement on the new waiting list. When the tenant's name is removed from the waiting list, deposits for the second and additional waiting list(s) are forfeited.
- 3.3.2 **Downgrading:** A tenant wishing to downgrade their space may do so through an exchange with another tenant or by exchanging with an available slip. Applicable waiting list applications and fees or deposits may be required. Exchanges are subject to approval by the Port.

3.3.3 Exchanging: A tenant may exchange a moorage space only under the following circumstances:

- A. Tenants proposing exchanges must do so in writing.
- B. Authorized Port staff will review exchange requests and will determine if the proposal presents any operational problems for other Port tenants or activities.
- C. Exchanges will be approved only if the tenants involved in the exchange are in full compliance with all Port Rules and Regulations including payment of all charges when due.
- D. All exchange approvals must be in writing.
- E. The Executive Director may refuse any request for an exchange of space(s) if it is concluded that the exchange is initiated to give any individual an unfair advantage over individuals on the waiting list, or if it is determined the exchange is not in the best interest of the Port, other Port tenants, or the public. The Port may, at any time after approving an exchange, cause the tenants in an exchange or the successors or the assignees of the space to return to their original spaces. Such action is appropriate if the Executive Director determines the exchange was initiated to give any individual an unfair advantage over individuals on the waiting list, or was initiated through the use of false information, subterfuge or in any other manner which is contrary to Port Regulations.
- F. In any exchange between tenants, the tenant who downgraded their slip must remain an active tenant for one full year after the date of the exchange. If, within that one year, the tenant who downgraded terminates the moorage – the slip exchange may revert back to the original slip assignment.

## **4 MOORAGE AND STORAGE MANAGEMENT**

The Port is not responsible for any loss or damage to your vessel or personal property while stored at our facilities. For your protection and to enable the Port to contact you if needed, tenants are required to provide the Port with any change in address or telephone numbers, in writing.

### **4.1 OWNERSHIP**

4.1.1 Tenant is required to own the vessel or vehicle placed in the slip or space. A boat must be titled and registered to the tenant. The tenant bears the burden of proving ownership and keeping the Port informed of any and all changes in ownership.

- A. Primary proof of ownership documents are current Washington State Registration and/or Coast Guard Documentation.
- B. Tenants must provide the Port with a copy of their current Washington State Registration by August 31st of each year. Updated Coast Guard Documentation must be provided when it is renewed.
- C. The Port may also require additional proof including, but not limited to, bill of sale, purchase agreement, financing agreements, proof of payment of personal property taxes, copies of repair and maintenance bills, copies of invoices and receipts for the purchase of related equipment, vehicle registration, copies of fuel purchase receipts and affidavits from the tenant and/or individuals believed to have ownership interest in the item placed in the space.

4.1.2 The Executive Director may, authorize an extension if, in his or her opinion, a bona fide hardship or unusual circumstance exists which prevents the tenant from providing proof of ownership.

### **4.2 QUALIFICATION**

#### **4.2.1 Moorage**

- A. Assigned boat may not be ancillary or auxiliary vessels such as dinghies, rafts, inflatable water craft, or vessels that do not occupy at least 75 percent of the lineal moorage space.
- B. Derelict or inoperable vessels do not satisfy the requirements of this section.
- C. Any boat found in a slip, other than the vessel listed on the moorage agreement or registered with the Port as required in this section, may be subject to impound and accrue charges.

#### **4.2.2 Dry Storage**

- A. Boat must be pre-qualified by Port staff. Based upon the information provided by the boat owner, Port staff will review and verify that the boat type and characteristics are compatible with forklift, launcher handling, and rack storage (i.e., inboard/outboard, fiberglass or aluminum, soft or hard bottom paint, transducer placement).
- B. Boat length cannot exceed 32' in LOA and 10' beam.
- C. Straight shaft drives, sailboats, flat-bottom boats and wooden boats are not compatible with dry storage in the racks.

#### 4.2.3 Trailer Storage

- A. Trailer must be pre-qualified by Port staff. Trailer must be less than 26' long, less than 4' high and no wider than 8.5' to be stored under the racks. It must fit within the space without infringing or interfering with other spaces and the operation.
- B. Trailers that are left on Port property without pre-qualification and/or non-payment of fees will be declared abandoned and may be disposed according to Washington State law.

#### 4.2.4 Small Vessel Storage: The Port provides rack storage for small vessels such as dinghies, kayaks, and canoes.

- A. Small vessels must be pre-qualified by Port staff.
- B. The small vessel(s) must be less than 15' long, less than 5' wide, less than 2' deep and less than 200 lbs. to be stored on the small vessel storage rack. It must fit within the space without infringing or interfering with other spaces and the operation.
- C. Small vessel(s) that are left on Port property without pre-qualification and/or non-payment of fees will be declared abandoned and may be disposed according to Washington State law.

#### 4.2.5 RV Storage: The Port offers month-to-month storage of RV's. RV owners are required to make arrangements in advance, allow inspection of the RV by Port staff and sign a monthly storage agreement.

- A. Each tenant who leases storage from the Port is required to own the RV and submit ownership documents to the Port.
- B. Current vehicle registration shall be maintained and submitted annually.
- C. Tenant shall maintain liability insurance in force and good standing as outlined in Section 4.3. Tenant must provide the Port with a current copy of insurance to be kept on file.
- D. Assigned RV's may not have ancillary or auxiliary items attached to the outside, such as but not limited to; dinghies, rafts, wheeled vehicles, jet skis, miscellaneous tarps. Unattended, unlicensed, unregistered or unknown items may be removed at tenant's expense and without notice.
- E. Absolutely no active use of RV's is allowed while stored on the Port premises.
- F. No alcohol is to be consumed on the premises. Controlled substances (drugs) are not to be used or stored on the premises at any time. No firearms, fuel, flammable, hazardous waste or illegal substances are to be used or stored within or on the outside of the RV. No perishable food products should be left in RV. Items that produce odors of any kind are prohibited.
- G. All holding tanks must be empty prior to arrival and storage.
- H. No fueling or maintenance of RV is allowed while in storage areas.
- I. Generators for use in stored RV's are not to be run.
- J. No space heaters allowed.

### 4.3 LIABILITY INSURANCE

#### 4.3.1 Tenants shall maintain liability insurance on all vessels and/or items stored in leased spaces at the Port. To comply with Washington State law and the Port

Regulations, tenants must continually maintain an active and valid policy declaration page on file with the Port. The Port requires the following policy standards:

- A. General Liability with a minimum of \$500,000 worth of coverage
- B. Legal Liability with a minimum of \$500,000 worth of coverage
- C. Pollution Liability with a minimum of \$500,000 worth of coverage
- D. If your tenancy began after January 1, 2018, the Port must be listed as an additional insured by endorsement.
- E. Umbrella insurance policies are not acceptable.

4.3.2 Tenants must provide the Port a copy of their current Certificate of Insurance showing tenants name, policy dates, and vessel liability amounts.

Failure to provide a copy of the current Certificate of Insurance upon request by Port staff may be grounds for termination of tenancy and any and all related privileges at the Port of Edmonds.

4.3.3 The Executive Director may waive or adjust insurance requirements for certain small storage items.

#### 4.4 **SPACE OCCUPANCY**

4.4.1 If there is a waiting list for the size slip or space that a tenant leases, the boat registered to the tenant must occupy the leased slip or space six (6) months during any twelve (12) month period. The Executive Director or his designee, at their discretion, may authorize an extension of up to six (6) months, if in their opinion, a bona fide hardship or unusual circumstances exists which prevents the tenant from complying with this regulation.

##### 4.4.2 Vacant Slip

- A. Tenants who temporarily vacate their slips are encouraged to notify Port staff.
- B. The Port reserves the right to use vacated slips.
- C. Tenant may request that their slip not be used while vacated.
- D. A tenant who vacates their slip may request that the slip be used in the Loan-a-Slip program. The Port will credit the tenant's account with a daily proportionate share of their monthly moorage fee for any days the Port is able to rent the slip. Tenant is still responsible for monthly moorage payments. Loan-A-Slip fees are charged based upon the length of the slips, not length of boat.

##### 4.4.3 Casual Use Moorage

- A. Casual use of a slip is permitted with prior written notification to the Moorage Office.
- B. Casual use may not be used to extend a sublease limit or occupancy requirements.
- C. Casual use is not intended to circumvent any of the rules and regulations in place.
- D. The Port may request the casual user's proof of insurance.

#### 4.4.4 Subleasing

- A. A tenant may sublease their space for no more than six (6) months in any twelve (12) consecutive months.
- B. Subleases are not valid unless the sublease form is completed and on file with the Moorage Office. A sublease agreement must include a full description of the sublessee's boat, a copy of the sub lessee's current Washington State Registration Certificate and Certificate of Insurance, the sublessee's mailing address and telephone numbers and local emergency contacts.
- C. Sublease boat shall be no longer than the permanent tenant's boat or the finger pier length, whichever is greater.
- D. Sublease beam must be acceptable for the slip or space it occupies.
- E. A tenant may not charge another user of the space any rent, fee, or other consideration that exceeds the amount which the Port charges the tenant.
- F. Sublessees are not allowed to Liveaboard.

#### 4.5 **TRANSFER OF SPACE**

4.5.1 Transfer of Space to another Individual: Only tenants who were tenants prior to January 1, 1986, and provided the Port adequate ownership proof for the boat being sold and registered to the tenant's space and comply with this section's transfer of space provisions may transfer their space to another individual.

- A. A request to transfer moorage pursuant to this section must be submitted to the Port prior to the closing of the sale of the boat. No transfer of moorage is valid without the Executive Director's written approval. The Executive Director may refuse approval of any requested transfer if any violations of these rules and regulations exist.
- B. The tenant must have had the boat continuously registered to them for at least one (1) year prior to the closing of the sale.
- C. The boat being sold must have occupied the tenant's space continuously for at least one (1) year immediately prior to the closing of the sale.
- D. The Port must have had the boat's registration on file for at least one (1) year immediately preceding the closing of the sale.
- E. Both the seller and buyer must complete forms (Application for Transfer of Moorage and the Seller and Buyer Affidavits) available at the Moorage Office. The Executive Director reviews the affidavits and application for transfer of moorage to ensure the vessel being sold is in compliance with current regulations.
- F. Payment for transfer is prohibited. No tenant will request and no person or entity will pay any consideration for the transferring of the moorage space. Consideration means money, tangible and intangible property rights, services or anything of monetary value whether transferred to the tenant prior to the closing of the sale or at any time thereafter.

4.5.2 Advertising Sale of Moorage or Storage: Any Port tenant, business or otherwise, who advertises or offers to sell the space for any price in excess of the value of the business or the boat being sold, is considered in violation of Port rules and regulations. Such violation includes offering or advertising the sale price of a boat and/or business to be greater with the transfer of space than if the boat and/or business are sold without the space.



#### 4.5.3 Transfer of Space Due to Dissolution of a Marriage or Death:

- A. A deceased tenant's space may transfer only to the following family members: surviving spouse of the decedent, a natural child, legally adopted child, or step-child of the decedent, who inherited the registered boat by will, the laws of interstate succession, or by survivorship agreement with the spouse.
  - 1. When the person who inherited the boat presents proof to the Port of right to inherit the said boat, the Port will register the space in the name of the beneficiary, PROVIDED, the beneficiary is only one of the family members listed above.
  - 2. Only the surviving spouse of a deceased tenant may acquire the transfer privilege set forth above. Other beneficiaries of a boat under this section may not acquire the privilege of transfer.
  - 3. No transfer of moorage is authorized in connection with the sale of a vessel by the will-appointed personal representative or court appointed administrator of the estate. In the event a deceased tenant's estate goes into probate, surviving family members may request the account to be placed in the "Estate of" so that the estate covers moorage costs until closure of probate. The transfer of inheritance must be completed within three months of probate closure.
  - 4. In the event of death, a deceased tenant's family must provide the Port with a copy of a death certificate, Power of Attorney, and Executor of Estate documents pending the transfer of moorage or termination.
  - 5. Moorage or storage agreements must be transferred out of the deceased tenant's name within three months of probate closure.
  
- B. In the event of dissolution of a marriage, the Port requires that the following documents be provided before moorage transfer can take place.
  - 1. Copy of Notarized Property Settlement Agreement including both parties signatures.
  - 2. Judicial decree showing dissolution of marriage and/or court ordered distribution of the boat.
  - 3. Updated registration and insurance in the awarded party's name.

#### 4.6 **TERMINATION OF MOORAGE OR STORAGE AGREEMENT**

Either the tenant or the Port may terminate the agreement with 30 days written notice.

##### 4.6.1 Termination by the Port

- A. The Port may terminate any tenant who swears falsely to any fact deemed material by the Port Commission and/or the Executive Director. This provision includes any written materials submitted to the Port by the tenant.
- B. The Port may terminate a tenant's moorage or dry storage agreement if the tenant fails to comply with any of the Rules and Regulations.

##### 4.6.2 Voluntary Termination by the Tenant: a tenant may voluntarily terminate their moorage or dry storage agreement and relinquish their moorage or storage space to the Port of Edmonds under the following conditions:

- A. Provide the Port with 30 days written notice.

- B. Return all Port of Edmonds property including, but not limited to keys, parking permits, and fuel card. A fee will be assessed for all unreturned items at the current rate.
- C. Pay all charges owing to the Port, including but not limited to monthly charges, electricity, and all service charges.

#### 4.7 **COMPLIMENTARY MOORAGE OR STORAGE**

- 4.7.1 A community group, public agency, or non-profit organization may be assigned complimentary moorage or storage with Commission approval.
  - A. A complimentary moorage tenant must abide by all Port Rules and Regulations unless specifically exempted in writing by the Port.
  - B. Transfer of a complimentary space is not allowed.
  - C. Sublease of a complimentary space is not allowed.
  - D. Only the boat registered to the complimentary moorage or storage is allowed to occupy the space.
- 4.7.2 A complimentary moorage or storage tenant must meet the following insurance requirements:
  - A. Provide comprehensive liability insurance in an amount not less than \$1,000,000 per occurrence.
  - B. The Port of Edmonds shall be listed as additional insured by endorsement.
  - C. Insurance shall be maintained at no cost to the Port.
  - D. For insurance to comply with this section, the insurance policy must be issued by a company authorized to sell insurance in the State of Washington and with an A. M. Best rating of A- or better.

## 5 DRY STORAGE

All rules and regulations are applicable to dry storage tenants, but for the purpose of specialized services provided in dry storage, general rules applying to this area are outlined in this section.

- 5.1 **GENERAL USE RULES:** The tenant understands that their boat is in a harbor environment and is subject to the elements, such as wildlife and weather-related issues. It is the responsibility of the tenant to take reasonable care and action to protect the boat from these issues.
- 5.1.1 Low tides will affect launch access at times. Tides of -2.5 or more will shut down the launch for up to 1.5 hours before and after the minus tides. Minus tide alerts may be posted on the Port website, at the dry storage facility, or shared through the Port Text Service (customer must be currently enrolled for this option).
  - 5.1.2 Adverse weather conditions may prevent Port staff from handling boats with the forklift, launcher, and/or movement of boats at the dock. The Port staff can cease operations at any time with no advance notice if conditions are deemed unsafe.
  - 5.1.3 It is the tenants' responsibility to inform the Port of any potential weakness or abnormality in the boat that may affect the safe movement or storage of the boat.
  - 5.1.4 It is recommended that plugs be removed from boats that will be left unattended in the storage rack for more than two weeks. If the owner does not wish to remove the plug, it is recommended that the owner check the boat periodically. The port is not responsible for damages related to water collecting in the boat.
  - 5.1.5 Tenants who are actively using their boats are responsible for ensuring that their boat is ready for forklift handling – trim tabs up, antennas down, plugs in. Request can be made by tenant for Port staff to do this if owner is not present at a labor charge of 15 minutes. The Port is not liable for any damages that may occur.
  - 5.1.6 Auxiliary outboards, transducers, dinghies, and any other equipment must be mounted as to not interfere with fork placement.
  - 5.1.7 Personal items or equipment may not be attached to the racks or stored outside of the boat.
  - 5.1.8 Fueling of vessels in dry storage upland areas and docks is prohibited.
  - 5.1.9 Personal vehicles are only allowed in the designated parking zone and prohibited from driving past the roped off zones.
  - 5.1.10 Tenants and their guests must stay 10 feet away from forklifts at all times. No-one except the forklift operator should be on the forklift at any time. Treat the Dry Storage area as a work zone, and always pay close attention to your surroundings. Always be alert and follow the guidance of Port employees.
    - 5.1.10.1 Before entering, check for moving machinery and do not proceed until clear.

- 5.1.10.2 Always follow the designated pedestrian paths marked by yellow striping and cones - do not enter the Forklift Only zones
- 5.1.11 Individuals are not allowed in the rack areas, trailer storage area, or within any other gated section of Dry Storage unless accompanied by Port staff.
- 5.1.12 Boats can transfer from wet moorage to dry storage. Upon direction by the dry storage supervisor, the following should be completed at the first haul out when transferring to dry storage:
- The boat must be hauled out by the Travelift
  - The boat must be pressure washed in the pressure wash area
  - The pressure wash fee shall be assessed
  - Travelift rates shall be assessed
  - Boats may require a follow-up pressure wash as determine by the dry storage supervisor
- 5.1.13 Subleasing of dry storage space is not allowed.

## 5.2 **LAUNCHING SERVICE**

- 5.2.1 Dry storage tenants are allowed 21 or less moves per month. All moves over 21 will be charged the current move rate. Moves are defined as follows:
- Rack to Water = 1
  - Rack to Wash Down = 1
  - Water to Rack = 1
  - Water to Wash Down = 1
  - Wash Down to Rack = 1
  - Wash Down to Water = 1
  - Not Included in the standard 21 moves: Paid forklift services such as Dry Storage to work yard or dry storage to public launch. You must pay the associated fees for these moves. Paid moves do not count against your monthly move total.

## 5.3 **BOAT LAUNCH RESERVATIONS**

5.3.1 Launch reservations are required year-round for all boat moves.

- Reservations for boat moves are required daily from opening until 3pm.
- From 3 pm to close, all boat moves will be on a first come, first served basis.
- Launch and Go - During high volume hours, the tenant must be present at the reservation appointment time. If Launch and Go applies, Port staff will notify you as soon as possible. Please arrive ready to load, start-up, and head out.
- Reservations are not a guarantee of dock space. Dock space is on a first-come, first-served basis.
- A reservation can be made by the tenant or “allowed access” user
- The final boat move will occur 15 minutes before closing – no additional moves can be made after that point.

- The boat must be ready to go with trim tabs up, antennas down, plugs in, tarp off, and lines ready (fenders preferred, but not required). If needed, Port staff may make the necessary adjustments with no liability for damages (labor fees apply).

## 5.4 **OVERNIGHT MOORAGE POLICIES**

### 5.4.1 Peak Season (May 1 – October 31)

- 1 complimentary night of in-water moorage per week (week = Monday through Sunday)
- Additional in-water nights will be charged at the published guest moorage rate
- The following events count as overnight moorage
  - Leaving your boat on A + B dock after hours
  - Mooring on V dock or the general guest moorage area after hours
  - Launching the boat in the evening, for a morning departure
- Moorage Locations: A dock, B dock west of marker, V dock, Central marina guest moorage is available if all other docks are full
- Rafting is not permitted on A, B, V, I-South docks
- Electrical outlets are available on the south side of B dock and central guest moorage area; current nightly rates apply. Cords and connections shall meet Port approved guidelines and marine grade standards. There is a fee for dockside electrical use in accordance with current Commission Approved electrical rates.

### 5.4.2 Non-Peak Season (November 1 – April 30)

- Unlimited nights of in-water moorage per week (week = Monday through Sunday)
- If your boat is on the dock and in-active for 48 hours, Port Staff will return it to the rack. Guest moorage charges may apply if your boat is moored where we cannot access it and you are unavailable to assist.
- Moorage Locations: A dock, B dock west of marker
- Rafting is not permitted on A, B docks
- Electrical outlets are available on the south side of B dock; current nightly rates apply. Cords and connections shall meet Port approved guidelines and marine grade standards. There is a fee for dockside electrical use in accordance with current Commission Approved electrical rates.

## 5.5 **VESSEL PREQUALIFICATION**

5.5.1 All boats wishing to use the Dry Storage are subject to a prequalification performed by a Port of Edmonds Staff member. This procedure is required to secure a lease.

5.5.2 The following vessel types are not permitted in the Dry Storage area. This list is not exhaustive, and the Port Staff has the right to refuse any vessel during the prequalification phase.

- a. Sailboats: sailboats cannot be launched at either of the south launchers
- b. Wood boats: some wood boats may not be launched at the launchers. Staff will make this determination.

- c. Length: boats with LOA greater than 32 feet cannot be launched from either of the south launchers. Staff will make this determination.
- d. Width: boats with a beam of over 9 feet 6 inches cannot be launched from either of the south launchers.
- e. Flat bottom boats such as C-Dory's cannot be launched.
- f. Some boats designed for in water aerodynamics may not qualify for dry storage or launching due to potential uneven positioning of forks on the bottom of the boat. (example: Cutwaters)
- g. Vessels with inboard motors and shaft drives cannot be launched.

## 5.6 **WASHDOWN RACKS**

5.6.1 Minor maintenance and repairs are permissible in the washdown area. Port staff has the authority to cease any work that exceeds 'minor'. Work in the wash down area must be scheduled through the dry storage office and is limited to 45 minutes during high demand times. The Port may limit minor maintenance and repairs based on the season and activity level in the launch area. Limited electrical outlets are available at the wash down area - usage is based upon availability and charged at the current daily rate.

- a. Engine flushing is allowed if oil socks are used.
- b. Vessel washing is allowed within the Port's no-suds policy.
- c. No pressure washing of boats of any kind top or bottom.
- d. No sanding of any kind.

5.6.2 Day use of electrical/outlets in the wash down area is allowed. All electrical cords, tools, equipment, and fixtures must meet local electrical and marine standards. Use of these outlets are for the following types of uses:

- A. Day use of electrical/outlets in the wash down area is allowed. All electrical cords, tools, equipment, and fixtures must meet local electrical and marine standards. Use of these outlets are for the following types of uses:
  - a. Power tools for minor repairs and maintenance as defined by the Port
  - b. Pre-Approved Heaters
  - c. Auxiliary power sources
  - d. Other authorized marine related fixtures and equipment
- B. Overnight electrical hook-up is permitted with authorization by dry storage personnel. First night is free; subsequent nights are charged at the current per night rate.

## 5.7 **TRAILER STORAGE**

There is a monthly fee for trailer storage. You may contact the dry storage office for availability.

- A. Reservations are required (open to close) for all trailer moves, pickups, and drop-offs; please contact Dry Storage staff to schedule a time slot. Staff will be available at your reservation time to assist with trailer parking, positioning, hitching, and unhooking.
- B. The final move appointment is scheduled 45 minutes prior to closing; no trailer movement can occur after that point.
- C. On/off trailer service will be performed at the Port's public sling launch. On/off loading of trailers will be at the discretion of the marina operations office due to size, weight, and configuration.
  - a. Deliver your vessel by water to the public sling launch. The current launch fee will apply depending on the trailer design (bunk or roller).
  - b. Ask Port staff to deliver your vessel with the forklift to the public sling launch. The current forklift fee will be applied; the sling launch fee is included in this fee.

## **6 USE OF MOORAGE AND STORAGE FACILITIES**

Listed in alphabetical order

### **6.1 ACCESS**

The Port of Edmonds reserves the right to issue a key and/or refuse access. All outstanding charges must be satisfactorily settled before keys are issued.

#### **6.1.1 Tenants**

- A. Gate keys are distributed for tenant use.
- B. A key deposit is required to ensure that the key is returned to the Port
- C. Tenants will not loan or permit a guest or another tenant to use a key to any of the gates.
- D. All keys must be issued through the Port offices.
- E. Tenants are limited to six (6) keys. Request for more than six (6) keys must be submitted in writing to the Executive Director for approval.

#### **6.1.2 Commercial Vendors**

- A. Vendors who provide the Port with a Certificate of Insurance as per Section 17 and execute a Hold Harmless Agreement may purchase up to (2) two keys with a deposit at the current rate.

### **6.2 BOAT TRAILER STORAGE**

The Port provides space for the storage of boat trailers in the dry storage facility for a fee. Trailers must comply with Port, city, state, and federal regulations.

### **6.3 CARTS**

Carts are available on each dock for the transportation of boat motors, supplies and gear but not for batteries or engine parts. Cart users must return carts promptly to the proper storage area.

### **6.4 CHILDREN**

The Port prohibits children under the age of sixteen (16) years on the docks or finger piers unless accompanied by a parent or other responsible adult.

### **6.5 CONDUCT**

Tenants, guests, and approved service providers must conduct themselves so as not to be detrimental to the safety or quiet enjoyment of the marina area by marina users, tenants, guests, or Port employees. Loud, boisterous, destructive, lewd, or lascivious conduct is not permitted on the Port's premises. The Port reserves the right to refuse service to any person who violates these rules of conduct.

### **6.6 DINGHIES AND ANCILLARY BOATS**

Tenants may not store ancillary boats, such as but not limited to dinghies, kayaks, canoes, rafts, and zodiacs on docks or finger piers, or leave unattended small boats in the water except under the following conditions:

- 6.6.1 Ancillary boats which are stored in the water must be registered with the Port.

- A. The Port may require ancillary boats stored in the water to be clearly marked, in two (2) inch high lettering, with the owner's name and/or the boat registration number it is associated with.
  - B. The privilege to store ancillary boats in the water may be disallowed or withdrawn with seven (7) days written notice if the Port determines that it would potentially create a safety or operational problem.
- 6.6.2 Ancillary boats may be stored in the water with a Port registered vessel if they meet the following conditions:
- A. An ancillary boat must have a total length equal to one (1) foot less than the tenant's assigned slip width.
  - B. An ancillary boat must fit within the designated slip area when the primary vessel is present without encroachment into fairways, common areas or adjacent slips.
  - C. An ancillary boat must be secured so as not to drift out of the designated slip area.
  - D. An ancillary boat may not be stored or serviced on the docks or finger piers at any time.
  - E. The ancillary boat may not be used as a storage unit.
- 6.6.3 A de-watering fee may be assessed to the tenant any time Port personnel are required to de-water an ancillary boat, whether or not the service is requested by the tenant.
- 6.6.4 Dinghies are not allowed to motor in fairways or motor to and from moorage slips or common docks.

## **6.7 DOCK ACCESSORIES & GEAR**

- 6.7.1 Dock accessories and gear shall be allowed with prior Port approval under the following conditions:
- A. Dock steps shall not extend laterally beyond the mid-point of the finger pier, and may not exceed 2.5 feet in width.
  - B. Dock steps shall not be used as a storage unit.
  - C. Dock steps, mats, and gear shall not be attached to the dock or finger pier.
  - D. Dock steps, mats, and gear shall meet Port approved standards.
  - E. Tenants are encouraged to remove dock steps and mats when not in use.
  - F. Satellite dishes and/or TV antennae's may not be attached to the dock.
  - G. All unauthorized material will be removed by the Port.
  - H. The Port prohibits additional vessel storage devices in the slip, such as boat lifts or hull protection systems below the waterline. Any accessory device not integral to the vessel that is permanently submerged in the water, is not permitted for use within the marina.

## **6.8 ELECTRIC HEATERS**

Heaters must comply with the applicable provisions of the Edmonds City Code and Snohomish County Fire District One requirements. The Port requires the tenant to know relevant provisions of the Edmonds City Code and Fire District One requirements. Light bulbs, including heat bulbs, are not allowed to be used as a heat source.

## **6.9 FENDERS**



- 6.9.1 Tenants may request that fender or bumper material be fastened to the docks, finger piers, or uprights. Requests must be approved and installed by Port staff.
- A. Any non-authorized material will be removed.
  - B. Tenants are responsible for any damage to docks, finger piers, uprights, or moorage structures caused by the installation of fender materials not approved by the Port.

#### **6.10 FIRES**

The Port prohibits open flames or fires on the docks or finger piers, including charcoal or propane barbecues, cutting torches, welders, or any burning that would constitute a fire hazard. Marine grade propane or charcoal barbecues, which are permanently attached to the boat as an accessory, are allowed to be used in the marina. Freestanding grills are not allowed to be used on the docks or finger piers.

#### **6.11 FISH CLEANING**

The Port prohibits cleaning of fish on the docks. Fish waste may not be disposed of into marina waters.

#### **6.12 GALVANIC CORROSION CONTROL**

Each tenant must take necessary precautions to keep galvanic corrosion to a minimum and comply immediately with any Port order or directive regarding corrosion control.

#### **6.13 LENGTH OF BOAT**

- 6.13.1 A boat must be secured so as not to extend into the fairway beyond the finger pier or piling. Slips with finger piers with pilings on the ends may overhang one (1) foot, zero (0) inches in the piling area. Slips with finger piers without pilings are allowed zero (0) inches of overhang beyond the end of the finger pier.
- 6.13.2 No portion of a boat or equipment attached to the boat, including the anchor, may extend more than one (1) foot, zero (0) inches into the main walkway area.
- 6.13.3 Boats which are side tied or moored at dock ends must be secured so they remain within their designated space. Allowable overhang in these areas is at the discretion of the Port.

#### **6.14 UTILITIES**

- 6.14.1 Water: The Port supplies water to the tenants on the docks free of charge. The Port does not supply hoses. Hoses are to be coiled and hung on dock pedestals where provided.
- 6.14.2 Electricity: tenants pay based upon metered usage at the current rate charged by Snohomish County PUD.
- A. If the Port removes an electrical meter at the tenant's request and then replaces the meter within six (6) months of removal, the Port will assess a charge in accordance with the current rate structure for reinstallation.
  - B. If a tenant requests a change from 50 amps to 30 amp services or from 30 amps to 50 amp services, the Port Facilities Maintenance staff will review the possibility for accommodating the requested capacity and will charge in accordance with the current rate structure and policies for accommodating the request.

- 6.14.3 Telephone: The docks are not currently wired for telephone lines. Tenants must obtain Executive Director's written permission for installation of a telephone line. Installations must comply with Port specifications and be installed at the tenant's expense.
- 6.14.4 Wi-Fi: Ecco Wireless USA Inc is the service provider for Wi-Fi at Port facilities. The Port does not represent or warrant the quality of signal or service as provided by Ecco Wireless USA Inc. Further, the Port does not offer customer assistance for Wi-Fi. For Customer service and/or technical support you must contact Ecco Wireless USA Inc. Users must sign up directly through Ecco Wireless USA Inc. Access is limited and is for casual use only such as web service and checking e-mail. It will not support and is not intended for streaming video, boat monitoring or other bandwidth intensive services.
- 6.14.5 Cable TV: The docks are not currently wired for cable television. Installation of cable and or satellite dishes must be approved by the Port and may not be attached to any Port structure.
- 6.14.6 Garbage/Recycling/Waste Disposal: The Port provides facilities for proper disposal of garbage, recycling, hazardous waste and sewer that are generated as a result of boating and Port use. Disposal of any inappropriate waste or unauthorized use of Port waste facilities may be considered illegal and/or theft of services.
- A. Garbage and Recycling containers are available near entrances to the docks. Users must not move garbage and recycling containers. Carefully dispose of garbage and recycling in appropriate containers.
  - B. All garbage and recycling generated during normal use of the boat should be kept aboard the boat for shore-side disposal.
  - C. Household and business wastes are not to be disposed of in Port waste containers. No commercial wastes are acceptable.
  - D. Recycle clean and empty bottles (glass and plastic), Cans (aluminum and tin), cardboard, and mixed paper. Plastic bags and water bottle lids are not recyclable and should be placed in garbage containers.
  - E. Collect all pet waste in plastic bags and dispose of in garbage container.
  - F. Let empty paint cans dry out completely before disposing of them in the solid waste garbage containers.
  - G. It is illegal to dispose of fuel, waste oil, used oil filters, wastes which leak oil, antifreeze, transmission fluid, paints, solvents, varnish, batteries, wet shop rags, bilge water or any hazardous waste in garbage or recycle containers. The Port provides facilities for properly disposing of up to 5 gallons of these liquids. Contact the Port operations office for more information on hazardous waste services available and proper disposal.
  - H. The Port provides shore side sewage pump-outs and disposal stations in the central and south areas of the marina for proper disposal of sewer from holding tanks and port-a-potties.

### **6.15 MOORAGE LINES**

Boaters must moor boats securely with stern, bow, and spring lines. Tenants should use the appropriate number of lines to prevent excess movement. Lines must be of appropriate marine grade, as determined by the Port, and in good repair.

## **6.16 OBSTRUCTING DOCKS, OVERHEADS AND WALKWAYS**

- 6.16.1 Tenants may not use docks or finger piers as a storage area for tools, paint, petroleum products, dinghies and ancillary boats, fishing equipment or any other type of equipment or materials.
- 6.16.2 Tenants must remove all paper, litter and debris from the immediate area of their vessels.
- 6.16.3 The use of uprights or overhead areas for hanging or storing personal items is prohibited. The Port may remove any item belonging to a tenant that is found not on a tenant's boat.
- 6.16.4 The Port may charge a fee, as set by the Commission, for storing items that the Port personnel removed.
- A. Items that are removed by the Port and not claimed within thirty (30) days may be disposed of by the Port with no further notice.

## **6.17 PETS**

Pets must be on a leash or carried while on Port property. Pet feces must be cleaned up immediately by the owner and disposed of in waste containers. Feces may not be disposed of in the water. It is not safe to allow pets to swim within the confines of the marina.

## **6.18 PORTABLE LIGHTS**

Clip lights and non-permanent lighting fixtures are not allowed to be used on an unmanned boat. The use of clip lights is discouraged at all times due to fire hazard. The use of 110-volt lights in the bilge for heat is strictly forbidden.

## **6.19 PRIVACY POLICY**

This covers how the Port of Edmonds treats personal information that the Port of Edmonds collects and receives, including information related to your past business with the Port of Edmonds. Personal information is information about you that is personally identifiable such as your name, address, phone number, boat registration number, and other information that may not otherwise be publicly available.

The Port of Edmonds collects personal information when you conduct business with the Port of Edmonds such as mooring your boat on a temporary or permanent basis at the Port of Edmonds, launching your boat at the Port of Edmonds, hauling your boat out at the Port of Edmonds, and storing your boat on land at the Port of Edmonds on a temporary or permanent basis.

When you first conduct business with the Port of Edmonds staff may ask for information such as your name, address, phone number, boat registration number, boat make, and boat length.

The Port of Edmonds does not rent, sell, share, or release personal information about you with other people or companies except to provide products or services you've requested, when it has your permission, or under the following circumstances:

- The Port of Edmonds responds to subpoenas, court orders, or legal process, or to establish or exercise its legal rights or defend against legal claims.

- The Port of Edmonds shares information, as necessary, in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, or otherwise required by law.
- The Port of Edmonds, as a public agency, will respond to public records requests under Chapter 42.17 RCW (the “Public Records Act”). Information you provide to the Port of Edmonds may be subject to disclosure under the Public Records Act.

#### **6.20 SCUBA DIVING**

Scuba diving is only authorized if the diving is necessary for Port purposes or for work on a tenant’s boat. Recreational scuba diving within the marina is prohibited.

#### **6.21 SIGNS AND ADVERTISING**

Posting signs on Port property requires the approval of the Executive Director. The Port prohibits distributing or placing any fliers, handbills, brochures or other written material of any kind anywhere within the Port, including on boats and vehicles. Tenants may coordinate posting notices on the Port bulletin board through the Marina Office.

#### **6.22 SPEED LIMIT**

Vessel speed limit within the breakwater is dead slow at no wake speed. Vessel movement within the breakwater must be only for mooring, entering or leaving a moorage space. The Port prohibits cruising or water skiing.

#### **6.23 SWIMMING AND FISHING**

The Port prohibits swimming and fishing within the breakwater.

## **7 BEST MANAGEMENT PRACTICES (BMPS)**

The Port implements rules and regulations that encourage environmental stewardship. These Best Management Practices are divided in sections by Marina, Boatyard and Dry Storage, but this does not limit their application to those areas. All BMP's apply to boat owners, tenants, vendors and contractors utilizing Port facilities.

### **7.1 MARINA**

Best Management Practices (BMPs) are intended to be practical and affordable actions that can reduce pollution at the source. Source control measures avoid more expensive technological requirements being placed on the Port and Port users by regulatory agencies. The Port of Edmonds is committed to preserving the surrounding environment by implementing Best Management Practices in accordance with the guidelines issued by the Washington State Department of Ecology and the requirements of the Federal Clean Water Act.

#### **7.1.1 Commercial Activity**

- A. All contractors and divers must comply with Section 17 of the Rules and Regulations and must review a copy of the Port's BMPs before performing any work on Port property. Copies of the BMPs are available at the Marina Operations office and the Port Administration building.
- B. Boat hulls with anti-fouling paint may not be scrubbed or cleaned in the marina by divers. Approved haul-out facilities must be used.
- C. Divers are not allowed to leave any sort of material in the water including film, debris or zinc. All divers must sign-in at the Marina Operations office before performing any work.
- D. Contractors must dispose of their own waste off site. The Port is not permitted to handle hazardous wastes generated by commercial operators or maintenance contractors.

#### **7.1.2 Engines and Bilges**

- A. **Absolutely no oil, fuel, or anti-freeze is to be discharged into the marina.** Use absorbent pads to soak up oil and fuel in bilges. Pads are available, for purchase, from the fuel dock attendant.
- B. **Do not pump bilge water into the marina.** Port personnel can take up to five gallons of bilge water. For larger amounts contact a private contractor. Install a manual bilge pump shutoff switch to avoid discharging contaminated bilge water.
- C. **Never drain oil, antifreeze or other liquids into the bilge.** Use pumps to drain engine oil directly. Recycle all waste oil and antifreeze on shore.
- D. **Do not dispose of fuel, oil, filters, or absorbent pads in the dumpsters.** Dispose of spent absorbent pads and recycle oil, antifreeze, and oil filters at the Port's accumulation facility located at the northeast corner of the boatyard. Do not mix any other fluid with waste oil when pouring into recycling tanks. Waste oil contaminated with other materials cannot be readily recycled and disposal costs increase dramatically.
- E. **Do not use detergents or soaps to clean up fuel and oil spills.** While enzyme-based cleaners are safe to use, it may take some time before the oil sheen is gone. It is best to remove contaminated water and dispose of it appropriately at on shore facilities. The discharge of emulsified oil is a violation of state law. Use absorbent pads.

- F. In Washington State, boats that are over 26' in length are required to display an "Oil Discharge is prohibited" placard near the bilge pump switch (placards are available at most marine supply stores.) Fines for discharging oil from a bilge can amount to as much as \$20,000 per day per violation.

#### 7.1.3 Boat Fueling

- A. **Report both oil and fuel spills immediately** to Marina Operations, Washington State's hotline at 1(800) OILS-911 and the National Response Center 1-800-424-8802. If you cause a spill, stop it at the source and start to clean it up immediately.
- B. **Do not pour liquid detergent onto the spill**; this is illegal, makes recovery impossible and makes the spill worse under the surface.
- C. **Do not top-off or overfill tanks.** Know your fuel tank capacity and don't wait for fuel to spill out of the overflow vent to indicate full. Remember warm weather and direct sunlight can cause expansion and a fuel vent spill. In-line fuel/air separators and indicator whistles can be installed to reduce fuel vent spills. Place a bucket or an absorbent pad at the fuel vent in case of accidental overflow. Special no-spill containers are available for this purpose.
- D. **Do not hose down accidental fuel spills.** Use absorbent pads when feasible.

#### 7.1.4 Sewage

- A. **Do not discharge sewage directly overboard.** Discharge within three (3) miles of the coast (anywhere in Puget Sound) is illegal and subject to fines up to \$2,000.
- B. Y-valves must be safety wired to ensure sewage flows into holding tank only.
- C. Store sewage in holding tanks and dispose of properly at the pump-out station, located on the south side of the fuel dock, or use a pump-out service.
- D. Gray Water: Minimize detergent usage in on-board sinks and showers, use shore side facilities whenever possible.

#### 7.1.5 Vessel Cleaning

- A. If cleaners are used, **no visible suds or discoloration of the water are permitted.**
- B. Scrub and rinse your boat often. A quick rinse after each outing reduces the need to scrub top-side with harsh cleaners. Use small amounts of phosphate-free and biodegradable soaps. Otherwise, use alternatives such as baking soda and vinegar as all-purpose cleaners.

#### 7.1.6 Surface Preparation and Refinishing

- A. Report to Marina Operations when beginning a maintenance project to get the latest information regarding in-water maintenance.
- B. Cleaning, repair, modifications and surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited.
- C. Major work which involves more than 25% of the boats topside surface must occur on land. Schedule cosmetic work during annual haul-outs. Copies of *Boatyard Best Management Practices* are available at the Marina Operations office
- D. When stripping, sanding, scraping, painting, coating and/or varnishing any topside deck or superstructure of a vessel in-water, all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris, and other solids must be captured to prevent their release into the environment and entry into waters of the State. Painting and refinishing of boats topside (when in the water) is limited to minor touch ups.

- E. Tarps must be used to capture spilled paint or airborne particles. Any discharge to marina waters is a potential violation of state and federal law. Airborne particles may damage adjacent boats. The open water area between the hull and the dock must be tarped during rail or hull work.
- F. Do not work from a float or small boat.
- G. Use of paint, thinners and varnish on the dock is limited to containers of one (1) gallon in size or smaller.
- H. All paint mixing must be done on the shore, not the dock or the deck of the vessel. Paint cans should be placed inside some type of secondary containment that will catch spills. A five gallon plastic bucket works well for this purpose.
- I. Spray painting is not allowed while boats are in the water.
- J. **Do not dispose of paint or solvents in the Port dumpsters or any solid waste container.** Contact Port personnel for proper disposal or take to an off-site disposal facility. Use up remaining paint by spreading on the paint board in the Port's boatyard. Dry empty cans may be placed in the dumpster.

#### 7.1.7 Hazardous Wastes

- A. **All hazardous waste must be disposed of properly.** Contact the Marina Operations Office for more information. No commercial wastes are acceptable. Do not dispose of the following in the dumpsters or leave on the dock:
  1. Fuel, used oil, used oil filters, antifreeze or transmission fluid
  2. Paints, solvents or varnish
  3. Batteries
  4. Wet shop rags
  5. Zincs
- B. Buy only the amount of materials you need. Take excess paints and chemicals home or dispose of them at the hazardous waste facility on site. **Do not discard these materials in the sewer or storm drains.**

#### 7.1.8 Solid Waste Disposal

- A. Store all garbage for shore-side disposal. "If it goes aboard, it comes ashore."
- B. Dispose of all garbage in the dumpster located at the head of each dock.
- C. Collect all pet waste in plastic bags and dispose of in the dumpster
- D. Let empty paint cans dry out completely before disposing of them in the dumpsters.
- E. Recycle aluminum, cardboard, glass, and newspapers in containers provided by the Port.

### 7.2 **BOATYARD**

Before commencing any work, boatyard occupants are required to read and understand the BMPs and sign off on them. All boatyard activities must be conducted in accordance with the listed environmental BMPs to prevent water, soil and air pollution. There is a violation fee for any violation of BMPs rules and conditions.

- 7.2.1 When stripping, sanding scraping, painting, coating and/or varnishing any portion of the vessel, all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids shall be collected and managed to prevent release into the environment. Drop cloths, tarps, drapes, shrouding or other protective devices are required to collect and manage such material and must be adequately secured around the vessel to resist wind

from causing a release of collected solids. The Port will provide tape and plastic at the current rate for use as drop cloths and enclosures. Any loose material on ground must be cleaned immediately following work.

- 7.2.2 Boatyard spaces must be cleaned daily. The Port will charge a clean-up fee if spaces are not cleaned at the end of the day at the current rate.
- 7.2.3 Drip pans or other containment devices shall be used during all petroleum product transfer operations. A spill response kit is available in the boatyard. Use oil absorbent pads to contain and clean up spills. Promptly notify the Port of any spills that enter or threaten to enter the storm drain.
- 7.2.4 No storage of paints, solvents and other chemicals is allowed on the ground under or around the boat.
- 7.2.5 No containers larger than 5 gallons allowed in the boatyard.
- 7.2.6 Bilges must be cleaned prior to doing work that penetrates the hull. Absolutely no bottom washing is allowed in the boatyard.
- 7.2.7 No toxic, hazardous, or volatile material can be used in the boatyard or while the boat is in the travelift slings. No oil, fuel, bilge sewage or gray water shall be discharged from the vessel. A list of vendors providing holding tank pump out services is available in the Marina Operations office.
- 7.2.8 Contractors/vendors are responsible for disposing of all waste. Waste may not be dumped in the storm drains. Customers must dispose of collected waste solids in the waste solids drum provided by the Port and can dispose of used plastic or drop cloths to the dumpster once the collected solids have been removed.
- 7.2.9 All spray painting must be pre-approved by Port Operations Supervisor prior to starting work.
- 7.2.10 Only vacuum sanders or rotary tools meeting minimum performance standards for anti-fouling paint removal are allowed in boatyard. Non-vacuum grinders are prohibited.
- 7.2.11 Abrasive grit blasting and ice blasting are prohibited.
- 7.2.12 Boatyard occupants shall coordinate disposal of hazardous waste with Port staff that can assist with proper disposal of absorbent pads, boat bottom sandings, and oil filters and recycling of fuel, used oil, antifreeze, transmission fluid, paints, solvents, varnish, bilge water, and batteries. A complete list of recyclable items may be found in the Marina Operations office.
- 7.2.13 The use of antifouling paint containing Tributyltin is prohibited. Non-copper bottom paint is encouraged.
- 7.2.14 Brooms, dust pans, and shop vacuums are available for check-out. If vacuums, dust pans, and brooms are checked out, it is the owner's responsibility to return them when work is completed or the owner of the boat will be charged a replacement fee. Do not clean area by hosing down with water.



- 7.2.15 Zincs used as sacrificial anodes shall not be disposed of into the water or into the trash. Spent zincs are to be placed in the Port's covered container for recycling.

### **7.3 DRY STORAGE**

The Port of Edmonds is committed to preserving the surrounding environment and encouraging best management practices (BMPs) in accordance with the guidelines issued by the Washington State Department of Ecology and the requirements of the Federal Clean Water Act. You can obtain a full copy of the Marina, Boatyard and Dry Storage BMPs from Port staff.

#### 7.3.1 Vessel Cleaning

- A. If cleaners are used, no visible suds or discoloration of the water is permitted. Use small amounts of phosphate-free and biodegradable soaps. Otherwise, use alternatives such as baking soda and vinegar as all-purpose cleaners.

#### 7.3.2 Surface Prep and Refinishing of Boats Not Allowed

- A. No sanding, no painting above or below water line, no thinners or varnish, no pressure washing of boats. Any sanding, painting, use of thinners or varnish, pressure washing of the boat must be done in the boatyard.

#### 7.3.3 Engines, Bilges and Hazardous Waste Disposal

- A. Never drain oil, anti-freeze or other liquids into the bilge. Use pumps to drain oil, anti-freeze and other liquids directly. The Port will accept up to five gallons of oily bilge water, anti-freeze, batteries, fuel, oil, as well as spent absorbent pads or filters at the hazardous waste station located in the northeast corner of the boatyard. Please contact Port staff for assistance. For larger amounts contact a private contractor.

#### 7.3.4 Sewage

- A. Y-valves must be safety wired to ensure sewage flows into holding tank only. Pump-out stations are located on the end of B-dock and on I-dock.

#### 7.3.5 Boat Fueling

- A. No fueling of boats anywhere except at the fuel dock.

#### 7.3.6 Commercial Activity

- A. All contractors must have Port approved insurance and a copy of the Port's BMPs before performing any work on Port property. Contractors must dispose of their own waste off-site. The Port is not permitted to handle hazardous waste generated by commercial operators or maintenance contractors.

## **8 FIRE PROTECTION REGULATIONS**

To ensure that all possible and reasonable efforts are being applied to the prevention of marina fires, it is necessary to establish required standards and practices through regulation. The promulgation of these regulations is, therefore, for the purpose of creating tenant awareness of fire safety practices and compliance with fire prevention regulations. The regulations are in compliance with the National Fire Code.

### **8.1 ELECTRICAL CORDS**

- 8.1.1 Failure to comply with this section may result in the discontinuation of power service. Violations may result in power being disconnected without prior notice. The cord which transfers the electricity to the vessel must comply with the following:
- A. Cords must be equipped with a locking ring so as to securely fasten to the dock receptacle.
  - B. All cords must be professionally manufactured and specified for marine use.
  - C. Cord size must be appropriate for the level of service, including a minimum of ten (10) gauge wire and SJ or SO rated insulation.
  - D. Cords must be a single, continuous molded unit from the power pedestal to the vessel. Marine grade, approved adapters and connectors will be allowed at vessel end only. Replacement ends are not compatible with marine environment situations and are not advised. There should never be exposed wire or must be sealed and equipped with locking rings.
  - E. Cords may not enter through doors or windows. If a vessel does not have a shore power receptacle and the cord is used to power an appliance within the cabin, entry that is not abrasive to the cord must be provided (i.e. a grommet hole installed on the cabin or engine compartment bulkhead).
- 8.1.2 The use of adapters for temporary power connection must be approved by the Port and display a Port approval tag.
- 8.1.3 The use of power blocks (cords with multiple outlets) is prohibited while the vessel is unattended. Only vessels which are hard wired to a shore power receptacle are allowed to power multiple appliances if they are plugged directly into a permanently installed outlet which is a part of the internal wiring system. If a vessel does not have a shore power receptacle, only one appliance may be connected to an electrical cord while the boat is unattended.
- 8.1.4 Four categories of power service and receptacles are in use at the Port:
- A. **50-Amp, 240-Volt Service**: 240-volt, 50-amp, single-phase service is available in some locations upon request. The Port may charge an installation fee to install a 240-volt service.
  - B. **50-Amp, 208-Volt Service** - 208-volt, 50-amp, single-phase service is available in some locations upon request. The Port may charge an installation fee to change to 50 Amp 208-volt service if capacity allows.
  - C. **50-Amp, 120-Volt Service** - some docks are equipped with 120-volt, 50-amp service. Cords must be equipped with a twist-lock grounding sleeve.

- D. **30-Amp, 120-Volt Service** - some slips less than 48 feet in length on B through G docks and P through U docks are equipped with 30-amp service with locking receptacles.
- E. **Transformer Boosters** – in some slips where tenants experience a drop in voltage, the Port may allow the tenant to purchase and utilize a transformer booster. Booster must meet all NFPA 303 Fire Protection Standards, and tenant must receive pre-approval for installation and use from the Port Facilities Maintenance Manager.

## **8.2 HEATERS**

- 8.2.1 Portable heaters must have a tip-over switch and thermal cut out.
- 8.2.2 Heaters must be set at the lowest setting and portable heaters placed in an area free of combustibles.
- 8.2.3 Heaters with exposed heating elements are prohibited.
- 8.2.4 The Port recommends the use of dehumidifiers for moisture removal and winterization to prevent freezing.

## **8.3 LAMPS**

- 8.3.1 The use of heat lamps is prohibited.
- 8.3.2 The use of “clip on lamps” is prohibited while the vessel is unattended.
- 8.3.3 Lamps must be away from combustibles and properly secured so that there is no possibility the lamp can tip over or fall as a result of vessel movement.

## **8.4 BILGE COMPARTMENTS**

- 8.4.1 Use of portable heaters or lamps in an enclosed bilge compartment is prohibited.
- 8.4.2 Bilges must be free of oil and fuel.

## **8.5 STORAGE ON VESSELS AND DOCKS**

- 8.5.1 All hoses, lines and cords must be stowed so as not to interfere with firefighting.
- 8.5.2 Highly combustible items such as starter fluids, paint and thinners should not be stored on the vessel or docks.
- 8.5.3 Storing any gear whatsoever on the docks is prohibited. All walkways must be free of all obstruction, including dinghies and coiled hoses.

## **8.6 STORAGE OF FLAMMABLE MATERIALS**

- 8.6.1 Storage of flammable materials in large quantities and/or storage of flammable materials not required in the ordinary operation of a boat is prohibited. Flammable materials required in the ordinary operation of a vessel must be stored in approved containers.

- 8.6.2 The Port prohibits storing fuel, flammable materials, dangerous materials or substances, toxic materials or substances with a noxious odor, or any other substance or item which would disturb or bother tenants or non-tenants. The Executive Director, or a designated representative, has the authority to remove anything from any boat without notice to the tenant or non-tenant if the Executive Director determines removal of the items protects the safety and well-being of any person or property. Tenant will be promptly notified of any action by the Port staff.

## **8.7 FUELING VESSELS**

- 8.7.1 Fueling vessels within the moorage or dry storage areas is prohibited.
- 8.7.2 The Port allows after hour fueling by tenants under the following conditions:
- A. Tenants must satisfactorily complete the Port of Edmonds After Hour Fueling Training Program.
  - B. Tenants must sign the Form of Agreement verifying that they have completed the After Hour Fueling Program and agree to the conditions and requirements in the written program.
  - C. Upon completion of the training program, tenants are given a Port issued Fuel Card that allows them the privilege of fueling their vessel after hours.
  - D. Tenants shall pay a fee for fuel cards that have been lost or require replacement more than once per year. Cards that need replacing due to normal wear will be replaced without a fee assessment.
  - E. Tenants that violate the conditions of the agreement may have their Fuel Card revoked.

## **9 LIVING ABOARD**

### **9.1 LIVEBOARD PRIVILEGE**

Permission to live aboard a boat moored at the Port of Edmonds is a privilege in addition to the written lease agreement between a moorage holder and the Port for rental of moorage space. The terms of the written liveaboard agreement are additional agreement between the liveaboard and the Port. The privilege is subject to immediate termination if it ever proves unworkable or otherwise undesirable.

- 9.1.1 The Moorage holder must obtain advance written permission from the Port to reside on a boat moored at the Port of Edmonds. The Executive Director has the authority to grant permission to not more than fifteen (15) moorage holders.
- A. Liveaboard status is reserved for the moorage holder and boat owner. Special circumstances must be reviewed and approved by the Executive Director. Short term rentals such as “AirBNB” are strictly forbidden.
  - B. In order to qualify for Liveaboard permission, the Port will require references and information relating to a liveaboard applicant’s credit, finances or conduct. The moorage holder will submit fees for background and credit checks with submittal of application. The Port will release such information only as required by law.
    - 1. Criminal background check is required
    - 2. Credit report is required
    - 3. A security deposit equivalent to six (6) months moorage is required
  - C. Terms and conditions and rules relating to liveaboards are subject to alteration or change without notice to the liveaboard.
  - D. The Port may terminate liveaboard status immediately if the status or the method of use is in violation of any Port, local, state, federal law or regulation, or nonpayment of moorage fees.
    - 1. Legal fees to resolve violations and/or default will be paid by the Liveaboard
    - 2. Termination for cause may be appealed by the subject Liveaboard on request to an Administrative Hearing by the Port Commission. A request for an appeal must be made in writing to the Executive Director no later than ten (10) days after receipt of Termination Notice

### **9.2 CONDITION OF PREMISES**

The liveaboard accepts the premise “as is.” The Port is not required to install additional facilities or utility services for liveaboard use. The liveaboard agrees that the Port is not responsible for any damage to the liveaboard or the liveaboard’s boat because of failure of services. Liveaboard may not install any additions to the dock or provide additional utility services to be used by liveaboard or liveaboard’s boat without first obtaining written permission from the Executive Director or designee.

### **9.3 VISUAL IMPACT**

Liveaboard must keep boat exterior neat and clean. Examples of unacceptable visual impacts include, but are not limited to; laundry in the rigging or on the lifelines, tarps, decks cluttered with bicycles, planters and/or storage, and debris on surrounding docks.

#### **9.4 LIVEBOARD FEES**

The liveboard is required to pay a monthly liveboard fee. The Liveboard fee is subject to change at the discretion of the Port, as approved by the Port Commission.

#### **9.5 BEHAVIOR**

Liveboard is required to follow Port Rules for conduct. Televisions, stereos, and other noise generating devices shall be kept at a reasonable volume at all times as necessary to maintain a general standard of quiet enjoyment, and in no case to exceed the City of Edmonds noise ordinance (chapter 5.30 of the Edmonds City Code).

#### **9.6 PETS**

The liveboard may not keep animals or pets (service animals exempt) unless they have obtained permission from the Executive Director.

9.6.1 If the Port grants permission to keep a pet, the liveboard must comply with the following rules:

- A. The Port permits not more than one (1) pet for any vessel
- B. The liveboard will provide the Port with a description and photo of the pet.
- C. The pet must be licensed as required by the City of Edmonds.
- D. The liveboard will keep the pet inside the boat at all times. When liveboard and pet are outside the boat or on Port property, the pet must be on a leash or in a carrier.
- E. The liveboard takes every reasonable precaution to ensure the pet cannot get out of the boat when left unattended and does not disrupt the quiet enjoyment of the marina.
- F. The liveboard must prevent the pet from depositing any kind of waste on the docks or finger piers and is required to immediately pick up pet's solid waste, place waste in a suitable container, seal the container, and put it into a garbage container.

#### **9.7 SEWAGE**

The liveboard will not discharge waste into the waters of the marina, and will allow Port staff access to the boat to perform inspections and verify that Marina Sanitation Devices are secured. Dumping of sewage, animal wastes, or food wastes is in violation of Port, local, state, and federal laws/regulations.

#### **9.8 MAIL, NEWSPAPERS, AND PACKAGES**

The liveboard may not receive delivery of newspapers or mail on Port property. The Port does not accept U.S. Mail, UPS, FED EX, DHL or other carrier package delivery for moorage holders. Moorage holder must be able to provide their own post office box at a post office or mail facility.

#### **9.9 PARKING**

Port parking areas are not to be used for storage of surplus cars, motorcycles, bicycles or any inactive vehicle. Moorage holder may receive up to two parking permits and park up to two active and operable vehicles on Port property. Vehicles that don't have visible permits displayed or are not in compliance with posted signage and marina rules may be towed at the owners' expense. Make, model, color, and license plate of vehicle must be provided to the Marina Operations Office.

#### **9.10 SUBLEASE OR SALE**

The liveboard will not lease or sublease their boat or their slip or any part thereof without prior written permission of the Executive Director or designee. Sale of a boat does not entitle the buyer to any rights or privileges to the moorage or to live aboard.

**9.11 NEW BOAT**

The privilege of living aboard applies to the boat specified in the lease with the Port. If the liveaboard obtains a different boat, written permission must be obtained from the Executive Director to continue as a liveaboard.

**9.12 FAILURE TO COMPLY WITH RULES**

Failure to comply with any liveaboard rules, Port rules and regulations, or for any conduct which adversely affects the health or safety of any person may result in termination of the liveaboard status or termination of the lease which permits the person to moor their boat at the Port of Edmonds. The Port may remove the liveaboard's boat from the water, without notice, if necessary to protect the health or welfare of any person.

## **10 BUSINESS MOORAGE SPACE**

### **10.1 ACQUIRING BUSINESS SPACE**

An entity may acquire business moorage or dry storage space on Port property only with Commission approval.

### **10.2 AUTHORIZED BUSINESSES/ UNAUTHORIZED BUSINESSES**

10.2.1 The following types of businesses/organizations may request moorage space from the Port:

- A. Bait and supply store
- B. Yacht sales
- C. Boat repair business
- D. Yacht club

The following types of businesses/organizations are not permitted to operate within the Port:

- A. The Port prohibits boat owners from renting their vessel while moored in the Port unless operating under a Port approved Charter Boat Agreement (section 11). The Port defines renting as any transaction where access is granted to a vessel in return for any type of compensation.
- B. User-to-user boat sharing or rentals, including but not limited to applications such as Boatbound, Boatsetter, or GetMyBoat.
- C. Short term or long term hospitality or housing rental including but not limited to applications such as Airbnb or VRBO

An entity may not acquire business moorage or dry storage space on Port property if their purpose is listed in this category. The Port also prohibits these activities under the standard moorage or dry storage lease agreement.

10.2.2 Businesses that do not serve a marine related purpose or fall within the categories identified above may submit a request to the Executive Director in writing, identifying the purpose and intent for requesting a slip. Requests will be reviewed on an individual basis and may require Commission approval.

### **10.3 USE OF BUSINESS MOORAGE SPACES**

10.3.1 Tenants with moorage space(s) designated for use by such businesses as defined above are entitled to use the moorage space(s) for the following purposes:

- A. Moorage of boats held for sale.
- B. Repair of boats.
- C. Temporary moorage of a boat sold to the business tenant's customer when the moorage does not exceed one (1) month following the closing date of the sale.
- D. Bait sales and miscellaneous supplies relating to bait sales.
- E. Yacht Club and boats related to Yacht Club activities.



- 10.3.2 Business moorage may not be used for moorage of business owner's or employees' personal boat(s).
- 10.3.3 The intent of business moorage, excluding boats held for sale, is for intermittent use of moorage space.
- 10.3.4 Moorage is provided to support business/organization activities. It is not for non-business programs.
- 10.3.5 Non-business moorage may be allowed for up to thirty (30) days upon approval by the Executive Director.

#### **10.4 TRANSFER OF SPACE**

- 10.4.1 Use of moorage space may be transferred upon sale of the business.
- 10.4.2 Transfer of moorage incidental to the sale of a business must be approved by the Port Commission prior to the transfer of moorage and prior to utilization of the space by the purchaser.
- 10.4.3 A business with moorage privileges may not allow others to conduct business from their assigned space without transfer of business ownership approved by the Port Commission.

#### **10.5 RELINQUISHING BUSINESS MOORAGE SPACE**

If a business/organization ceases to operate, the tenant must relinquish any and all moorage space back to the Port.

#### **10.6 BUSINESS ACTIVITY**

Port businesses must continually demonstrate a need for moorage in conjunction with their business. The Executive Director has the authority to require proof of activity from the tenant. Failure to provide satisfactory documentation regarding the use and need for the moorage may result in termination of moorage. Proof of activity consists of annual income statements.

- 10.6.1 Hours of operation shall be published and programs staffed.
- 10.6.2 Business shall provide the Port with a Certificate of Insurance showing General Liability Insurance in an amount not less than \$1,000,000 per occurrence. Insurance certificate shall list the Port as additional insured by endorsement. Insurance shall be provided by an insurance company with an A.M. Best rating of A- or better. Insurance shall be maintained and documentation shall be provided to the Port annually.
- 10.6.3 Businesses must maintain the appropriate licenses to operate out of the Port and must meet other permit and license requirements as appropriate to their business.

#### **10.7 SUBLEASING**

Subleasing is prohibited. A business qualified above may not sublease moorage to another person or business, nor may such business acquire the use of any other tenant's moorage space for any time period.

## 11 CHARTER BOATS

The Port encourages a diversity of charter operations including, but not limited to, fishing, diving, sailing, crabbing, sightseeing and other passenger excursions. Up to twenty (20) moorage spaces may be allocated to charter boat businesses. Space in the marina must be available.

### 11.1 REQUIREMENTS FOR CHARTER BOAT MOORAGE AND OPERATOR

11.1.1 Charter boats may not operate from the Port unless the boat is owned by the tenant and registered to the tenant.

11.1.2 The Port will review the following documents:

- A. Charter boat operator moorage application.
- B. Charter boat operator a statement of intent that they plan on operating an active business out of the Port of Edmonds.

11.1.3 Charter boats operators must meet the following qualifications:

- A. The applicant must possess a valid business license as appropriate for the type of business and boat.
- B. The applicant must possess a current United States Coast Guard license allowing the applicant to carry passengers for hire or present evidence that an employee possesses the Coast Guard license as appropriate.
- C. The applicant must comply with all marina rules and regulations.

11.1.4 If the Executive Director believes that proposed charter operations are in the best interest of the Port, arrangements may be made for the Port Commission to hear from the operator in public session and give feedback regarding proposed operations.

### 11.2 CHARTER BUSINESS

11.2.1 A charter business must be approved by the Executive Director. If a request is denied, the applicant may appeal the decision in writing, within ten (10) business days, to the Port Commission.

11.2.2 Each applicant must demonstrate that they are an active business or intend to become an active business. The following information may be required by the Port to demonstrate business activity:

- A. Gross Revenue: Evidence of at least twelve thousand dollars (\$12,000) of annual gross revenue by the second year of operation.
- B. Proof of business activity: Submittal of; advertising brochures, passenger manifest, and number of bookings may be requested.

11.2.3 In addition to the above criteria, the charter boat applicant must demonstrate the following:

- A. Appearance: the boat interior/exterior is neat, clean and demonstrates a pleasant appearance to potential customers.

- B. Record of compliance with laws and regulations: the Executive Director may require production of records of governing agencies for review as to compliance with applicable laws and regulations governing the charter business, the operator and/or crew of the charter vessel.
- C. Business Practices: The Executive Director may review the business practices of the charter operator at any time.

### 11.3 **CENTRALIZED MOORAGE**

The Port Commission has determined it is in the best interest of the Port that the Executive Director be given authority to establish centralized moorage for charter businesses when a new or transfer request is submitted to the Commission for approval. Therefore, the purchaser of an existing charter business may be assigned to alternative moorage that the Executive Director believes is in the best interest of the Port.

### 11.4 **INSURANCE**

Each charter tenant must provide the Port with a Certificate of Insurance showing General Liability Insurance in an amount not less than \$1,000,000 per occurrence. Insurance certificate shall list the Port as additional insured by endorsement. Insurance shall be provided by an insurance company with an A.M. Best rating of A- or better. Insurance shall be maintained and documentation shall be provided to the Port annually.

### 11.5 **TRANSFER OF CHARTER BUSINESS**

Transfer of charter businesses is allowed if the assuming charter business meets the criteria above and the Port Commission approves the transfer.

### 11.6 **REPRESENTATIONS**

The Port does not, in any way, recognize the qualifications or capabilities of one charter operator over another, nor does the approval for operation of a charter business from the Port constitute a representation to the public that the charter boat operation is being operated safely or prudently.

### 11.7 **CHARTER OPERATIONS PRIOR TO MARCH 1998**

Charters who have been a recognized charter operator prior to March 1998 shall have rights back to a recreational boater if their business is terminated or no longer meets the requirements of a charter business.

### 11.8 **SUBLEASE**

Charter operators may sublease their slips but may not sublease their slip to another charter business.

## **12 VESSELS OWNED BY PARTNERSHIPS OR CORPORATIONS**

### **12.1 VESSEL OWNERSHIP BY AN INDIVIDUAL**

**Acceptable Documents:** The Port of Edmonds recognizes the following documents as acceptable proof of ownership. The Port may request additional documents as necessary to establish clear ownership.

- Current Coast Guard documentation listing registered owner(s)
- Current State Boat Registration listing registered owner(s)

**Sale of Vessel:** Use of the assigned slip is personal to the Tenant of Record. A person purchasing the boat or any partnership or other interest therein from the Tenant of Record will not thereby acquire any rights to the moorage agreement or slip, except under certain conditions as set forth in this Regulation.

- Upon the sale of the boat, the Tenant of Record must terminate the moorage agreement or purchase another boat and place it in the slip within six (6) months of the date of sale of the old boat and provide current proof of ownership documents for the new boat.

### **12.2 VESSEL OWNERSHIP BY AN OWNERSHIP ENTITY**

The Port recognizes ownership in a vessel and the moorage by an Ownership Entity under certain conditions. Where a vessel is utilizing a Port of Edmonds moorage slip is owned by an Ownership Entity, the Tenant of Record must utilize and be a principal owner of the vessel occupying the assigned slip. The Ownership Entity as a moorage tenant must adhere to the following provisions:

- The Tenant of Record must have at least 25% interest or more in an Ownership Entity, which owns the moored vessel.
- If the vessel is owned by a corporation, the moorage tenant shall be owner of at least 25% of all the issued and outstanding stock in the corporation that owns the moored vessel. The corporation may not use the vessel for commercial purposes.
- A Tenant of Record in an Ownership Entity may, in computing the above, include any ownership interest of the spouse of the Tenant of Record.
- The Tenant of Record member of an Ownership Entity shall be eligible to live aboard the vessel; the other members of the Ownership Entity shall not be eligible to live aboard the vessel.

**Acceptable Documents:** It is required that all parties involved as partners be listed on the ownership papers. Before any moorage agreement will be issued for a vessel owned by an Ownership Entity, the Ownership Entity must submit ownership documents for approval. The moorage tenant shall notify the Port of any change in the information set forth in any such document within five (5) days from the date of any such change and execute a new document. Failure to comply with the provisions of this paragraph shall constitute grounds for termination of the moorage agreement. The Port recognizes the following documents as acceptable proof of an Ownership Entity:

- Washington State Registration listing all parties as owners in the vessel accompanied by partnership agreement clearly outlining each partner's percentage of ownership
- Coast Guard Documentation listing all parties as owners in the vessel and percentage of ownership
- Corporate Papers when the vessel is owned by a Corporation, listing Tenant of Record as owner of at least 25% of all issued and outstanding stock. This may include, but is not limited to, the Articles of

Incorporation, current Annual Report, and Certificate of Good Standing reflecting the moorage tenant's ownership.

- In the case of a Limited Liability Company, documentation may include the Certificate of Formation, Annual Report, or Certificate of Good Standing
- Notarized partnership agreements
- In the case of a Similar Vessel Ownership Vehicle, documentation that reflects the legal formation and ownership interests of the participating individuals

### **12.3 PARTNERSHIPS IN MOORAGE**

If an Ownership Entity relationship in a vessel exists, only those participants who have gone through the waiting list process can qualify as Tenant(s) of Record and obtain rights to the moorage agreement and slip. Wait list applicant are only eligible for one slip per waiting list application.

Should the Tenants of Record fail to maintain required percentage of ownership in the vessel, the partnership vessel must be removed from the slip. Moorage will be terminated unless the tenant(s) of record purchases a new boat of record within the regulation time.

If a person's name comes to the top of the waiting list and that person has part ownership in a vessel presently moored in the Marina, or is contemplating becoming part owner with someone who already has moorage at the Marina, the parties may form a joint moorage agreement. The joint agreement must be with an existing moorage tenant and must be from the same wait list category. The person leaving the waiting list and the current moorage tenant will be Tenants of Record in one slip and have equal rights to the moorage.

Should the partnership dissolve, since both parties filled out individual waiting list applications, the participants may each request an individual slip. They must provide proof of ownership for a new vessel, and sign a new moorage agreement. Slip reassignment will be based on slip availability.

## **13 PAYMENTS FOR MOORAGE AND STORAGE**

### **13.1 DUE DATE**

Payment for moorage, dry storage, electricity, environmental fees, leasehold excise tax, and other charges is due on the date designated on the Port statements.

### **13.2 DATE OF CLOSING BOOKS**

The monthly charges for tenants, including moorage or dry storage for the following month, electricity for the previous month, and other incurred charges, is determined as of the last day of each month.

### **13.3 LATE FEE**

13.3.1 The Port assesses a late fee each month if the tenant does not remit full payment for the balance due by the last day of the month.

13.3.2 The Port assesses a service charge for any check or ACH payment a bank returns for any reason.

### **13.4 TERMINATION FOR NON-PAYMENT OF RENT**

Tenants who fail to make moorage or dry storage rent payments are subject to termination of tenancy in accordance with Section 16 of these regulations.

## 14 PARKING MANAGEMENT

### 14.1 PARKING AUTHORITY

Permission to park or operate a vehicle at the Port of Edmonds is a privilege granted by the Port Commission.


### 14.2 DESIGNATED PARKING AREAS

The Port has designated areas throughout the facility to accommodate a variety of users.

14.2.1 Yellow Striped Areas: Port tenant parking. A valid Port parking permit must be appropriately displayed. Approved and active vendors and subleases may display temporary parking permits and utilize these areas.

14.2.2 White Striped Areas: Visitor parking. Limited to three (3) hours. Visitors staying more than 3 hours may obtain parking permits from the Marina Operations Office or after hours from Security. Daily parking fees may be assessed.

14.2.3 Green Striped Areas: Vehicle and trailer parking. Permits are required and may be obtained at the Marina Operations Office. Trailers without an attached vehicle are not allowed to park in Port parking areas unless pre-authorized, pre-paid and have a permit attached. Visitor vehicle parking is authorized in these areas after 5:00pm daily.

14.2.4 Blue/White Accessible Parking : There are designated parking spaces throughout the marina for persons with appropriately displayed accessibility permits, disabled placard, tabs, or plates. Vehicles parking without accessibility permits, disabled placard, tabs, or plates may be impounded and/or issued a citation by local police authority.

Changes in designated parking areas as outlined above may be implemented by Port staff to meet the needs and conditions of programs, projects, and events. Port staff may assess fees to accommodate special conditions or projects requiring use of designated parking spaces.

### 14.3 PARKING PERMITS

14.3.1 Issuance and Renewal: Parking permits may be issued by Port staff if the purpose meets Port approved parking guidelines.

- A. All outstanding charges must be satisfactorily settled before a parking permit may be issued, reissued, or renewed.
- B. Boat registration and insurance must be current before a permanent parking permit will be issued to an active tenant.

14.3.2 Right to Refuse or Recall: The Port reserves the right to refuse the issuance of a parking permit or recall an existing parking permit. The basis for refusal or recall may include, but is not limited to:

- A. Falsified documentation or information provided
- B. Non-payment of fees
- C. When tenant has violated these rules and regulations.
- D. When previous parking violations have occurred
- E. When the purpose for the permit changes or no longer exists
- F. Counterfeiting or altering permit

### 14.3.3 Types of Permits

- A. Tenant vehicle parking permits: issued to active tenants in moorage, dry storage, or leased areas for marina related activities only.
  - 1. Permit must be properly displayed in clear view; either hung on rearview mirror or displayed on front dashboard.
  - 2. Tenants in good standing are eligible for one vehicle and/or motorcycle parking permit free of charge. Additional permits are charged per Port rates.
  - 3. Re-issuance of a permit that is lost will require a replacement fee per Port rates and a signed written notice shall be completed by the permit holder verifying lost or stolen permit.
  - 4. Upon termination of lease agreement, parking permits or remnants of permits shall be returned to the marina operations office. Failure to return parking permits may result in fees assessed and deducted from the deposit or billed.
  
- B. Temporary Parking Permits: issued to vendors, tenants' guests, and/or those conducting business or participating in port related activities.
  - 1. Marina Operations Office will issue temporary permits subject to availability and Port related business purposes.
  - 2. Permits for parking less than 24 hours usually do not require a fee if the use is Port related.
  - 3. Permits for parking over 24 hours may require the daily parking fee as designated in Port rates.
  
- C. Commuter Parking Permits: monthly commuter parking permits may be available for those taking public transportation to and from the Edmonds area. Fees are payable in advance at the Port Administration Office. Permit must be visibly displayed in the vehicle.

### 14.4 **VEHICLES EXEMPT FROM PARKING PERMIT REQUIREMENTS**

The following vehicles are exempt from Port parking permit requirements: Port vehicles, public safety and emergency vehicles performing the services and functions of their office, government and school vehicles/buses on official business, commercial delivery vehicles that are used for deliveries of materials and supplies to the Port, marked taxis, tow vehicles, media and other vehicles as authorized by appropriate Port staff.

### 14.5 **PARKING ENFORCEMENT**

Security officers have primary responsibility for parking enforcement and tracking. However, all Port staff may monitor parking lots and issue courtesy notices and/or parking violations.

#### 14.5.1 Regulatory Signs and Barricades

- A. Port staff installs and maintains signs and barricades that meet the purposes of the Port of Edmonds
- B. No unauthorized person shall remove, move, deface or in any way change a traffic or parking sign or barricade.
- C. Operators of motorized vehicles shall obey all regulatory and directional signs while on Port property.
- D. Operators of motorized vehicles shall obey the instructions of Port staff



#### 14.5.2 Issuance of Notices and Towing Authority

The security officers and/or designated Port agents may issue warning notices and other notices, as appropriate, to maintain the rules and regulations of the parking program. The security supervisor and designated Port agents may tow or issue a citation for violation of any and all rules and regulations.

#### 14.5.3 Vehicle Impoundment or Citation: Vehicles may be impounded by the Port for violations which include but are not limited to:

- A. Parking in restricted parking spaces
- B. Parking without accessibility permit or disabled designation in accessible parking spots
- C. Parking in a fire zone
- D. Impeding the flow of traffic
- E. Violating posted signage
- F. Vehicle poses an immediate threat to public health or safety

Owners of impounded vehicles shall be responsible for any and all impound fees. The Port of Edmonds, its officers, employees and agents shall not be liable for loss or damage of any kind resulting from such impound.

### 14.6 STORAGE OF VEHICLES AND/OR OVERNIGHT PARKING

14.6.1 Overnight storage of vehicles is prohibited on Port property. Written request to leave a vehicle for an extended period will be reviewed by the Port's Executive Director and consideration may be given due to extenuating circumstances, availability, and relation to Port business.

14.6.2 Vehicles without permits may not park for more than 3 hours.

14.6.3 Vehicles are not allowed to display For Sale signs while parked for extended periods.

### 14.7 RECREATIONAL VEHICLES

14.7.1 Overnight RV Parking: The Port may allow active overnight parking under the following provisions:

- A. Facilities are limited to the northeast gravel lot 2E only.
- B. Overnight parking is allowed for individuals and/or groups in conjunction with in-water activity.
- C. The Port may approve up to a maximum of five (5) RV's.
- D. Maximum stay is 3 nights.
- E. Charges are based upon current rates.
- F. 120 volt electrical power is available. If used, current daily rates will apply.
- G. RV owners must utilize their own holding tanks and be self-contained.

### 14.8 LIABILITY

The Port of Edmonds assumes no liability for personal property, trailers or vehicles parked or left on any property owned, operated or leased by the Port of Edmonds.

## **15 PROPERTY IMPOUND**

### **15.1 IMPOUND AUTHORIZED**

15.1.1 Port staff is authorized to take reasonable measures, including the use of chains, cables, and locks or removal from the water, to secure vessels so that the vessels are in the control of the Port and cannot be removed from the Port.

15.1.2 Vessels may be secured under the following circumstances:

- A. Tenant or guest is delinquent in the payment of moorage, dry storage, or other Port charges.
- B. A vessel not registered to the tenant or documented with a valid sublease or Loan-a-Slip agreement is moored or stored at the Port.
- C. A vessel is using moorage or dry storage without the authority of the Port.
- D. A vessel is using moorage or dry storage after authority to do so has expired or is being used in violation of the authority granted by the Port.
- E. Tenant or guest is in violation of rules or regulations of the Port.

15.1.3 The owner of any vessel that has been secured may be charged a daily impound fee in addition to the moorage or dry storage for the time the vessel is secured. Haul out fees may apply if the vessel must be removed from the water.

15.1.4 A secured boat must remain secured until appropriate documentation is provided and all fees and charges are paid and Port staff removes the chain or cable.

15.1.5 If any individual claiming to be the owner of a boat secured pursuant to this section disagrees with Port staff's decision to secure the boat, the individual must request a meeting with the Executive Director to present documentation that Port staff's decision is incorrect. If, after the meeting, the individual disagrees with the Executive Director's decision, the individual may seek review of the decision by filing a written request for a review by the Port Commission. The Commission will not hear the matter unless all individuals who claim ownership in the secured boat are present. The written request must provide documentation and specify why the Executive Director's decision is incorrect.

### **15.2 PUBLIC SALE OF ABANDONED VESSELS**

15.2.1 This procedure may be used if the owner mooring or storing a vessel at the Port fails, after being notified that charges are owed and of the owner's right to commence legal proceedings to contest that such charges are owed, to pay the Port charges owed or to commence legal proceedings. Notification shall be by certified mail, return receipt, to the owner at his last known address. In the case of a transient vessel or where no address was furnished by the owner, the Port need not give such notice prior to securing the vessel. At the time of securing the vessel, Port staff shall attach a readily visible notice to the vessel. The notice shall be of a reasonable size and shall contain the following information:

- A. The date and time the notice was attached.

- B. A statement that if the account is not paid in full within ninety (90) days from the time the notice is attached, the vessel may be sold at public auction to satisfy the Port charges.
  - C. The address and telephone number where additional information may be obtained concerning the release of the vessel.
- 15.2.2 After a vessel is secured, Port staff will make a reasonable effort to notify the owner by certified mail, return receipt, in order to give the owner the information contained in the notice.
- 15.2.3 The Port may move moored vessels ashore for storage if, in the opinion of the Port staff, the vessel is a nuisance, is in danger of sinking or creating other damage, or is owing Port charges. Costs of any such procedure shall be paid by the vessel owner.
- 15.2.4 If the vessel is secured or moved ashore, the owner who is obligated to the Port for the Port charges may regain possession of the vessel by:
- A. Making payment to the Port of all Port charges, or by posting with the Port a sufficient cash bond or other acceptable security, to be held in trust by the Port pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals in a court of competent jurisdiction, or after the Port and the vessel owner reach agreement with respect to payment, the trust will terminate and the Port will receive so much of the bond or other security as is agreed, or as is necessary to satisfy any judgment, cost and interest as may be awarded to the Port. The balance will be refunded immediately to the owner at the last known address.
  - B. Making arrangements satisfactory with the Port for the immediate removal of the vessel from the moorage facility or other authorized moorage.
- 15.2.5 If the vessel has been secured by the Port and is not released to the owner under the bonding provisions of this section within ninety (90) days after notifying or attempting to notify the owner, the vessel shall be conclusively presumed to have been abandoned by the owner.
- 15.2.6 If a vessel moored or stored at the Port is abandoned, the Port may, by resolution of its Commission, authorize the public sale of the vessel to the highest and best bidder for cash as follows:
- A. Before the vessel is sold, the owner of the vessel will be given at least twenty (20) days' notice of the sale by certified mail, return receipt, if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold and the amount of Port charges owed with respect to the vessel. The notice of sale will be published at least once, more than ten (10) days but not more than twenty (20) days before the sale, in a newspaper of general circulation in Snohomish County. Such notice shall include the name of the vessel, if any, the last known owner and address and a reasonable description of the vessel to be sold. The Port may bid all or part of its charges at the sale and may become a purchaser at the sale.

- B. Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the Superior Court of Snohomish County to contest the validity of the impoundment or the amount of Port charges owing. Such lawsuit must be commenced within ten (10) days of the date the notification was provided, or the right to a hearing shall be deemed waived and the owner shall be liable for any Port charges owing the Port. In the event of litigation, the prevailing party will be entitled to reasonable attorney fees and costs.
- C. The proceeds of the sale under this section will first be applied to the payment of the Port charges. The balance, if any, will be paid to the owner. If the owner cannot, in the exercise of due diligence, be located by the Port, the excess funds from the sale will revert to the Department of Revenue pursuant to RCW Chapter 63.29. If the sale is for a sum less than the applicable Port charges, the Port is entitled to assert a claim for any deficiency.
- D. In the event no one purchases the vessel at a sale or a vessel is not removed from the premises or other arrangements are not made within ten (10) days of sale, the title to the vessel will revert to the Port.

## 16 ACCOUNT TERMINATION

- 16.1.1 If Port staff determines that a tenant is violating a Port rule or regulation, Port staff will send a notice to such tenant by certified mail, return receipt, stating the violation(s). The notice includes an invitation for the tenant to request a meeting with the Executive Director within ten (10) business days of the notice unless the Executive Director and tenant agree to a later date.
- 16.1.2 Failure to respond within ten (10) business days from the mailing date of the notice may result in termination of tenancy.
- 16.1.3 If a meeting is requested and after the meeting the Executive Director believes a violation of regulations exists or did exist, the Executive Director may serve notice of termination.
- 16.1.4 The notice of termination will state a specific date of termination and will state that if the tenant wishes to appeal the Executive Director's decision to the Port Commission, the tenant must file a written appeal with the Executive Director within ten (10) business days of the notice. The appeal must include reasons why the tenant believes they are not in violation of the regulation(s).
- 16.1.5 When the Executive Director receives an appeal, the Executive Director will notify the tenant of the date and time the Port Commission will hear the appeal. The meeting will be held within thirty (30) days of the Executive Director's receipt of the tenant's appeal.
- 16.1.6 The Commission may hear the appeal at a regularly scheduled public meeting or schedule the appeal for a special public meeting. After hearing the appeal, the Commission will affirm, modify, or overrule the Executive Director's decision.
- 16.1.7 If the Commission affirms the Executive Director's decision, the notice of termination takes effect as specified in the termination notice sent to the tenant. The Executive Director has the discretion to extend the termination date.
- 16.1.8 Any notices mailed to the tenant by certified mail, return receipt, are deemed to have been delivered on the second business day. The Port will also send a copy of the notice by first-class mail.

## **17 COMMERCIAL WORK ON PORT PROPERTY**

The Port does not recommend use of any specific business, but maintains a list for customer use and reference of commercial vendors who have provided the Port with proof of insurance and a signed Hold Harmless agreement.

### **17.1 REQUIREMENTS FOR COMMERCIAL VENDORS LIST**

Businesses and/or individuals performing activities for fees including but not limited to mechanical and structural repairs, handling of hazardous materials, diving, canvas and sail repairs, equipment installation, service, repairs, boat cleaning, detailing and/or related apparatus maintenance are required to:

- 17.1.1 Provide the Port with a Certificate of Insurance showing General Liability Insurance in an amount not less than \$1,000,000 per occurrence. Insurance certificate shall list the Port as additional insured by endorsement. Insurance shall be provided by an insurance company with an A.M. Best rating of A- or better. Insurance shall be maintained and documentation shall be provided to the Port annually.
- 17.1.2 Execute a Port-approved Hold Harmless Agreement.
- 17.1.3 Follow Best Management Practices for the marina, boatyard and dry storage.
- 17.1.4 Maintain the appropriate City business license.
- 17.1.5 Follow all Port, local, state and federal requirements appropriate to their business and related activities.

### **17.2 KEYS**

Commercial vendors who comply with the requirements above may purchase two dock keys with a deposit for each key. The privilege of having a set of keys is subject to continuous review by the Port and the Port may revoke the privilege at any time and for any reason.

### **17.3 PARKING PERMITS**

Commercial vendors who comply with the requirements above may receive two parking permits. The second parking permit may be purchased for a fee.

### **17.4 CASUAL LABOR**

If a boat owner chooses to use casual labor to accomplish a specific project aboard the boat, the boat owner is accepting full responsibility for any and all claims by or on behalf of any person or persons, firm or corporation, in connection with any such items of actual or alleged injury or damage arising out of acts or omissions of the casual laborer(s) on or about Port property, or arising out of the use of Port property or any part thereof, including but not limited to, floats, docks or piers, ramps and approaches, buildings, sidewalks, curbs, parking lots, streets or ways, in-water activity or arising out of any failure on the part of the casual labor to perform or comply with any rule, ordinance, or law to be kept and performed.

The boat owner must inform the marina office when casual labor has been granted access to their boat. The Port may request that work be discontinued if it in any way violates marina rules and regulations, if it is beyond incidental services such as washing, detailing, or carpet cleaning and if it could be considered hazardous or of technical nature requiring the performer to be on the Port's vendor list and comply with commercial work rules on Port Property.

### **17.5 ENFORCEMENT**

Those businesses who do not comply with Port rules and regulations including but not limited to all

Best Management Practices will be prohibited from conducting business on Port property.

## **18 SERVICES**

The following rules and regulations apply to services provided at the Port.

### **18.1 FUEL DOCK**

The Port of Edmonds owns and operates a fuel dock. Unleaded, diesel, and oil products are available for purchase. Port staff can assist with docking, but cannot assist with fueling. It is up to the boat owner to properly fuel the boat.

18.1.1 Proper fueling – Proper fueling procedures must be used. While fueling a boat is a relatively common activity, it requires some preventative measures due to all related environmental factors.

- A. Clear the area of anyone not directly involved with fueling the boat and always be aware of any hazards.
- B. Put out all smoking materials and extinguish all open flames.
- C. Secure your boat to the dock
- D. Turn off engine(s) and electronics
- E. Treat your fueling operations with the highest level of care.
- F. Boats unlike cars do not have pressurized tanks. A rapidly filling tank can spew fuel out of the air vent before the filler tube completely fills. Listen for the rushing air that signifies a rapidly filling pipe. This will forewarn you when the tank is getting full and allow you to stop before it overfills.
- G. Use an oil absorbent pad around nozzle and no spill containers to cover the vent and prevent spills. These will capture drops and let you know the first moment liquid fuel comes to the vent.
- H. Keep the nozzle in contact with the edge of the fill to prevent build-up of static electricity and/or sparking
- I. Never; use hands-free clips, wedges, or any device to keep the nozzle in an open position, or leave the boat fueling while you do something else.
- J. Don't top off your tank. Know how much fuel your tank holds and fill it to about 90%. Fuel expands as temperatures rise and an overfilled tank on hot days may spout fuel from the vent even after you've left the boat.
- K. Clean up fuel spills immediately with an oil-only absorbent pad.
- L. Wipe down the bilge or any interior parts that may have come into contact with fuel
- M. Properly dispose of soiled absorbent pads in the red container located near the fuel dock building.

18.1.2 Fuel Spills – The boat owner is responsible for any environmental damage caused by fuel spills from the boat. Both federal and state laws prohibit the discharge of any oil or petroleum products into navigable waters. Boats that are over 26 feet in length are required to display an “Oil Discharge is prohibited” placard near the bilge pump switch. It is advisable for boats under 26 feet to do the same. These placards are available at most marine supply stores. Any oil spill that leaves sheen on the water must be reported to the U.S. Coast Guard National Response Center. Phone numbers are posted on the fuel dock. If you cause an accidental spill:

- A. Remember safety first; do not take any personal risks with exposure to the fuel or oil. If gasoline is on the water you should take every precaution to avoid a possible explosion.



- B. Notify Port staff as soon as possible as the Port has trained staff that can respond and assist with containment, recovery and reporting.
- C. DO NOT apply soaps, dispersants or spray the sheen with water. This is illegal and these actions are considered an attempt to conceal the spill. Soap emulsifies the oil, breaks it into smaller droplets that are harder to see, harder to contain and more damaging to marine life. Use an absorbent pad instead.
- D. The fine for discharging oil or fuel can run as high as \$20,000 per day per violation, however, it may be reduced or eliminated if the spill is small, and if proper reporting procedures are followed.
- E. You are legally responsible to properly report it to BOTH the state and federal government. Call the Coast Guard 1-800-424-8802 and the Washington State Department of Ecology 1-800-OILS911. Be prepared to accurately describe your location with a street address or prominent landmark. For the Port of Edmonds fuel dock the address for emergency response is 458 Admiral Way, Edmonds, WA. 98020.
- F. Stay on the scene, keep all ignition sources extinguished, and document what happened.

18.1.3 Pay-at-the-Pump System – In 1999 permission was granted to the Port of Edmonds by the U.S. Coast Guard and by the City of Edmonds Fire Marshal to incorporate a 24 hour fueling service on the Port of Edmonds fuel dock with the understanding that a training program would be required for all users and that those users must be moorage holders of the Port.

- A. The outside pedestal located on the dock is exclusively for moorage holders who have received training and want to charge fuel to their Port account. A .10 per gallon discount is given when card is present and fuel is purchased this way. It also allows the boat owner and moorage holder to purchase fuel 24 hours per day.
- B. The use of the card is a privilege given only to the moorage holder after proper training and can only be used for fueling the moorage holders boat.
- C. The card holder must comply with all rules, regulations, laws, and policies of the Port of Edmonds, City, State and Federal Governments or any agency in force that has any jurisdiction over marina operations and the fueling.
- D. The Port may revoke the card for reasons which may include, but are not limited to; failure to pay past due charges owed to the Port for moorage, dry storage, fuel, boatyard, or other services, unauthorized or wrongful use of the card, failure to comply with program requirements, sloppy fueling practices, or allowing someone else to use the card.

## 18.2 GUEST MOORAGE

The Port of Edmonds has certain space allocated for guest moorage use and monitors ship-to-shore VHF channel 69 on a 24 per day basis. Guidelines for moorage at the Port of Edmonds have been established to insure maximum utilization of available space and ease of use. Best management practices that protect the environment are encouraged and enforced for all boats utilizing these areas. Boats utilizing these services are agreeing to indemnify and hold the Port of Edmonds harmless from any loss, damage or injury resulting from acts or omissions by the boat owner themselves, their agents, invitees or employees as posted on signs in the guest moorage areas. Guests are required to follow all the appropriate rules and regulations of the Port of Edmonds.

18.2.1 First-come first-served - Moorage is first-come-first-served unless reservations are made in advance

- A. The Port allows four hours complimentary moorage. After four hours applicable guest moorage fees are assessed
- B. Moorage and electricity are payable in advance. There is a per day service charge on top of the moorage if the boat owner does not check-in upon arrival at the marina office, or after hours at the guest moorage registration station
- C. Rafting is encouraged except in reserved spaces.
- D. 30-amp power is available on all docks. 50-amp power is available on J-dock, K-dock and at the travelift lane.
- E. Premises adjacent to the slip must be kept neat, clean, orderly, and free from personal gear and flammable substances.
- F. The Port does not accept any boats for storage and shall not be liable or responsible in any manner for the boats safekeeping, conditions of its tackle, apparel, equipment and/or furnishings.
- G. State Leasehold tax applies after 30 days
- H. The Port may move vessels as needed
- I. Check out time is noon.

18.2.2 Commercial enterprise is not allowed without advance written request and authorization. Current rates will be charged and are payable upon arrival. The Port reserves the sole right to interpret these regulations, stop any commercial enterprise temporarily or permanently, and the Port's interpretation is final.

- A. Passenger Load-Unload – Vessels wanting to utilize guest moorage areas for business purpose of loading and unloading passengers; whether commuter, charter, or otherwise must pay guest moorage rate based upon length overall of the vessel for each landing.
- B. Commercial Catch Boats – are allowed to touch and go free of charge if under 4 hours. Commercial catch boats pay the same fees as other guest moorage patrons if over 4 hours. The Port may direct catch boats to a different moorage area to consolidate activities and appropriately facilitate a mix of operations. Moorage for the sale of fish must be arranged in advance and is limited to space available as designated by the Port for both gear drops and/or seafood sales. Commercial catch boat personnel are allowed to sell their product to licensed legitimate buyers while on Port property. No fishing vessel or its personnel are allowed to sell product to the public, advertise as such or set up retail operations.
- C. Commercial Fish Buyers – Land areas for truck, crates, ice, and tables are limited and subject to advance approval by Port staff. They are first-come first-served based on availability. All fish buyers must check in at the marina operations office and receive an assigned area prior to setting up and conducting buying activity. Buyer must sign a Hold Harmless Agreement prior to set-up that releases the Port of any liability. The safety and well-being of the general public is an overall priority of the Port. The buyers operations shall in no way impair the Port's duty to the public to maintain a safe facility and it must not interfere with the ingress and egress of other Port operations and/or public access. A facility and services fee will be assessed to the buyer based upon the Port's current rate schedules.

Commercial enterprises and their personnel are subject to following all the rules and regulations of the Port of Edmonds including but not limited to keeping the area in and around the assigned space clean, sanitary, and free from debris and clutter. Ancillary or auxiliary gear cannot be left for storage at Port facilities. Additional charges may apply if debris or equipment is left behind.

18.2.3 Group Reservations - A group is defined as 3 or more boats. There are certain holidays and peak fishing times when space is limited or may be unavailable. To make a group reservation:

- A. Groups can request reservation of space by submitting a request with dates and number of vessels in writing to the marina operations office.
- B. Request will be reviewed and based upon availability of space and facility requirements will be confirmed or denied.
- C. If confirmed, the group will be required to submit a list of participating vessel names and lengths, the owner's name and a contact person's name and number no less than 7 days in advance of occupancy
- D. Individual owners of each vessel are responsible for applicable fees during their stay including guest moorage and electricity
- E. The Port may decline future reservations if a group fails to comply with rules and regulations, causes nuisance or disturbs the quiet enjoyment of the marina, or does not notify the Port at least 72 hours in advance of the of reduction in space requirements

18.2.4 Individual Reservations – are taken for vessels to utilize either side of K-dock as of January 1 each year. Due to unknown dates for various future events, it is not possible to reserve beyond the current calendar year.

- A. To secure the reservation, guest moorage charges are payable in advance with a credit card. In addition to the daily guest moorage rate a per night reservation fee will be charged to the credit card.
- B. If cancellation occurs no less than 72 hours in advance, the daily guest moorage fees will be refunded by a credit back to the credit card.
- C. The reservation fee is non-refundable.
- D. It may be possible to have more than one vessel on either side of the dock, however, rafting will only be allowed if the vessel who has the reservation against the dock requests that someone be allowed to raft off of their vessel and size and length does not block ingress and/or egress for any other vessels.

### **18.3 PUBLIC BOAT LAUNCH**

The Port of Edmonds has operated a sling launch since 1970. Applicable rates are charged based upon type of trailer, and whether parking is needed for the vehicle and trailer while the boat is in the water. Boat owners can purchase one-way or round trip. Round trips launches must be used within 14 days of purchase. Port staff operates the launch and the Port extends hours based upon peak season and available staff resources. Port staff may refuse to launch a boat during inclement weather or if there is a concern for safety, or incompatibility of the boat or trailer with the launcher. While this launch is a public service, the Port may refuse service if the boat owner, operator or guests are out of compliance with any Port rules and regulations or appear to be incapable of safely maneuvering vehicle, trailer and/or boat.

#### 18.3.1 Launch Capabilities

- A. Trailered boats – 10' to 26' in length
- B. 9' maximum beam
- C. 10,000 pounds maximum allowable weight

18.3.2 Boat Weight – Dry weight definition is usually the manufacturer's weight without any consumables, passenger, or cargo. You can find out the weight of your boat fully

loaded by going to one of the local scales with just your trailer while your boat is in guest moorage and then go weigh a second time with the boat and trailer, subtract the trailer weight from the total. Scale locations can be found at [www.dol.wa.gov/vehicleregistration/scales.html](http://www.dol.wa.gov/vehicleregistration/scales.html)

- A. Water weight – approximately 8.35 pounds per US gallon.
- B. Gasoline weight – 6.0 to 6.3 pounds per US gallon.
- C. Diesel weight – about 7.15 pounds per US gallon

18.3.3 Boat Trailers - The Port of Edmonds can launch boats from roller trailers, bunk trailers or modified bunk trailers. The unmodified bunk is a more time consuming process and so the rate is higher than it is for a roller trailer or a modified bunk trailer. Bunk trailers requesting launch may be deferred from launch if other roller trailers are in line for launching. You can get instructions on how to modify the bunk trailer at the marina operations office

#### 18.3.4 Launching Procedures

- A. Pull vehicle up to the STOP AREA
- B. Get out of vehicle and proceed to the Marina Operations window to pay.
- C. Get back in vehicle and wait for Port staff to call you forward
- D. Once you have pulled under the launch, get out of vehicle and:
  - a. Unhook the bow and stern from the trailer.
  - b. Verify that the boat plug is in. It is the boat owner's responsibility to insure that the boat is ready for placement in the water.
- E. Port staff will place slings under the boat, and lift the boat from your trailer
- F. Once you have been signaled, pull your vehicle forward into the vehicle/trailer parking and return to your boat in the water.
- G. When instructed by Port staff, slowly pull the boat out of the slings and tie it up at the end of the dock. This is only a load unload area, so you should be ready to leave the dock within 5 minutes.
- H. When you return, tie the boat up on the dock, go get vehicle and trailer and pull up to the STOP AREA to notify staff that you are ready to come out of the water.

#### 18.4 **BLACK WATER DISPOSAL**

It is illegal to discharge untreated sewage within three miles of shore, including all of Puget Sound and the San Juan Islands. In addition, if your boat has a permanently installed toilet you are required to have a Coast Guard approved marine sanitation device (MSD). An MSD Type I is a treatment system for boats less than 65 feet. An MSD Type II is an advanced treatment system which is legal on all boats including those over 65 feet. An MSD Type III is a holding tank that can be pumped out at a pump out facility. On smaller boats a portable toilet may be the easiest and most economical solution.

While it may be legal to discharge MSD type I and II treated sewage in some areas, there is growing concern about the poor treatment capability and high levels of bacteria passing through these systems as well as the toxic chemicals used in the treatment. Port of Edmond prohibits the discharge of any sewage in the marina. If on board facilities are used while inside the marina, you must use the holding tank (MSD III) and pump out at one of the Port's two sewage pump-out stations or call a commercial service to empty your holding tank.

18.4.1 Sewage Pump Outs and Porta-Potty Dump Stations – The Port has these facilities at two locations. One is directly east of the fuel dock building and the other is located on the west end of B-dock. Pump outs and Porta-potty's are for holding tank wastes only.

- A. Pump Out Operating Procedures
  - a. Close nozzle valve on hose
  - b. Remove deck waste fitting cover from boat (Attach nozzle guard to deck waste fitting if available) and insert quick connect fitting.
  - c. Turn on pump
  - d. Slowly open valve
  - e. Look at sight glass to observe flow. If flow doesn't occur within one minute, place nozzle in water for 10 seconds. This will determine if the problem is on board or is with the pump unit itself. If the pump draws water, close the nozzle and reinsert in the deck fitting. If the pump does not draw sewage, possible problems include:
    - i. Air leak in the line from the boat holding tank to the deck fitting.
    - ii. The air vent on the holding tank is plugged.
  - f. Close the nozzle valve
  - g. Turn off pump and return hose to holder.
- B. Porta-Potty Operating Procedures
  - a. Open Lid
  - b. Rest porta-potty on the grate
  - c. Dump contents and rinse well with hose
  - d. If unit is not draining, discontinue use

## 18.5 **TRAVELIFT AND BOATYARD**

The Port of Edmonds owns and operates a travelift and do-it-yourself boatyard. Appointments can be booked in the marina operations office fees are in accordance with current Port approved rates.

18.5.1 Travelift – The travelift is 50 ton capacity and accommodates power boats and sailboats up to 60 feet in length with 15.5 feet maximum beam. The following services are offered by appointment:

- A. Sling time with pressure wash
- B. Sling time without pressure wash
- C. Round-trip to and from the boatyard – pressure wash required

18.5.2 Boatyard – Many qualified vendors do boat repair, maintenance, installation of marine equipment and water management systems, retrofits, custom interiors and exteriors, marine sanitation systems, heating systems, shrink wrap, electronic engine controls, hull polishing and waxing as well as all kinds of bottom paint including copper free alternatives. A list of vendors who have provided business license and proof of insurance can be obtained at the marina operations office.

- A. Environmental Requirements – Stringent environmental laws apply to the work performed in the boatyard. Users must read, sign and agree to abide by all Best Management Practices (BMP's) applying to the boatyard.
  - a. Ground tarps are always required
  - b. All debris from work must be captured
  - c. Paint cans, trays and chemicals must be in secondary containment
  - d. No boat bottom washing is allowed
  - e. Space must be vacuum cleaned daily
  - f. No storage of work items under vessel
  - g. Spills must be cleaned and reported immediately

18.5.3 Release of Liability and other Conditions of Use –

- A. Customer acknowledges some boats are vulnerable to damage from being lifted by the slings. Port is not responsible for damage to boats caused by lifting the boat or by the weight of the boat in the slings.
- B. Customer must be present when the sling straps are placed on the boat. Customer is responsible for telling the marina travelift operator that such placement will not damage the boat, the hull, hull fittings, or other part of the boat or boats equipment.
- C. All stays and other apparatus that interfere with lifting the boat must be removed by the customer prior to appointment time. If critical supports need to be removed, it is the customer's responsibility to secure items by methods sufficient to insure a safe haul-out. The Port is not responsible for condition of critical support system and assumes no responsibility for customer's failure to secure.
- D. Port accepts no responsibility and customer releases the Port from any liability for damage for loss of items on boat or damage to boat while in the slings, while being transported, or while boat is in the boatyard.
- E. Customer should take careful precautions when working on tarps.
- F. Customer agrees to defend and hold the Port harmless from any claim for damages resulting from the negligence of customer, customer's agents, employees or independent contractors hired by the customer. Port recommends customer verify with customers insurance company that liability insurance will cover above risks and that property damage or loss will be covered during haul-out, transportation and while boat is in boatyard whether damage or loss is caused by weather, wind, vandalism, theft, or any other cause.
- G. Customer acknowledges security for boat while in boatyard is their sole responsibility.
- H. Boat is not permitted to stay in boatyard more than thirty (30) days without written consent of the Port. A leasehold tax will be imposed for the entire stay in the boatyard if period exceeds thirty (30) days.
- I. Boat owner and person(s) performing work on the boat understand and agree not to move or adjust boat stands underneath the vessel and will contact the Port staff for this service and pay additional fees.
- J. Customer shall do nothing while in the boatyard which causes damage or endangers any other person or property.
- K. Customer agrees to follow all marina and boatyard regulations and BMP's.