

PORT OF
KEYPORT

Rules and Regulations

Approved by the Port Commission

12 September, 2016

Resolutions:

- 2008-01 1 March 2008 Formal adoption of Port of Keyport Rules and Regulations
- 2016-01 12 September 2016 Formal revisions of Port of Keyport Rules and Regulations as follows:
- Clarify use of 30, 60 and 90 Day letters, minor changes to text
 - Add Annual requirement to fill out berthage agreement in paragraph 1G.
 - Add Insurance requirement wordage to paragraph 1H
 - Change website to portofkeyport.com to paragraph C.4
 - Remove Boathouse from paragraphs, Definitions, Length Overall, Section IV.G.3, Section IV. H1., Section VI.C.2, Section VI.C.2a, and Section VI.C.3.
 - Addition Section VI.C.6
 - Section IV.A.2 removal and current valid registration decal

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I **INTRODUCTION**

A. MISSION

The mission of the Port of Keyport is to provide up to date facilities for the active boating public, to serve the members of the Port District, and to provide economic and community support for Keyport village in accordance with the Keyport Community Plan adopted by the Kitsap County Commissioners in November, 2007.

B. PURPOSE

The purpose of the Marina Rules and Regulations is to promote safe and efficient operations of the Port of Keyport Marina and to provide equitable service to all boaters and the public.

C. NOTIFICATION OF REGULATIONS

1. It is the Port's responsibility to formally adopt and publish its Marina Regulations and Policies.
2. It is the User's responsibility to obtain a copy of the Marina Regulations and Policies Manual from the Port. Copies will be made available for all interested parties.
3. Use of Marina facilities is evidence of the user's consent to these rules, regulations and enforcement procedures.
4. The Port reserves the right to change these rules and regulations by formal amendment or resolution. Any changes will be sent out with the monthly billing, posted in the Port office, and on the Keyport website at www.keyport98345.com.
5. Upon adoption of these regulations, existing Port tenants shall be accorded ninety (90) days to correct non-compliance items in accordance with the new regulations.

D. APPLICATION IS CONSENT

Signatures are required by current and future tenants on the Port of Keyport Moorage Agreement and shall constitute applicant's agreement to become familiar with these Rules and Regulations and to comply with same.

E. ADMINISTRATION AND ENFORCEMENT

1. The Port Manager has been authorized by the Port commission to interpret and enforce these Regulations.
2. If the Port Manager has cause to believe that a violation of these Rules and Regulations and policies has been or is being committed, and with prior notification and concurrence of the vessel owner, the Port Manager may enter any vessel or floating structure to determine compliance with the provisions of these regulations and policies.
3. The Port Manager shall enforce the intent of these Rules and Regulations, consistent with the policies and procedures adopted by the Port, to carry out the purposes of these regulations through any legal means including obtaining the assistance of law enforcement officers pursuant to the letter of authorization that entitles law enforcement officials to enter Port

Property.

4. The Port Manager or designee may deny the use of any of the Port's facilities and/or property to anyone when such use would be in violation of these regulations/policies or would constitute an imminent threat to the safety or property of the Port or other persons.
5. If tenant fails to keep and perform any of the terms or conditions herein contained or made reference to, the Port may at its option declare the tenant's right to occupancy ended in accordance with Section VI paragraph D.
6. Tenants who are not in compliance with the provisions of these regulations shall be given a reasonable amount of time to correct the deficiency after notification. Notification of deficiency by the Port Manager may be in writing, by telephone, by electronic means, or by personal contact.
 - a. Tenants who have minor administrative and/or operational deficiencies that do not affect the health, safety, welfare or property of Tenants or Users shall normally be given 30 days to meet the provisions of this regulation. Deficiencies of this nature include but are not limited to expired registration, vessels excessively littered with shells, etc.
 - b. Tenants who have deficiencies that have the potential to affect the health, safety, welfare or property of Tenants or Users shall be given up to 10 days to meet the provisions if this regulation, depending upon the severity of the threat and potential to cause harm. Deficiencies of this nature include but are not limited to inadequate, frayed, or encrusted mooring lines, etc.
 - c. Tenants who have serious deficiencies that immediately threaten the health, safety welfare or property of Tenants or Users may be directed to remedy the situation on the spot. Deficiencies of this nature include but are not limited to fuel/oil leaks, vessel in imminent danger of sinking, inadequate mooring with a storm approaching, etc. Tenants may be charged for emergency actions taken by Port Personnel to preserve safety and/or property.

F. SEVERABILITY OF REGULATION

If any term or provision of these regulations or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of these regulations shall not be affected thereby and shall continue in full force and effect.

II **DEFINITIONS**

Guest A person using the Port facilities without having a permanent Moorage with the Port. Guests include but are not limited to vessels seeking refuge, day or overnight use of a Port facility, and individuals visiting the museum or patronizing local business premises.

Guest Moorage A designated area within the Marina to moor vessels with easy access to and from shore on a temporary basis.

Length Overall The distance between the forward most permanently attached fixture to the aft most permanently attached fixture on a vessel.

Liveboard Tenant A person who habitually occupies or sleeps on his or her vessel on a regular or continual basis more than 4 days per week or uses said vessel as their permanent place of residence whether or not occupancy is on a permanent basis. The Port Manager will make final determination as to liveboard status.

Marina All water, land, buildings and structures within the boundaries of the Port of Keyport Marina complex.

Permanent Moorage Moorage secured by a written contract for a specific slip in the marina.

Port The Port of Keyport, which is a Port District directed by its Port Commission.

Port Area Areas within the Marina and other Port Properties, including water, land, and all building and facilities in or on Port properties.

Port Commission The three elected officials who make policy and oversee Port operations.

Port Manager The individual(s) designated by the Port commission to oversee the safe and efficient running of the Port and its properties on a day to day basis. Any member of the Port Commission may assume Port Manager responsibilities in the absence of a duly appointed Port Manager.

Slip A designated area within the Marina of certain width and length with docks provided for easy access to shore.

Subleasing Allowing a person other than the tenant of record to place his/her vessel in a permanent moorage, whether for rent or other consideration.

Tenant Any person, firm, partnership, corporation, association, organization or agent thereof, who contracts for use of Port facilities.

User Any person, including boat owners/operators, marina tenants and the public, entering the Port of Keyport Marina.

Vessel Every manner of watercraft or other artificial contrivance designed for and capable of self propulsion and as a means of transportation.

Vessel of Record. The vessel which has been solely authorized by the Port to occupy a permanent moorage.

Waiting List A list of individuals maintained by the Port who are waiting for the assignment of permanent moorage with the Port of Keyport

Moorage or Moorage Facility Any properties or facilities owned by the Port which are capable of use for the moorage or storage of vessels.

Repair Cost Time, material, overhead and profit to accomplish any work.

III

GENERAL USER REGULATIONS

A. APPLICABILITY

Anyone present on or in the Port area and/or using Port facilities or equipment is subject to and shall comply with regulations, policies and procedures issued or posted by the Port.

B. HOLD HARMLESS

Each moorage tenant agrees that the Port is not responsible in any way for his or her vessel's safekeeping and also agrees to hold the Port, its Commissioners, employees and agents harmless from any damage said tenant or his/her vessel may cause.

C. SECURITY

1. Only vessel owners, their guests, approved contractors, and the Port staff are permitted through the security gate(s) and onto the permanent moorage floats unless advance arrangements are made with the Port office.
2. Any Tenant having work done by a commercial vendor or commercial diver on Port property shall ensure that said commercial vendor has a "Hold Harmless" agreement and proof of liability insurance on file with the Port prior to commencement of work.

D. VEHICLE TRAFFIC/PARKING

1. Port Manager may establish such reasonable traffic and parking regulations as may be required for orderly handling of motor vehicles on the Port premises, including the posting of "No Parking" areas and such other regulations as may be required. A vehicle parked in violation of any such signs or regulations may be towed away and impounded at owner's expense.
2. The vehicle parking areas are only to be used for temporary vehicular parking in connection with the use of the Port's facilities. Maximum time limit is 72 hours without advance arrangements through the Port office.
3. No overnight camping is permitted on any Port property.
4. Marina users will not store recreational vehicles, travel or boat trailers, or any other personal property on any Port property unless advance arrangements are made with the Port office.
5. All boats or vehicles using facilities or space within the Marina are subject to all fees, rules and conditions as prescribed by the Port.
6. Any vehicle parked in the ports parking area with expired license tabs may be towed at owner's expense.

E. GARBAGE

1. Receptacles are provided for the collection of refuse generated during use of Port property. All such garbage will be deposited in these containers or removed from Port property. Nothing shall be deposited in the water, on land areas of the Port facilities, or on any floats or piers.
2. Users are encouraged to use recycle containers for recyclable materials when available.

3. Deposit of non-marina related refuse in Port containers is prohibited.
4. If the Port determines that an individual has caused the Port to spend money to clean up any waste or debris, such costs will be the responsibility of and charged to that individual.
5. Users shall not deposit any of the following items in the garbage container:
 - a. Tires
 - b. Oversize items (larger than six and one-half (6 ½) feet in length)
 - c. Boat fixtures (fuel or water tanks, etc) or appliances
 - d. “Moderate risk”, “Dangerous Wastes”, or “Hazardous Substances”, “Hazardous Waste”, or “Extremely Hazardous Waste”, as defined in RCW 70.105.010, “Pesticide” as defined in RCW 15.58.020, or “Hazardous household substances”, as defined in RCW 70.105.220.
 - e. Biohazard waste that may pose a danger.

F. ENVIRONMENTAL RESPONSIBILITY

1. Users shall maintain environmental awareness and ensure that no activity will harm the environment including water or Port Property.
2. Any user causing environmental damage shall be liable for the cost of clean up and/or mitigation.
3. Willful environmental damage may result in termination.

G. RECREATIONAL SWIMMING, FISHING, DIVING

1. The Port of Keyport does not monitor or encourage recreational swimming and recreational diving from Marina property. Such activities are strictly on a “swim at your own risk” basis.
2. The general public is allowed to fish from public access areas provided the areas being used are kept clean and fishing activities do not pose a danger or inconvenience to other users.
3. The Port Manager shall determine whether fishing activities are within the bounds of this regulation.

H. CONDUCT / BEHAVIOR

1. Unreasonably loud noise, lewd or lascivious conduct or behavior, or public drunkenness which disturbs the quiet enjoyment of others or creates a nuisance is prohibited.
2. Violation may lead to removal of the offender(s) from the Marina through lawful means.

I. CHILDREN

1. Children under sixteen (16) years of age are not permitted beyond the locked gates of the marina unless under the direct supervision of a parent or other responsible adult.
2. When necessary, the Port Manager may direct children to leave Port Property if they pose a danger to themselves or others; are engaging in activities detrimental to Port Operations or are a nuisance to other port users.

J. PETS

1. Pets must be kept on a leash, carried, or confined on the owners vessel while on Port facilities.

2. Owners of pets are responsible for activities of their pets and for immediate and proper clean up and disposal of animal wastes.
3. Any animal found wandering unattended within the Marina and/or judged to be treated inhumanely will be turned over to the Animal Shelter.

K. SIGNS AND HANDBILLS

Bulletin boards are provided for the posting of advertising or other materials of interest to Port users. All advertising is to be dated and will be removed at the end of 30 days.

L. BICYCLES, SKATEBOARDS, ETCETERA.

The use of bicycles, skateboards, roller blades, roller skates, mopeds, or similar vehicles on any walkway, sidewalk, dock or pier within the Marina is prohibited.

M. FIREARMS

The movement of firearms to and from ones own boat can be accomplished within the intent of State and Federal law.

N. FIRE FIGHTING EQUIPMENT

Fire extinguishers and other fire fighting equipment are to be used only for the fighting of fires.

IV
BOAT OWNERS / OPERATORS REGULATIONS

A. VESSEL IDENTIFICATION

1. State registered vessels shall display a registration number and current valid registration decal.
2. Coast Guard documented vessels shall display the vessel name.
3. Failure to display proper registration on the hull may be cause for termination of moorage.

B. SEAWORTHINESS

Vessels moored in the Marina must be operable, completely seaworthy and ready for immediate relocation in case of emergencies.

1. If a boat is to be non-operational in excess of 14 days, boat owners are required to inform the Port office and provide an estimated time that the boat will be out of commission.
2. Vessels that are non-operable for an extended period of time or appear to be not seaworthy may be grounds for termination of lease for cause. The Port Commission shall be the final authority as to the condition and seaworthiness of a vessel.
3. The Port Commission reserves the authority to declare any vessel “derelict” and proceed accordingly.

C. MANEUVERING

Vessel operators will control their speed so as not to leave a damaging wake and will be held responsible for any wake damage caused by excessive speeds.

D. DISCHARGE OF SEWAGE

1. All vessels in the Marina must be in compliance with all regulations established by the U.S. Coast Guard or other Federal, State or County regulatory agencies regarding marine sanitation devices and waste discharge.
2. Sewage shall not be disposed of in Port trash containers.

E. UNATTENDED VESSELS

1. Vessels, when unattended, must be securely moored in accordance with commonly accepted practices. All mooring lines must be appropriately sized for the vessel being moored, be in good condition (not rotted or frayed) and be free of marine growth and/or incrustation.
2. No lines, hoses, electrical cords, bow sprits, anchors, tackle, or other hazards shall extend across walkways or finger piers unless authorized by the Port Manager.

F. STORAGE ON PIERS OR FLOATS

1. Piers and floats shall not be used for storage.
2. Storage of oily rags, open containers of paints, gasoline, or other flammable or explosive material is prohibited.
3. Dock steps may be installed with the approval of the Port Manager as long as they do not impede reasonable access on the finger piers and are not used for storage.

G. MODIFICATION OF MOORAGE

1. Tenants and vessel owners are responsible for adequate moorage lines and fendering to protect their vessels and adjacent vessels.
2. Approval must be obtained from the Port Manager prior to any modification, addition, alteration, renovation, or restoration of a slip, dock, piling, or Port property within the Marina.

H. UTILITIES**1. ALL VESSELS**

- a. Port will provide electrical, water and garbage service, for tenants as a part of the monthly moorage fee.
- b. The Port Commission shall periodically review the amount charged for electricity, water, and other utilities and adjust moorage fees as necessary.
- c. Any damage caused to the Port's electrical or water distribution systems by a user's misuse or negligence will be repaired by the Port with such repair costs charged to the user.
- d. Utility service may be turned off in order to service the electrical & water systems, perform repairs, or to ensure that the water lines do not freeze in the winter.

2. SHIP-TO-SHORE CABLES

All electrical connections and cables shall meet applicable code requirements.

I. VESSEL MAINTENANCE

1. Vessel owners are permitted to perform normal upkeep on their vessels while moored within the Marina. All persons involved in work on any vessel not permit discharge of any hazardous substance or petroleum products into Port waters.
2. Vessels shall be maintained to be reasonably free of unsightly and excessive buildup of clamshells, algae, and other debris. The Port Commissioners shall be the final authority of what constitutes unsightliness.
3. The Port accepts no responsibility for the well being and maintenance of boats or personal property moored or stored on Port properties. Port staff is authorized to remedy emergency conditions as expeditiously as the situation warrants with or without the owner's consent. The owner may be billed for any time spent and materials used in providing such service

J. OPTIMUM UTILIZATION OF MOORAGE

1. Vessels may be moved by Port staff for the purpose of protecting life or property, to accommodate Port repairs, improvement, maintenance, construction, or emergencies, with or without advance notice to or consent of vessel owner.
2. Vessels moored in guest spaces may be moved at the ports discretion to provide maximum space for guest moorage.

K. COLLECTION OF DELINQUENT PORT CHARGES

1. In the event that the tenant or user does not pay the fees and/or other charges which are accrued in favor of the Port, the Port may initiate collection proceedings as provided for in RCW 19.16.500, 53.08.3 10 and 53.08.320 or otherwise provided by law.
2. The Port reserves the right to charge late fees as determined by the Port Commission.

L. HABITUAL MOORAGE DELINQUENCY

1. When a tenant becomes 30 days in arrears on moorage payments the Port Auditor shall send a 30 days reminder letter to the tenant reminding them of their obligation to pay the moorage fee on time.
2. When a tenant becomes 60 days in arrears on moorage payments a letter must be sent informing the tenant that the vessel may be seized for nonpayment of back moorage.
3. When a tenant becomes 90 days in arrears on moorage, the vessel may be impounded and a notice will be attached to the vessel stating the date and time of impoundment. A certified letter will be sent to the tenant informing the tenant that payment must be received in full for all monies owed the port within ninety days from the time the notice was attached. This letter will also state that the vessel will be sold at public auction to satisfy the outstanding debt. In addition, your account will be turned over to a Collection Agency which may entail substantially higher fees and a possible loss of the boat.
4. In order to curtail the additional administrative duties associated with this procedure it is the port's policy that should a tenant allow moorage fees to become delinquent to the point of impoundment of the vessel on two occasions, at the time of the third violation of this policy a moorage termination letter will be sent along with the indebtedness letter. The moorage termination letter will not relieve the tenant from the obligation to pay the outstanding moorage fees.

V
WAITING LIST

A. POLICY STATEMENT

1. Port policy is to process the waiting list by the following priority method:
 - a. Priority One: applicants who already have a permanent slip assigned but want to change berths.
 - b. Priority Two: applicants who reside within the Port District.
 - c. Priority Three: all other applicants.
2. Each priority category will be processed by the date a properly completed application is filed.
3. Each waiting list applicant must fill out a waiting list form. Applicants must renew their application every year, failure to do so will cause them to be dropped from the waiting list.
4. If a person does not accept a slip when it becomes available, that person shall reapply and return to the bottom of the waiting list. The new seniority date will be the date of re-application. If, after a second notification, the person still does not accept they will be dropped from the waiting list. No new application from such person will be accepted for twelve months.
5. Applicants shall keep the Port advised of current address and telephone numbers

VI
MOORAGE POLICIES AND PROCEDURES

A. OCCUPANCY OF ASSIGNED BERTH

Unless prior approval is obtained from the Port Manager, the vessel of record must occupy the assigned berth.

B. PERMANENT MOORAGE ASSIGNMENT

To accept a berth assignment, each applicant is required to complete and sign a Port of Keyport Moorage Agreement signifying that they agree to:

1. Keep Port Management advised of their current address and telephone number.
2. Tenants will be required to provide proof of ownership of the vessel that will occupy their assigned berth. Original documents, including but not limited to the following, may be required to establish proof of ownership:
 - a. Current Certificate of Title, showing the proper individual(s) as owner(s) of the vessel of record.
 - b. Current State registration certificate, showing the proper individual(s) as Owner(s).
 - c. Current U.S. Coast Guard documentation papers, showing the proper individual(s) as owner(s) if vessel is used for commercial purposes.
3. Familiarize themselves with and comply with all Marina regulations, policies and procedures.

C. TRANSFER OF BERTH ASSIGNMENT

1. A tenant may transfer the vessel of record to a new vessel providing the new vessel or boathouse meets the berth requirements, meets initial moorage requirements, is in compliance with the Ports Rules and Regulations section IV subparagraphs A and B, and with the approval of the Port Commission. The tenant shall execute a new Moorage Agreement.
2. A berth assignment may be transferred with the sale of the vessel of record providing the vessel is in compliance with the Ports Rules and Regulations section IV subparagraphs A and B, and with the approval of the Port Commission. The following Criteria must also be met.
 - a. The current tenant must provide notice of intent to release interest in the berth assignment to the purchaser of the vessel of record.
 - b. The purchaser must complete and sign a Marina Moorage Agreement.
3. All outstanding charges must be paid prior to transfer of moorage privileges to purchaser of vessel of record.
4. If a tenant dies, the moorage assignment may be transferred to the individual(s) who inherit the vessel, providing that appropriate proof of inheritance is supplied.
5. If tenant is divorced, the spouse who is awarded title to the vessel of record in the divorce decree may retain the moorage assignment, providing that appropriate proof of ownership is substantiated.
6. No transfer of an existing boathouse will be allowed at Port Facilities. Existing boathouse will be removed from Port of Keyport no later than January 1,2020.

D. TERMINATION

1. Moorage may be terminated by the tenant without cause upon thirty (30) days written notice. Tenant's last month of moorage will be covered by last month deposit on file at time of Moorage application.
 - a. If termination by the Port is for cause, the Port will give a 30 day written notice to the tenant. The tenant, by written request (see chapter X grievance procedure), will have the right to appeal the termination to the Board of Commissioners at their next regularly scheduled monthly meeting.
 - b. In the case of those who may not have paid a last month's deposit, the tenant shall be responsible for paying moorage for the month during which termination occurs.
2. In the event a tenant does not pay the fees or other charges which have been incurred, the Port may seize and sell the vessel pursuant to RCW 53.08.320 or otherwise seek legal recourse.

VII SUB-LEASING

POLICY STATEMENT

Sub-leasing is not allowed. At the discretion of the Port Commission, apparent sub-leases shall result in the termination of the Moorage Agreement and removal from the Port.

VIII LIVEBOARDS

POLICY STATEMENT

1. Due to a lack of sanitary facilities, liveboards are prohibited. A liveboard is defined as:
 - a. A person who habitually occupies or sleeps on his or her vessel on a regular or continual basis.
 - b. A person who uses said vessel as their permanent place of residence whether or not occupancy is on a permanent basis.
2. This regulation is not intended to prohibit occasional “sleepovers” by tenants.
3. The Port Manager will make final determination as to liveboard status.

IX GUEST MOORAGE

A. REGISTRATION

1. The guest float(s) shall be used on a “first come” basis unless reserved by the Port manager.
2. The guest float may be reserved by the Port Manager for special occasions such as tour boat unloading/unloading. Such reservations will be clearly posted on the guest float.
3. All vessel owners or operators intending to remain at the guest dock for more than six (6) hours shall contact the Port Manager for permission.
4. Any vessel that is not registered and left in a designated guest slip for more than six (6) hours may be subject to impoundment.

B. PRIORITY OF MOORAGE

If any dispute arises over entitlement to guest moorage at the Port, the Port Manager or his/her representative shall make the determination of priority.

X
GRIEVANCE PROCEDURES

A. PURPOSE

To provide a procedure for the prompt review, impartial consideration and equitable disposition of any grievance presented by an individual.

B. GENERAL

1. Port users are to be treated fairly in all respects. Any Port user who feels they have been subjected to unfair treatment or discrimination shall have the right to present their grievance according to the procedures as described in this section.
2. A grievance may be defined as any unresolved dissatisfaction with the operation of the Port of Keyport as applied in accordance with the Port of Keyport Marina Regulations and Policies.
3. Any person filing a grievance shall be free from restraint, coercion, discrimination or reprisal. When grievances arise, they should not be considered as reflecting unfavorably on either the Port, its management, or its staff, but are to be considered an individual expressed right.
4. A copy of all documents resulting from the grievance procedure shall be filed in the Port Office.

C. GRIEVANCE PROCEDURE

1. STEP 1 - Port Manager
 - a. Individuals shall present their grievances in writing to the Port Manager.
 - b. Individuals may select other persons at the individuals own expense to represent them.
 - c. Upon receiving written notice of the grievance, the Port Manager may wish to investigate the grievance further before meeting with the individual and/or their representative. In any event, the Port Managers shall arrange to meet with the individual and/or their representative and others the Port Manager deems appropriate, within five (5) working days after receipt of notification of the grievance.
 - d. The Port Manager's decision shall be conveyed in writing to the individual and/or their representative either at the scheduled meeting or within two (2) working days following the conclusion of the meeting. If the grievance is settled at this step, no further action is taken.
 - e. If the grievance is not settled or the individual is not satisfied with the Port Manager's decision the individual may request a hearing before the Board of Commissioners. Such hearing shall be requested in writing within five (5) working days of receipt of the written decision from STEP 1. The hearing will be held at the next regularly scheduled Port meeting after receipt of the written grievance.

2. STEP 2 - Board of Commissioners

- a. The Board of Commissioners shall consider the grievance appeal at their next scheduled meeting.
- b. The Port Manager shall submit all information available from STEP 1, to the Board. After review of this data, the Board may decide to further investigate the grievance and reconsider the decision of the Port Manager or they may uphold the decision reached by the Port Manager.
- c. If the Board decides to investigate the grievance further, they may request the individual and/or their representative and the Port Manager, plus other persons whom the Board deems appropriate, to appear at the next executive session convened to hear the grievances. A final decision of the Board shall be determined by a majority vote with a quorum present. The Board's decision shall be conveyed in writing to the individual within five (5) working days following the conclusion of the meeting in which disposition of the case is determined, with copies distributed to the Port Manager for inclusion in the official minutes and the Port office files.
- d. The Board of Commissioners' action shall be considered as final, satisfying the obligation of the Port regarding the consideration of the grievance. If further action is desired the individual concerned may exercise their right to present their grievance before the appropriate state court having jurisdiction.