



Port of Skagit

RULES AND REGULATIONS

APPLYING AT

LA CONNER MARINA

LA CONNER, WASHINGTON

ISSUED BY THE PORT OF SKAGIT COUNTY
P. O. BOX 1120
LA CONNER, WASHINGTON 98257

ADOPTED JUNE 8, 2010, RESOLUTION NO. 10-17
BY THE PORT OF SKAGIT COUNTY COMMISSION

WELCOME ABOARD!

Welcome to the Port of Skagit La Conner Marina

The Port of Skagit owns and operates the La Conner Marina. It is our goal to insure that each user receives the best possible service and enjoys the best experience possible. To assist in this effort, the Commissioners of the Port of Skagit have adopted the Rules and Regulations contained in this publication. I hope you will take a few minutes to read this publication and assist us by adhering to its contents. By doing so, you will promote safety, convenience and better service for all users of the La Conner Marina.

Thank you,

Patsy Martin, Executive Director

Paul Mattos, Harbormaster

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SECTION 1

INTRODUCTION

1.1 PURPOSE

The purpose of the rules and regulations is to promote the safe and efficient operation of the La Conner Marina and to provide services for boaters and the public.

1.2 STATEMENT OF POLICY

Due to the demand for moorage at La Conner Marina, it is necessary that the Port establish controls to limit use of moorage for specific purposes, and then to administer the controls to insure fairness to all users of La Conner Marina. Therefore, the Port reserves the right to allocate the use of any moorage space as it deems necessary to meet that end.

1.3 APPLICATION

These rules and regulations apply to all users of the La Conner Marina.

1.4 DEFINITIONS

1.4.1 Black Water Discharges means any treated or untreated human waste discharges.

1.4.2 Executive Director means the executive director of the Port of Skagit County or his/her designee. All approvals required must be in advance and in writing.

1.4.3 Guest Vessel means a vessel that belongs to an owner who does not have a moorage license with the Port.

1.4.4 La Conner Marina, hereinafter referred as "Marina," means all water, land, airspace, and all buildings within the boundaries of the Marina.

1.4.5 Licensee/Sublicensee means a person(s) or entity with a Moorage License issued by the Port or use of a slip or a person(s) or entity with permission to use a Licensee's slip as permitted by the Moorage License.

1.4.6 Harbormaster means the manager of the La Conner Marina or his/her designee.

- 1.4.7 Overall Vessel Length means the length of the vessel including all gear and appurtenances.
- 1.4.8 Port means the Port of Skagit.
- 1.4.9 Port Commission means the elected Port Commission of the Port of Skagit.
- 1.4.10 Recreational Vehicle means a vehicle designed for mobility (either self propelled or propelled via a tow vehicle) having one or more of the following: own self-contained water supply; power generation for lighting and heat; toilet and holding tank for water and sanitary purposes; or cooking and sleeping accommodations.
- 1.4.11 User means any person within the boundaries of the marina, including vessel owners/operators, moorage licensees and sublicensees, port lessees and sublessees, and the public.
- 1.4.12 Vessel means every type of watercraft or other artificial contrivance capable of being used as a means of transportation on water.

1.5 AUTHORIZATION TO ADMINISTER RULES AND REGULATIONS

- 1.5.1 The Port Commission authorizes the Executive Director to administer these rules and regulations by written or verbal instruction.
- 1.5.2 The Executive Director may 1) require persons violating these regulations to leave the Marina, and/or 2) obtain assistance of law enforcement officers to protect property, lives, or preserve the peace.
- 1.5.3 Differences of opinion regarding the interpretation of these rules and regulations, or their application, should be brought directly to the attention of the Harbormaster. 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, with both management and complainant stating their cases in writing. In all cases, the decision of the Port Commission is final.

1.6 APPLICABLE STATUTES

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

1.7 NOTIFICATION

The Port does not accept the responsibility for mailing or delivery of these regulations to its customers and tenants. A copy may be inspected and/or obtained at the Marina office where the same is posted.

1.8 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.

SECTION 2

GENERAL

2.1 PROTECTION OF LIFE OR PROPERTY/UTILIZATION OF MOORAGE

The Port reserves the right to physically move vessels for the protection of life or property, to perform maintenance and repairs or to reassign berths for the best utilization of Marina facilities.

2.2 USE OF PORT FACILITIES AT OWN RISK

Anyone visiting or using the Marina or its facilities does so at their own risk. The Port does not assume any responsibility for loss or damage to property and/or injury to users on Port properties or facilities.

2.3 COMMERCIAL USE OF MARINA FACILITIES

Except for moorage of commercial fishing vessels, commercial use of Marina facilities including charter or rental of vessels is not permitted without written approval by the Harbormaster.

2.4 SIGNS

Posting of signs for the sale, rental, or charter of a vessel moored or stored in the Marina shall be subject to written approval of the Harbormaster. No other signs are permitted. Distribution of handbills or placement of same on vessels in the Marina is prohibited.

2.5 VEHICLE TRAFFIC/PARKING

No user shall park or store vehicles except in areas specifically posted and designated for such purposes in accordance with the rules regulating vehicle parking and storage of vehicles. Specific regulations governing parking are contained in section entitled, 2.16 PARKING.

2.6 NARROW CHANNEL/VESSEL MOVEMENT/NO WAKE

2.6.1 The Port considers all water areas in the Marina to be narrow channels, as defined by the U.S. Inland Rules of the Road. Therefore, a sailboat or any other vessel does not have the right-of-way over another vessel based solely on its method of propulsion.

2.6.2 The movement of vessels within the moorage area (between piers) must be for the purpose of mooring, entering, or leaving a berth only. Random sailing or cruising by vessels is not permitted.

2.6.3 Vessels will make no wake while within the Marina.

2.7 OVERNIGHT CAMPING

Overnight camping on Port property is not allowed except by special provision adopted by the Port Commission.

2.8 FISHING

2.8.1 Public fishing is permitted only on "G" Dock and "F" Dock. Permittees with moorage licenses may fish from their own vessel while moored in their moorage space; fishing from adjacent finger docks is not allowed.

2.8.2 Fishing hours are from dawn to dusk. Night fishing is prohibited.

2.8.3 Fish must be placed in containers and shall not be cleaned within the Marina.

2.8.4 The Executive Director may establish appropriate rules of conduct for fishing activities.

2.9 GARBAGE

2.9.1 Users shall deposit only their Marina-generated garbage in the garbage containers that are provided at various locations throughout the Marina.

2.9.2 Users shall deposit their waste oil or anti-freeze in the appropriate waste oil and anti-freeze receptacles located near various garbage enclosures.

2.9.3 Users shall not deposit any of the following items in garbage containers and are responsible for removing these items from the Marina:

Fuel/oil or other petroleum products
Paints/thinners
Batteries/tires
Lumber

Vessel parts (fuel/water tanks, plumbing or engine components, etc.)

Other waste defined as follows:

RCW 70.105.010 – moderate risk waste, dangerous waste, hazardous substances, hazardous waste, or extremely hazardous waste;

RCW 15.58.030 – pesticides.

2.10 BEHAVIOR

2.10.1 Behavior that disturbs or creates a nuisance for others in the Marina is prohibited. Quiet hours are between 10:00 p.m. and 6:00 a.m.

2.10.2 Drinking of alcoholic beverages is prohibited, except in licensed premises, on private vessels, or in designated areas.

2.11 CHILDREN

Children under 12 years of age must be accompanied by a parent or other responsible adult while on docks, piers, and floats.

2.12 PETS

All pets shall be at all times under the control of their owners and shall not disturb other marina users. Pet owners shall immediately and fully clean up after their pets and shall not leave pet food available so as to attract vermin.

2.13 SWIMMING, WATER-SKIING AND SCUBA DIVING

2.13.1 Swimming and water-skiing are prohibited within the Marina.

2.13.2 Diving within the Marina is prohibited, except for divers engaged in vessel repairs in conformance with all appropriate laws and regulations, or divers employed by the Port of Skagit .

2.14 FUELING

2.14.1 The fuel dock and the jib crane pier are the only areas authorized for the fueling of vessels. Self-fueling of vessels at moorage sites is prohibited.

- 2.14.2 All diesel or gasoline delivered in bulk to vessels at the Marina's authorized refueling locations (fuel dock or jib crane pier only) will be assessed a fuel flowage fee.
- 2.14.3 The fuel flowage fee must be paid by the distributor providing the fuel and shall be reported to the marina office upon departure of the fuel delivery vehicle.
- 2.14.4 All distributors shall conform to all local, state and federal laws and regulations regarding such fueling activities.

2.15 TELEPHONE/CABLE

- 2.15.1 Vessel owners must arrange for and pay all telephone company charges for service upstream of the telephone company's demarcation point. Vessel owners must also pay all Port charges for hookup and service downstream of the demarcation point to the termination box at the berth.
- 2.15.2 Television cable service between vessel owner and respective service provider will be the responsibility of the vessel owner.
- 2.15.3 Antennas/satellite dishes shall not be attached to any Marina structure.

2.16 PARKING

- 2.16.1 Licensees and Sub-licensees of the marina are entitled to two parking permits assigned to the appropriate area near where their vessel is moored. This is intended to promote equitable utilization of the space available.
- 2.16.2 Guests of licensees may pay for a temporary overnight permit at the Marina office or may park in the public parking areas in the North and South Basins.
- 2.16.3 All vehicles, including trailers, parked on Port property must display a valid license and registration and be fully operable, including all tires inflated.
- 2.16.4 Public parking is available in designated areas in the North and South Basins and is subject to payment of a daily parking fee.

- 2.16.5 Trailer with tow vehicle parking is available only in the North Basin public parking lot subject to payment of a daily parking fee.
- 2.16.6 All Load/Unload, 4 hour, 1 hour parking, and port business areas will be designated by signs.
- 2.16.7 Recreational vehicles are prohibited at the La Conner Marina except for temporary parking at specified locations in only the North Basin parking area.
- 2.16.8 A vehicle parking in violation of signs or regulations is unauthorized and will be impounded by towing and shall be released only after all charges and costs have been paid.
- 2.16.9 The Executive Director may develop additional procedures to efficiently manage parking at the La Conner Marina.

SECTION 3

VESSEL OWNER/OPERATOR

3.1 VESSEL REGISTRATION

All vessels entering the Marina shall register with the Port upon arrival. Vessels that have delinquent accounts will not be allowed to moor until said accounts are paid in full. Unauthorized vessels and vessels not registered with the Port within twenty-four (24) hours will be considered Guest Vessels and subject to daily guest moorage fees and may be impounded pending payment of all fees and penalties and sold pursuant to the section entitled, EXPEDITIOUS COLLECTION OF PORT CHARGES AND PROCEDURES ALLOWED.

3.2 VESSEL IDENTIFICATION

All monthly moorage licensees shall keep their vessel fully registered with Washington State, appropriate tribal nation, or the U.S. Coast Guard. Proof of this registration must be provided to Port staff prior to execution of a moorage license and at other times as determined by the Harbormaster.

3.3 PROOF OF VESSEL OWNERSHIP

Moorage licenses shall only be available to the owner of a vessel. Ownership must be established by either:

3.3.1 Current Coast Guard documentation listing registered owner(s), or

3.3.2 Current Washington state vessel registration listing registered owner(s).

3.3.3 Current Native American tribal vessel registration listing registered owner(s).

3.4 VESSEL INSPECTIONS

All vessels shall be measured by the Harbormaster or Marina Services Representative prior to issuance of a monthly moorage license.

3.5 SEAWORTHINESS

Vessels moored in the Marina must, at all times, be completely without hazardous conditions, seaworthy, and ready for immediate cruising in local

waters. The Harbormaster may ask vessel owners to prove seaworthiness of a vessel.

3.5.1 The Harbormaster is authorized to access any vessel moored in the Marina and take such other action as is deemed appropriate in the event of fire or other emergencies, or to check for compliance with these rules and regulations.

3.5.2 Any vessel that, in the opinion of the Harbormaster, is in danger of sinking may be pumped out by the Port and the costs thereof shall be charged to the vessel and/or its owner or operator.

3.5.3 Vessels, which are deemed by the Harbormaster to be hazardous to Marina property or to other vessels, unsafe or not seaworthy will not be granted moorage.

3.6 RESIDENTIAL USE PROHIBITED

No vessel shall be used for full-time residential purposes.

3.7 STAY ABOARD

Marina Tenants utilizing the Marina shall be allowed to stay aboard their vessel fifteen (15) or fewer days in any calendar month.

3.8 FENDERING

Moorage users are responsible for adequate fendering to protect their vessels and adjacent vessels and for securely mooring their vessels with adequate bow, stern, and spring lines.

3.9 STORAGE ON DOCKS

3.9.1 Vessel owner, operators, crew or guests using the Marina are required to keep their vessel, gear locker, and the pier or finger pier in the vicinity of their vessel neat, clean, orderly, and shipshape.

3.9.2 One storage unit is allowed per vessel, on the moorage docks, in the following locations:

Docks A, B, C, and D, at the end of each moorage berth on the finger pier.

Docks H, I, J, and K, on the triangle areas at the intersections of the moorage berth finger piers and designated docks.

Storage units shall not exceed the following dimensions:

| | | |
|-------------------|--------|--------|
| Docks A, B and C: | Height | 5 feet |
| | Width | 3 feet |
| | Depth | 2 feet |

| | | |
|---------|--------|--------|
| Dock D: | Height | 5 feet |
| | Width | 4 feet |
| | Depth | 2 feet |

| | | |
|----------------------|--------|-----------|
| Docks H, I, J and K: | Height | 30 inches |
|----------------------|--------|-----------|

Width and Depth not to exceed the triangular area.

3.9.2.1 Storage units shall be painted white.

3.9.2.2 Storage of oily rags, open paints, flammable, or explosive material is not permitted in the Marina.

3.9.2.3 Personal property will not be stored on any part of the overhead structural members.

3.10 VESSEL MAINTENANCE

3.10.1 Vessel owners are permitted to perform normal upkeep on their vessels, from 8:00 a.m. to 8:00 p.m., while moored or stored at the Marina. Examples of normal upkeep are: oil changes, routine engine tune-ups, and paint retouching.

3.10.2 All work on vessels must comply with Washington State Department of Ecology Regulations, La Conner Marina Best Management Practices, and any directions by Marina staff.

3.10.3 Major repairs such as engine overhaul, hull or superstructure painting, remodeling, or any other work that would impose a hazard or an inconvenience to other tenants, is not permitted in moorage or storage spaces.

3.10.4 Spray painting is not permitted under any condition.

3.11 INSURANCE

All vessels subject to a monthly moorage license shall provide proof (continuously not less than annually) of \$300,000 comprehensive general liability insurance for boat usage that lists the Port as additional insured.

3.12 BLACK WATER DISCHARGES

No black water discharges are allowed inside the Marina.

3.13 ENVIRONMENTAL BEST MANAGEMENT PRACTICES

All users of the Marina shall follow the Port's Mandatory Best Management Practices dated May 15, 2006 and as amended. A copy is available for review at the Marina office.

3.14 GUEST DOCK MOORAGE

All daily guest boaters shall:

3.14.1 Pay for moorage on the dock in payment envelope, pay for moorage at the Marina office, or pay for moorage to Dock Attendants or Marina Services Representative within four (4) hours of arrival.

3.14.2 Post receipt visibly on window of vessel.

3.14.3 Leave guest dock by 1:00 p.m. on the day following the night paid for in 3.14.1 above.

3.14.4 The grace period for guest dock usage shall be four (4) hours in any twenty-four (24) hour period. If payment is not made within four (4) hours of docking in the manner set forth above, the Port may secure the vessel and hold it pending payment of moorage fees and/or declare the vessel abandoned and take those actions authorized in Section 6 hereof.

3.14.5 Stays greater than thirty (30) consecutive days are subject to Leasehold Excise Tax.

3.15 CREDIT BACK

To enable staff to effectively accommodate transient licensees, a monthly moorage licensee shall be authorized to allow temporary use of his or her

slip in their absence and receive a partial credit back of its monthly moorage payment.

The Executive Director shall implement appropriate procedures for such use.

If so utilized, the monthly moorage licensee will be credited one day's prorated monthly moorage charge to its account for each day the Port is able to use the monthly moorage licensee's slip.

3.16 PRIVACY

Port staff is authorized to prepare for general distribution a list containing:

- Moorage licensee names
- Slip numbers of existing licensees

All other information must be requested through a public records request.

3.17 MAIL

Port staff may receive mail or packages at the port office upon request.

All mail/packages shall be signed in by port staff and signed out by moorage licensee.

Any mail/package unclaimed longer than ten (10) days after notification to licensee, shall be returned to sender.

SECTION 4

MOORAGE LICENSE APPLICATION AND BERTH ASSIGNMENT

4.1 APPLICATION FOR MOORAGE LICENSE

4.1.1 All persons mooring vessels, other than guests subject to registration and the daily guest charges, must execute a monthly Moorage License prepared by the Port.

4.1.2 Waitlist

If moorage space is not available, the following shall apply:

4.1.2.1 A waitlist for each berth length will be compiled, and regularly updated and maintained in the Marina office. Regular moorage assignments will be made from these lists.

4.1.2.2 When moorage is offered and refused, or applicant cannot be contacted or fails to respond within ten (10) days, the listing shall be canceled and the applicant will have no further rights to moorage under the listing.

4.1.2.3 Applicants are responsible for keeping the Marina office advised of applicant's current address and telephone number.

4.1.2.4 It is the applicant's responsibility to provide an emergency contact person for use by the Marina office in the event moorage becomes available and the applicant temporarily cannot be reached at the phone number listed on the application.

4.1.3 Before receiving moorage, applicant shall:

4.1.3.1 Complete a moorage license application.

4.1.3.2 Provide a copy of vessel registration.

4.1.3.3 Provide a copy of current insurance certificate covering the vessel in the amount of \$300,000 comprehensive general liability for boat usage that lists the Port as additional insured.

- 4.1.3.4 Pass vessel inspection and have vessel overall length measured.
- 4.1.3.5 Pay first month's rent.
- 4.1.3.6 Sign best management practices agreement.
- 4.1.3.7 Sign moorage license.
- 4.1.3.8 Agree to abide by Rules and Regulations Applying at the La Conner Marina dated June 8, 2010 and as amended.
- 4.1.4 A purchaser of a moorage user's vessel does not acquire the moorage user's assigned moorage or any other space in the Marina. The new owner must make application and be placed on the waiting list for moorage, just as any other person wishing to moor at the Marina.
- 4.1.5 If a berth is unoccupied by a tenant's vessel for a period exceeding six (6) months, the berth shall be considered vacated, and the moorage license may be canceled by the Port.

4.2 ASSIGNMENT OF BERTHS

- 4.2.1 Moorage is assigned by the Harbormaster according to the following criteria:
 - Date of application;
 - Overall length and beam;
 - Operational characteristics;
 - Compatibility with neighboring vessels.
- 4.2.2 Charges for moorage are based on berth length or overall length of the vessel (as measured by port staff), whichever is greater.
- 4.2.3 Vessels are permitted to extend beyond the berth into the fairway (allowable overhang) a maximum of two (2) feet. Provided, the allowable overhang may be five (5) feet along the west side of docks D, H, I and J. It is each vessel owner's responsibility to ensure that overhang does not exceed these maximums.
- 4.2.4 Bowsprits are not permitted to extend over docks/walkways.

4.3 SECURITY AND GATE CARDS

4.3.1 Security Systems

The Port has provided fences and gates for some areas. Users of the Marina are expected to assist in the security program by closing gates behind them, removing highly pilferable items from their vessels, locking their vessels, and reporting any losses as soon as possible to the Skagit County Sheriff, La Conner Detachment, and notifying the Marina office.

4.3.2 Unauthorized Persons

Only vessel owners and their guests are permitted on the docks behind the security gates. Any other person suspected of unauthorized entry into a secured area shall be reported to the Skagit County Sheriff, La Conner Detachment.

4.3.3 Gate Cards

4.3.3.1 With each moorage agreement, the permittee will receive two (2) dock entry cards, at no charge, for the dock on which the vessel is moored.

4.3.3.2 If a card is lost or stolen, a new card may be issued upon request.

4.3.3.3 Master gate cards may be purchased pursuant to a separate policy.

4.3.3.4 Temporary gates cards will only be issued upon the following:

Verification of the identification of the temporary gate card requester;

Written identification of the temporary gate card requester's destination;

Signature of the temporary gate card requester;

Date of issuance of the temporary gate card;

Duration of the requested temporary gate card;

All temporary gate cards shall be returned to the Port office. Port staff shall turn off temporary gate cards at the end of the requested temporary usage period.

4.4 RESERVATION

La Conner Marina accepts reservations for single vessels or moorage along the two guest docks (F and G docks) and any slips released to the Port through the Credit Bank Policy.

Reservations must be accompanied by a valid credit card (Visa, MasterCard) guaranteeing the cost of the requested stay. Credit card will be charged for the first day of reservation upon receipt and will be non-refundable.

The Executive Director may develop additional charges and procedures to efficiently manage reservations at the La Conner Marina.

4.5 MODIFICATION OF MOORAGE LICENSE APPLICATION AND BERTH ASSIGNMENT REGULATIONS

The Executive Director may amend these regulations and develop specific procedures to implement these regulations in an effort to more efficiently manage the Marina.

SECTION 5

DRY BOAT FACILITIES

The Port utilizes an outside contractor to launch and retrieve vessels from the overhead rail launchers and to place and remove vessels from dry storage racks.

5.1 TYPES OF VESSELS ACCEPTED

Only inboard/outboard drive(s), or pure outboards, are suitable for dry moorage. The following weight limits will be observed:

| | |
|----------------------|-------------|
| North Upper Covered: | 5,000 lbs. |
| South Upper Covered: | 7,500 lbs. |
| Lower Open: | 14,000 lbs. |

5.2 LAUNCH AND RETRIEVAL

5.2.1 The weight limit on the two overhead rail launchers is 8,000 pounds. In cases of doubt as to weight, the Port's contractor is authorized to refuse service.

5.2.2 Only authorized persons will operate the launch and retrieval system. The Port's contractor will operate the forklifts. Vessel owners and guests will stand clear of the lifting operation, but may assist in handling the vessel once it is in the water. During launch and retrieval, no one is permitted to occupy the vessel.

5.2.3 While the vessel is in the slings, no work (bottom scraping, etc.) will be performed on the vessel.

5.2.4 Vessels are not permitted to moor on the launch docks under the slings. Users should load their personal belongings onboard and move away as soon as possible. If a user must briefly wait, he/she must tie-up at one of the guest docks (F or G).

5.2.5 The Executive Director may promulgate reasonable rules governing launch and retrieval of vessels stored in the Port's dry storage facilities. The Port's contractor may set reasonable hours of operation for the launch and retrieval of vessels.

5.2.6 Port contractors are authorized to set reasonable fees for services. Service is rendered strictly on a first come, first serve basis.

5.3 VEHICLES

Vehicles may not be left unattended anywhere within the fenced dry storage area.

5.4 VESSEL WASH-DOWN AREA

Users of this service are expected to clean up after themselves and cannot detain a forklift while accomplishing wash-down.

5.5 FIRE HAZARDS

Users of the dry boat facility are required to remove all flammable liquids and materials from their vessels prior to being placed on a storage rack. Expansion room should be left in fuel tanks in order to preclude overflow and discharge of fuel.

5.6 DRIPS/LEAKS

Users, whose vessels leak oils, fuels, or other damaging substances, are responsible for any damages to other vessels or property.

5.7 DRAIN PLUGS

The vessel owner/operator is responsible for insuring the drain plug is installed prior to launch.

5.8 REPAIRS

Limited maintenance and repair of vessels is permitted, upon prior approval of the Harbormaster. Major overhauls and extensive vessel work is not allowed.

SECTION 6

EXPEDITIOUS COLLECTION OF PORT CHARGES AND PROCEDURES AUTHORIZED

6.1 GENERAL

The Port's Executive Director and/or assigned subordinates are authorized to take reasonable measures, including the use of chains, ropes and locks, or removal from the water, to secure vessels within the moorage facility so that the vessels are in the possession and control of the Port and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, after being notified that charges are owing, and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay the Port charges owed or to commence legal proceedings. Notification shall be by registered mail to the owner at the owner's last known address. In the case of a Guest 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, the Harbormaster shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

- 6.1.1 The date and time the notice was attached;
- 6.1.2 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;
- 6.1.3 The address and telephone number where additional information may be obtained concerning the release of the vessel; and
- 6.1.4 That legal action to contest the charges and to redeem the vessel must be commenced within ten (10) days of the date of this notice.

After a vessel is secured, the Port shall make a reasonable effort to notify the owner by registered mail in order to give the owner the information contained in the notice.

6.2 MOVEMENT OF VESSELS

The Port's Executive Director and/or assigned subordinates are authorized to move vessels ashore for storage within properties under the Port's control or for storage with private persons under their control as bailees of the moorage

facility, if the vessel is, in the opinion of Port personnel: 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's owner.

6.3 PAYMENT OF CHARGES AND RELEASE OF VESSEL

If a vessel is secured under paragraph 6.1 or moved ashore under paragraph 6.2 hereof, the owner who is obligated to the Port for Port charges may regain possession of the vessel by:

- 6.3.1 Making arrangements satisfactory with the Port for the immediate removal of the vessel from the moorage facility or for authorized moorage; and
- 6.3.2 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 parties reach agreement with respect to payment, the trust shall terminate and the Port shall receive as much of the bond or other security as is agreed, or as is necessary to satisfy any judgment, costs, and interest as may be awarded to the Port. The balance shall be refunded immediately to the owner at his/her last known address.

6.4 ABANDONED VESSELS

If a vessel has been secured by the Port under paragraph 6.1 of this section and it 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 under subsection 1 of this section, the vessel shall be conclusively presumed to have been abandoned by the owner.

6.5 SALE OF VESSELS

If a vessel moored or stored at the Marina is abandoned, the Port's Executive Director and/or assigned subordinates may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

- 6.5.1 Before the vessel is sold, the owner of the vessel shall be given at least twenty (20) days' notice of the sale in the manner set forth in

subsection 1 of this section 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 shall be published at least once, more than ten (10) but no more than twenty (20) days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and any reasonable description of the vessel to be sold. The Port may bid all or part of its Port charges at the sale and may become a purchaser at the sale;

6.5.2 Before the vessel is sold, any person, seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of the Port charges owing. Such lawsuit must be commenced within ten (10) days of the date the notification was provided pursuant to subsection 6.1 of this section, 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 shall be entitled to reasonable attorneys' fees and costs.

6.5.3 The proceeds of a sale shall first be applied to the payment of Port charges. The balance, if any, shall be paid to the owner. If the owner cannot, in the exercise of due diligence be located by the Port within one year of the date of sale, the excess funds from the sale shall revert to the Department of Revenue pursuant to Chapter 63.29 RCW. If the sale is for a sum less than the applicable Port charges, the Port is entitled to assert a claim for a deficiency.

6.5.4 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, title to the vessel will revert to the Port.

6.6 POSTING OF REGULATIONS

That which is set forth herein is enforceable only if the Port has had its tariff containing these regulations conspicuously posted at its moorage facility office at all times.

6.7 SEVERABILITY

Nothing hereinbefore contained may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws affecting the Port.