



Marina Rules & Regulations

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Port of Bremerton: Marina Rules and Regulations
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Section 1. Introduction

1.1 Purpose

To establish, implement, and maintain policies, rules, and regulations for the safe, secure, and efficient operation of the Port of Bremerton Marinas and to provide excellent customer service for boaters, tenants, licensees, and other public users of this facility.

1.2 Application

- a.** The policies, rules, and regulations contained herein apply to all persons, vehicles, vessels, tenants, guests, and licensees operating within or at the Port of Bremerton facilities and shall supersede all previous Rules and Regulations at the Marina.
- b.** It is the user's sole responsibility to obtain, know, understand, and comply with the updated and current Rules and Regulations. A copy of the Rules and Regulations will be posted in the Marina offices at all times and will be available for reference at www.portofbremerton.org. The Port does not accept responsibility for mailing or delivery of the Rules and Regulations or for ensuring that users have familiarized themselves with the contents thereof or any amendments thereto.

1.3 Authority

- a.** The Commissioners of the Port of Bremerton have delegated to the Marine Facilities Director or designee the responsibility for the enforcement of these rules and regulations.
- b.** All users of the Port of Bremerton Marinas shall comply with the directions of the Marine Facilities Director or designee with regard to compliance with the rules and regulations adopted herein.
- c.** The Port Orchard Marina, the Bremerton Marina, and associated facilities of the Port of Bremerton marinas (hereinafter the "Marina") are owned and operated by the Port of Bremerton (hereinafter the "Port"), a Washington State municipal corporation. The Marina Rules and Regulations (hereinafter the "Rules and Regulations") are written under the authority granted to the Port by Chapter 53.08 RCW, specifically RCW 53.08.310 and 53.08.320 in their entirety.
- d.** The Port reserves the right to make any additions, deletions, or corrections to the Rules and Regulations at any time.
- e.** The Marine Facilities Director or designee is authorized to administer these Rules and Regulations by written or verbal instruction. The Port can and will apply all

generally accepted safety standards and those standards will apply to all regulations, management practices and users.

- f.** f. The Port may move vessels or vehicles, wherever they may be or come to be located, for the protection of life, property, or for the best utilization of Marina facilities.
- g.** All fees and charges of any nature prescribed by the Port shall be charged and collected under the authority of these Rules and Regulations.
- h.** Due to the demand for moorage at the Marina, it is necessary to establish controls to limit use of moorage for specific purposes, and then to administer those controls for users. The Port reserves the right to allocate the use of any moorage space as it deems necessary to meet those ends.
- i.** The Port reserves the right to deny use of the Marina facilities for moorage or all other purposes to those persons who fail to comply with these Rules and Regulations, Marina procedures, provide proper documentation, or who fail to pay Port Charges promptly when due.
- j.** The Marine Facilities Director or designee is authorized to publish and enforce appropriate rules to ensure security and safety at the Marina, and to enforce these Rules and Regulations, including but not limited to requiring appropriate hold harmless agreements, release agreements, and evidence of insurance.
- k.** The Port operates in accordance with RCW 88.26.020, RCW 53.08.320 and RCW Chapter 79.100 regarding unpaid Port Charges and "derelict" or "abandoned" Vessels, as those terms are defined by statute.
- l.** The Port and/or Marine Facilities Director and/or designee may interpret the intent of these Rules and Regulations to carry out the purposes herein.
- m.** Should any section, subsection, paragraph, sentence, clause or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these Rules and Regulations.

1.4 Enforcement

- a.** Violators of these rules and regulations shall be subject to administrative action that may include, but is not limited to, cancellation of moorage agreement, impoundment of vessel, and/or referral to the City of Bremerton or City of Port Orchard Police Departments.
- b.** Members of the general public who violate these rules and regulations will be asked to leave the marina. Violations of civil and/or criminal statutes will be reported to the City of Bremerton or City of Port Orchard Police Departments.

- c. Use of Marina facilities is evidence of users consent to, and agreement with, these Rules and Regulations.
- d. Users are responsible and liable for any and all damage to Port property resulting or arising from their acts, failures to act, or omissions.
- e. Marina users who violate these Rules and Regulations or the terms of applicable moorage agreements may be subject to penalty, including but not limited to, moorage agreement cancellation, penalty charges, removal of their Vessel and/or equipment, impoundment and/or sale of their Vessel and/or equipment.
- f. The Marine Facilities Director may request any persons violating these Rules and Regulations to leave the Marina and may obtain assistance of law enforcement officers to protect property, lives, or preserve the peace.

1.5 Use in Common

- a. Use of float space is in common with all other licensees and such use is intended solely for the purpose of mooring vessels. No other property rights are conveyed with the standard moorage agreement. Accordingly, the licensee shall not place equipment, build structures, or modify existing structures without the written approval of the Marine Facilities Director or designee.
- b. No material, including but not limited to fenders, bumpers, and satellite dishes, shall be attached to marina structures without approval from the Marine Facilities Director or designee. Any attachments may be subject to removal by Port of Bremerton marina personnel for maintenance and repair of the marina facility. The Port of Bremerton shall incur no liability for the removal of such additions.

1.6 Hold Harmless and Liability Insurance

- a. Users of the Port of Bremerton marinas do so at their own risk. The Port of Bremerton shall not be responsible for and shall be held harmless from any property damage, theft, or personal injury, including death.
- b. Pursuant to RCW 53.08.480, each person or entity, who secures moorage is required to provide proof of marine general, legal and pollution liability insurance coverage. The liability portion of the insurance policy shall cover all claims for personal injury (including death) and property damage arising on the Port's property or arising out of the licensee's obligations.
- c. As a condition of monthly moorage, acceptable written proof of vessel insurance shall be made available to the Marina prior to vessel entering the Marina and thereafter upon insurance renewal. Current insurance meeting the Port's requirements must be maintained during the entirety of the moorage agreement.
- d. Owners of vessels less than 60' must maintain a minimum of \$300,000 of liability insurance per occurrence, encompassing general, legal and pollution protection, and owners of vessels greater than 60' must maintain a minimum of \$500,000 liability

insurance per occurrence, encompassing general, legal and pollution protection on their vessel.

- e. Vessel owner shall include in the liability policy a condition that ensures the Port is notified of any changes or cancellation of the policy. This may be accomplished by naming the Port of Bremerton as an additional insured or other equivalent language.
- f. Commercial moorage, which includes but is not limited to yacht brokerage companies, tour companies, and commercial marine businesses, the limits of liability shall be no less than \$1,000,000 for each occurrence and in the aggregate. In addition, the Port requires that it be endorsed as an additional insured, that the insurance contain a waiver of any right of subrogation by the insurance company against the Port, and that the insurance not contain a cross-claim, cross-suit, or other exclusion that eliminates coverage for claims brought by one insured against another.
- g. Failure to provide and maintain valid insurance documentation may be grounds for termination of moorage privileges.

1.7 Applicable Statutes

Users of the Port of Bremerton Marinas shall be subject to all applicable Port, municipal, County, State and Federal laws and regulations, including, but not limited to, revised Code of Washington provisions set forth in Attachment A, as amended from time-to-time hereafter.

1.8 Liability Limitations

- a. The Port is not liable for damages to property or injury to or death of individuals caused by, or resulting from persons, corporations, agents, entities, or employees performing a service to a vessel moored or located at the Marina or its Moorage Facilities.

1.9 Definitions

- a. Assignment: Assignment, as used herein, may mean rental, sub-rental, lease, sublease, assignment, or license, whichever is appropriate.
- b. Boathouse: A boathouse is a privately-owned floating structure consisting of floats, walls, and a roof, which is capable of being moved on water and is connected to a Port float system and covers or encloses a slip or slips.
- c. Clean Marina Washington Program: An incentive-based certification where marinas continually assess their operations and implement improvements to better protect the environment.
- d. Commercial Marine: A marine related business or vessel(s) actively engaged in a bona fide business for hire or sale that holds current license(s) and other evidence of commercial activities. Commercial marine includes, but is not limited to, boat brokerage and sales, excursion and tour boats, time share companies, passenger for hire boats, short term rentals, bare boat and skippered charter companies, fishing, and

dive charter companies. Commercial marine does not include commercial fishing vessels or operations.

- e. Commercial Vessel: Commercial vessels are defined as vessels such as but not limited to tugs, barges, and tour boats engaged in business for hire.
- f. Commission: “Commission” means the elected Board of Commissioners of the Port.
- g. Length Over All (LOA) means everything measurable from the furthest point forward to the aftermost part of the vessel or tip to tip.
- h. Licensee: A person who enters into a written agreement with the Port for the purposes of moorage, or of storage of dinghies, small boats, marine gear any other marine equipment on the Marina premises. A Marina licensee accepts facilities on Marina premises on an “as is” basis.
- i. Liveaboard: Refers to those individuals who have been granted a license to stay overnight aboard their vessel Liveaboards are required to have a current Liveaboard Agreement on file with the Port. The Marine Facilities Director may authorize limited temporary exceptions. The license to live aboard a vessel is not a right but a revocable license provided to the customer and does not create a residential landlord-tenant relationship between the Port and the customer.
- j. Marina: “Marina” means either the Port Orchard Marina or Bremerton Marina and includes, but is not limited to, water, land, airspace, docks, piers, structures, facilities, and all buildings owned or operated by the Port, within and near to the boundaries of the Marina or similar Port owned facilities within the Port district.
- k. Marine Facilities Director: The “Marine Facilities Director” is a Port staff member responsible for the management of the Marina, either personally or through any person with whom the Marine Facilities Director may delegate his/her authority.
- l. Moorage Facility: Any properties or facilities owned or operated by the Port which are capable of use for the moorage or storage of vessels and/or marine related items, including support facilities for harbor operations.
- m. Moorage Facility Operator: Refers to the Port, which owns and operates moorage facilities.
- n. Operable: The capability of a vessel to safely maneuver under its own power from one mooring to another mooring or another port of call.
- o. Overhang: Any portion of a vessel or its gear (i.e., swim step, bow pulpit, bow sprit, rails, outboard motors, dinghy, etc.) that extends over the end of the finger float or the walkway is considered overhang. Overhang indicates the vessel is too long for the slip.
- p. Person: Any individual, firm, sole proprietorship, partnership, corporation, limited liability company, unincorporated association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

- q. Port: “Port” means the Port of Bremerton, a municipal corporation located in Kitsap County, Washington, and various properties and facilities that it owns and governs, which includes the Marinas.
- r. Port Charges: Charges for moorage and storage, and all other charges and fees owing or to become owing between a user and the Marina, or under Rates and Fees, and may include, but is not limited to, costs and expenses, including attorneys’ fees and court costs incurred in salvage, termination, removal and/or sale of vessels, and penalties.
- s. Recreational Vehicle: A vehicular-type unit designated for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- t. Seaworthy/Seaworthiness: Means that the vessel’s hull, keel, decking, cabin, mast, and drivetrain are functional, structurally sound, and watertight. In addition, the vessel must be operable and able to get underway on its own power.
- u. All definitions contained with RCW 53, RCW 88, and RCW 79 are adopted by reference within the Port of Bremerton Rules and Regulations.

Section 2. Administration

2.1 Marina Office

- a. The Bremerton and Port Orchard Marina Offices are located on the waterfront fronting the Marinas. The offices will be equipped to manage the day-to-day business of each marina. The office hours will be established to fulfill customer and operational requirements. The office hours will be posted at each Marina.

2.2 Fuel Facility

- a. The fuel facility is located at the Port Orchard Marina. The hours of operation shall be posted at the Fuel Dock and the Marina offices.
- b. Terms of sale of fuel and/or oil shall be cash or major credit cards. Other means of payment must be approved in advance by the Marine Facilities Director or designee.
- c. Fuel sales must be paid for at the time of delivery unless prior arrangements have been made and approved by the Marine Facilities Director or designee.
- d. Fueling of vessels may occur only at the Fuel Dock.

2.3 Moorage Agreement

- a. All boat owners desiring moorage at the Port of Bremerton Marinas must enter into a moorage agreement with the Port of Bremerton, and must pay in advance all fees, deposits, and taxes as required by the Port.
- b. Payments are due and payable on the first of each month at rates as established by the Port of Bremerton. Statements of account are issued by the Port as a courtesy;

however, payment should be made in accordance with the terms of the moorage agreement.

- c. Moorage license payments overdue by ten (10) days shall be considered in default, and administrative action, including, but not limited to, late charges, impoundment of vessel and termination of moorage, may be taken in accordance with state law.
- d. Moorage of a vessel may be terminated in the event of a second impounding of the vessel. Tenant Licensee will be given Termination Notice 30 days prior to the abandonment date as provided in state law. Vessel may be removed from slip and relocated to transient moorage facilities 30 days after provision of termination notice.
- e. The moorage agreement is a contract between the Port of Bremerton and the owner or operator of the vessel named thereon. Only parties listed on the vessel registration may enter into a moorage agreement.
- f. Upon signing the moorage agreement, the owner of the vessel agrees to comply with all provisions of the moorage agreement and all applicable provisions of these Marina Rules and Regulations. If there is a conflict between the Marina Rules and Regulations and the moorage agreement, the moorage agreement will take precedence.
- g. Moorage accounts must be current and in compliance prior to entering into additional second or multiple moorage agreements.
- h. Should the vessel transfer ownership, moorage agreements do not transfer with the vessel and the next individual on the waitlist would have the opportunity to occupy said moorage space.
- i. Should the vessel transfer ownership, the Licensee will continue to be responsible for all moorage charges and fees for that space until such time the vessel is removed from the slip, even if termination notice has been given. It is the Licensee's responsibility to ensure the new vessel owner removes the vessel from the slip to allow final moorage agreement termination to occur.
- j. Vessels who have newly transferred ownership and continue to occupy Port slips without a valid moorage agreement, at the discretion of the Port may have vessels relocated out of the slip after provision of notification by the Port has been documented.
- k. Thirty-day written notice is required to terminate Moorage Agreement by either party. Upon such notice and removal of Vessel Owner's vessel, the Port will return the balance of security deposit less all charges for rental and services, including unreturned parking passes and gate access cards, and any damages to the marina facility. In the event charges exceed available deposits, a final bill will be issued, due and payable upon receipt. If the vessel is not removed from the slip by the Vessel Owner, the Port may tow the vessel, at Vessel Owner's expense, to the guest moorage breakwater where guest moorage rates and fees will apply per the marina tariff.

2.4 Utility Charges and Other Fees

- a. Licensees of the Port of Bremerton Marinas shall pay all utility and service charges as established by the Port of Bremerton.
- b. A schedule of established rates and deposits shall be posted in the Marina office.

2.5 Taxes

The Port of Bremerton shall collect all local, State and Federal taxes as required.

2.6 Optimum Utilization of Moorage

The Port of Bremerton reserves the right to assign and/or relocate vessels for the protection of life, property and for the best utilization of marina facilities. In the event of relocation of a vessel pursuant to this section, the Port shall provide 10 days written notice unless relocation must be made under emergency conditions as determined at the sole discretion of the Port.

2.7 Subleasing of Moorage Space

- a. Assigning license of moorage space will be permitted only upon approval of the Director of Marina Facilities or designee.
- b. Moorage space shall not be assigned to a sub-lessee for more than five (5) months in any calendar year, or more than five (5) consecutive months.
- c. The permanent moorage space holder shall be responsible for locating a sub-lessee and will continue to be responsible for payment to the Port of Bremerton for all moorage and other charges owed.
- d. The permanent moorage space holder is responsible for providing the sub-lessee with a parking pass and gate access card. The marina will not provide these items to the sub-lessee.
- e. No charges, other than those levied by the Port of Bremerton, shall be collected by the permanent moorage space holder.
- f. A completed Moorage Sublease Agreement must be submitted to the Marine Facilities Director or designee for consideration and approval.
- g. Should a boat owner sell or relinquish the title of his/her boat, the space may be assigned to a sub-lessee for a period not to exceed thirty (30) days from the date of transfer.
- h. It is the permanent moorage space holder's responsibility to ensure the removal of the sub-lessee's vessel on or before the Ending Date of the Moorage Sublease Agreement.

2.8 Vessel Seizure

- a. The Port of Bremerton will follow all applicable RCW's and WAC's when seizing or chaining vessels at the Port's marinas.
- b. Vessels that are chained for non-payment of moorage charges owed will continue to be charged the moorage rate for the slip, per the marina tariff, plus all applicable fees

including but not limited to, late fees, certified mail fees and auction fees up until the date the vessel is scheduled to go to auction.

- c. Vessels that are abandoned at the Port's marinas will be charged the guest moorage rate, per the marina tariff, plus all applicable fees including but not limited to, late fees, certified mail fees and auction fees, until such time the moorage and any applicable fees/charges are paid in full or up until the date the vessel is scheduled to go to auction.

Section 3. Health, Safety, Security, and Environmental Policies

3.1 Licensee/User Responsibility

All licensees and users of the marina are encouraged to inspect for themselves and their minor children or dependents the marina facilities for any actual or potential hazards or defects and to report the same to the Marine Facilities Director or designee. Licensees are responsible for the safe and lawful conduct of themselves, their dependents, and guests. Port employees may take action necessary to insure the safe and lawful conduct of marina licensees and users.

3.2 Safety Equipment

- a. Users are to familiarize themselves with the location of safety systems and equipment in the area of their moorage.
- b. Fire extinguishers, fire standpipe stations, and life rings are strategically located at various points along each dock.
- c. All safety equipment is for emergency use only. Any tampering with or misuse of safety equipment should be reported at once to the Marina office.

3.3 Vessel Tie-Up

- a. All vessels in permanent moorage may not extend outside of the berth. That is, if the boat is moored bow in, the bow (including any attachments) must not encroach onto the float walkway (or opposite berth, if in a head-to-head side-tie moor) and the stern (including any attachments) must not extend beyond the end of the finger float. If the boat is moored stern in, then the rules apply in the opposite direction. The intent is to preclude any part of the boat from being in the fairway or projecting into the walkway (or opposite berth).
- b. Many vessels are portrayed by the vessel manufacturer as a specific size but in reality, may be several feet longer. Length overall (LOA), is used to determine whether or not a vessel fits in a slip. Vessels that do not fit in the slip may be asked to relocate to an appropriately sized slip, if available, and the regular rate for that slip will apply.
- c. Under certain circumstances and limited to specific areas in the Marina for which safety allows, some vessels with existing moorage contracts in good order may be

grandfathered from this requirement and overhang may be allowed upon approval of the Marine Facilities Director or designee.

- d. Rafting is not allowed.
- e. Vessel owners are required to keep adequate size line in good condition securing their vessels to the dock.
- f. A minimum of four (4) mooring lines are recommended where practical: a bow line, a stern line, and two spring lines should be provided. Marina personnel are available to assist in the proper securing of a vessel.
- g. In the event of storm or high winds, the Marine Facilities Director or designee may replace worn lines or add additional lines as required. The vessel owner may be charged for such necessary replacement.
- h. No vessel anchorage is allowed within the marina or within 300 yards outside the marina. No vessel may create a navigational hazard for the marina.

3.4 Fuel Storage or Transfer

Fuel storage or fuel transfer is prohibited on marina floats, docks, piers, or storage lockers.

3.5 Security

- a. Only vessel owners and guests shall enter any part of the marina except those areas designed as public access areas by the Port of Bremerton.
- b. Access cards and codes shall be issued only to those persons authorized by the Port of Bremerton. Access cards remain the property of the Port and shall not be transferred to another party. The Port reserves the right to limit the number of access cards issued to any boat owner.
- c. All users should exert every effort to ensure gates are closed as they enter and exit the marina and should not allow strangers to enter the marina.
- d. Any observation of illegal entry, suspicious boats within the marina, or suspicious actions should be reported to the marina office or to the Port Orchard or Bremerton Police Departments by dialing 911.

3.6 Housekeeping

- a. All licensees are responsible for the appearance and cleanliness of their assigned moorage area.
- b. No storage is permitted on docks. Oily rags, open paints, or other items that may constitute a fire or environmental hazard are prohibited on docks and in locker boxes.
- c. The Port does not accept vessels, items, or equipment for storage and shall not be responsible or liable in any way for safekeeping or condition of vessels, their contents, or any equipment or items.
- d. Storage of rowboats, skiffs, dinghies, and rafts should be on the vessel.
- e. Rowboats, skiffs, dinghies, and rafts may not be in the fairway and cannot become a navigational hazard.

- f. Licensee shall not let their vessel, rowboat, skiff, dinghy, or raft fill with water and/or sink in the marina. Any action taken by Marina staff to pump out a vessel does not create any duty or obligation on the part of Marina staff or any Port employee. The owner of the vessel may be charged for the pumping service as set forth in the Marina Tariff. Any vessel that fills with water or is in danger of sinking may be removed from the water and impounded at the owner's expense.
- g. Dinghy storage racks are available at both marinas.
- h. Vessels, vehicles, property, gear, or equipment must be parked, stored, moored, or maneuvered in a safe and orderly manner.

3.7 Emergencies

In the event of a threat to human life, safety and/or property, call 911. For other, less urgent situations, contact the Port.

3.8 Harassment

Conduct or language, in any form of communication, directed at Port staff or Commissioners that seriously alarms, annoys, harasses, or is detrimental to such person will not be allowed. When the conduct is of such a nature as would cause a reasonable person to suffer emotional distress and actually caused the Port staff or Commissioner to suffer from emotional distress, the conduct may result in the actor being trespassed from Port property and/or the Port terminating moorage, without prior notice.

3.9 Vessel Incident or Accident

Persons involved in any vessel incident or accident occurring in the Marina shall make a full report of the incident/accident to the Marina office and local law enforcement.

3.10 Clean Marina

The Port intends to manage Marina activities to ensure EnviroStars certification under the Clean Marina Washington Program.

3.11 PFD (Personal Flotation Device)

A parent or other responsible adult must accompany children under twelve (12) years of age on piers and floats. All children twelve (12) years of age or younger must wear United States Coast Guard approved personal flotation devices while on Port piers and floats.

3.12 Personal Behavior

- a. Behavior which disturbs or creates a nuisance for others in the Marina or in the adjacent premises is prohibited.
- b. Drinking of alcoholic beverages, except in licensed premises, on private vessels, or in designated areas, is prohibited.
- c. No person under the influence of alcohol or drugs shall operate a motor vehicle or vessel on Port property. Anyone intoxicated, drunk, or disorderly in the Marina shall be dealt with as provided by City or County statute and is subject to fine and/or

imprisonment as provided by law. Operation of vessels while under the influence of alcohol or drugs is a felony.

3.13 Open Flames on Docks

- a. Cooking and open flames of any sort are prohibited on the walkways, docks, and piers in the Marina. This includes fire pits and fireworks.

3.14 Household Waste

- a. Deposit or discharge of garbage, food scraps, sewage, grey water, trash, waste materials, oil, fuel, debris, or other materials in the water or on land areas of the Marina other than in designated containers, is strictly prohibited. Users are encouraged to notify the marina office immediately should they observe such prohibited activities.
- b. All refuse must be placed in Port provided containers located throughout the marina. These containers are for normal household waste only. Larger items and items that are not normal household waste should be disposed of in another manner such as taken to the dump.

3.15 Environmental Protection and Sewage Discharge

- a. Environmental Best Management Practices (BMPs) have been developed for boaters and vendors using the Port of Bremerton marinas and are included as Attachment B to these rules and regulations. All boaters are required to adhere to these BMPs any time their boat is in the marina.
- b. Overboard discharge of sewage in U.S. territorial waters is illegal. Vessel owners who discharge sewage, including treated sewage, into the waters of the Port of Bremerton marinas are subject to the termination of the moorage agreement and/or privileges of mooring at these facilities.
- c. Boat owners are encouraged to use the holding tank pump out and potty dump stations located at each marina. Dockside pump outs are available at no charge; contact the marina office for details and scheduling information.
- d. Restrooms and showers are provided at each marina.

3.16 Swimming, Fishing, Diving

- a. Diving for vessel repairs and cleaning is allowed under the following conditions:
 - 1. Diving operations are allowed by commercial divers who are currently listed in the marina's roster of authorized vendors per section 4.6 of these rules.
 - 2. Individual boat owners may dive on their own boats only and strictly at their own risk. Other than boat owners diving on their own boats, amateur divers may not conduct diving operations for any reason in the marina at any time.
 - 3. Unless specifically authorized by marina management, diving during the hours of darkness is prohibited.

- b. No recreational diving will be allowed within the area of the Port of Bremerton Marinas.
- c. Swimming or water-skiing within the marina or off any floats or piers is prohibited.
- d. Fishing, crabbing, or cleaning of fish or other sea life is prohibited within the controlled access areas of the marinas. Fishing is permitted, on a not-to-interfere basis with boating activity, in the public access areas of the marinas solely on the outside of the breakwaters.

3.17 Vessels in Danger of Sinking

- a. Any vessel that, in the opinion of the Marine Facilities Director or designee, is in danger of sinking may be pumped out by Port of Bremerton personnel, and the costs thereof may be charged to the vessel owner. The Port shall incur no liability in reference to the above action.
- b. The Port will attempt to contact the owner of vessels in danger of sinking. The Port does not accept the vessel for storage and shall not incur any liability in the event of sinking or damage resulting therefrom. The Port of Bremerton is not an insurer of the vessel.
- c. Boat or vessel owners shall be responsible for cleanup costs and environmental damage caused as a result of oil/fuel discharge from sinking or sunk boats or vessels.

Section 4. Special Items

4.1 Liveaboard Privilege

- a. Persons desiring to live aboard their vessels must submit an application for Liveaboard License to the Marine Facilities Director or designee for approval by the Port of Bremerton.
- b. Background and credit checks will be conducted on all persons wishing to live aboard. Persons requesting live aboard status are responsible for paying the background and credit check fee to the outside agency conducting the background check.
- c. Should the number of boat owners (tenants) desiring liveaboard privileges exceed 25 then the Director of Marine Facilities or designee shall maintain a waiting list based on a first applied – first assigned basis.
- d. The Port reserves the right to terminate liveaboard license for violation of these marina rules and regulations, the moorage agreement or the liveaboard authorization with a written ten-day notice. Liveaboard license may be terminated without notice for conduct or actions that may adversely affect the health, safety, or well-being of any person.
- e. Boat owners with liveaboard licenses who become 60 days in arrears in payment of moorage fees are subject to termination of liveaboard license upon approval of the

Marine Facilities Director or designee. If liveaboard license is terminated under this section, card/fob access may be revoked until such time as the Marine Facilities Director or designee is satisfied that the boat owner is no longer living aboard. Access to the vessel for maintenance or other reasons may otherwise be available by arrangement with the marina office during business hours.

- f. The Marine Facilities Director or designee will assign liveaboards throughout the marina as vessel and berth sizes permit.
- g. The liveaboard license is not transferable.
- h. Liveaboard privilege is limited to immediate family (spouse, domestic partners, children, grandchildren, siblings) members only.
- i. Dumping waste into the Marina is prohibited and therefore, all liveaboard vessels must have a fully functioning sewage system, including an operating waste holding tank.
- j. All occupied liveaboard vessels should be pumped out at least monthly.
- k. Liveaboard license does not imply special privileges regarding marina amenities.
- l. Vessel Owners who have not been granted liveaboard status may stay in the marina for a maximum period of three (3) days in any seven (7) day period.
- m. The Port will not discriminate on the basis of race, religion, sexual orientation, age, disability, or any other protected classification.

4.2 Pets

- a. All pets must be kept on a leash in all areas of the marina.
- b. Owners shall be responsible for clean-up of any mess made by their pets.
- c. Noise or other disturbance by pets will not be tolerated.
- d. Animals, with the exception of service dogs, are not allowed in the restrooms or laundry areas. Washing of any animals in the restrooms or showers is not allowed under any circumstances.
- e. Any animal found wandering unattended within the Marina will be turned over to the appropriate agency.
- f. Any animal left unattended in a situation considered inhumane will immediately be reported to the appropriate agency.
- g. Any animal that is a danger, threat or nuisance must be immediately removed from the Marina by its owner.

4.3 Vessel Movement

- a. Vessels underway inside the marina shall be operated at minimum safe steerageway speed. The entire marina is a NO WAKE zone; boaters causing damage as a result of wakes are responsible for the costs of repairs to the marina or moored vessels in the marina.
- b. Sailing in the marina is not permitted.

- c. The Port of Bremerton defines all water areas in the Port of Bremerton Marinas as narrow channels, and as such, vessel movement and right-of-way shall be governed by Rule 9 of the International Rules of the Road as published by the U.S. Department of Transportation/U.S. Coast Guard.

4.4 Right of Inspection

- a. The Port of Bremerton reserves the right to inspect any of the licensed or rented premises at any time.
- b. Owners shall allow marina personnel free access at all times to owner's boat or tackle for inspection, firefighting, mooring or moving of boat in an emergency, or to prevent casualty or potential hazard.
- c. The Port reserves the right to inspect any of its licensed, rented, or leased premises at any time. However, the right to inspect does not create any affirmative duty or responsibility for the Port to conduct such inspections.

4.5 Commercial Use of Marina Facility

- a. Commercial use of Port of Bremerton marina facilities is permitted only with prior approval by Director of Marine Facilities or designee.
- b. Air B & B, VBRO or other rental usage is not an allowed commercial use.

4.6 Commercial Vendors

- a. Commercial access to the Port of Bremerton marina facilities must be approved in advance by the Marine Facilities Director or designee. Vendors must show proof of business license, liability insurance of no less than \$1,000,000 provide the Port with a certificate of insurance naming the Port of Bremerton as an additional insured, and adhere to all Washington State Department of Labor and Industries safety and professional rules and standards.
- b. Licensees are responsible to ensure vendors who work on their boats in the marina meet the requirements of this section of the rules and adhere to the environmental BMPs in Attachment B of these rules.
- c. Vendors who are not approved will not be allowed to work in the Marina and may be denied access.
- d. Work performed on vessels moored at the Marina must be accomplished in such a manner as to avoid interference with other users and must not constitute any hazard to persons, property, or environment. Such persons, agents, or employees shall comply with all Port, municipal, county, state, and federal laws, ordinances, resolutions, rules, and regulations.

4.7 Washington State Registration

- a. All vessels in monthly moorage agreements with the Marina must display proof of current Washington State vessel registration as prescribed by state statute.
- b. Vessel Owner must comply with all Washington State RCW's and WAC's. Vessel shall display registration numbers and a valid registration decal in compliance with

State regulations. Documented vessels shall have the documented name of the vessel and hailing port displayed on the hull.

- c. Licensee is required to provide the marina office with a current copy of vessel registration each year.
- d. Failure to comply with vessel registration and identification requirements is cause for refusal and/or termination of moorage.

4.8 Fireworks

Fireworks and their use are not permitted in any area of the Port of Bremerton marinas including all public access areas.

4.9 Outside Moorage on the Bremerton Marina Breakwater

- a. There will be no permanent moorage allowed on the outside of the Bremerton Marina breakwater.
- b. Short term moorage shall be limited to 96 hours. Extended periods beyond the 96 hours must be approved, in writing, by the Port's Chief Executive Officer.

Section 5. General Terms

5.1 Utilities

- a. Utilities, including but not limited to electrical boxes, stanchions, and water faucets at the Marina, are for the purpose of providing services to users and may not be used for any other purpose.
- b. No person may tie or connect rope or line or make attachment to moor or tie any vessel or other equipment to utility fixtures provided by the Marina.
- c. A licensee may not modify, alter, or otherwise change any Marina provided utility service delivery system.
- d. Licensee may not install their own electrical power, telephone line, satellite TV, or water system on the docks or at other facilities of the Marina.
- e. All electrical cords and wiring shall be properly grounded and meet Underwriter's (UL) Laboratory approval for marine related service. No person shall make any electrical connection to any electrical outlet of the Marina except through the use of UL approved marine cords and plugs, that are in good to excellent condition and not in need of repair.
- f. All persons using a power cord must use the U.S. Coast Guard-approved three conductors number 10-wire marine cable for 120-volt A.C. single-phase circuits.
- g. All power cords for 50 Amp 125/250 volts must be of conductor size and insulation type to meet the U.S. Coast Guard requirements for marine use.

- h. No vessel may be wired to the Marina electrical system in any other manner than an approved twist lock power plug.
- i. Power plugs must be sized to match the socket on the Marina power stanchion.
- j. The Marina staff will disconnect any power cord which in their opinion is undersized or unsafe and notify the vessel owner.
- k. Vessel on-board generators must not be operated when vessel electrical systems are connected to any part of the Marina electrical system.
- l. Repeated replacement of burned out receptables may result in incurred charges for replacing the receptacles.
- m. Vessels moved by the Marina for any reason will be furnished equivalent power outlets if available.
- n. The Port does not guarantee the continuity or characteristics of electrical service and its compatibility with the vessel's electric circuit protector, if any, or that there will be no effects of electrolytic or stray current action.
- o. The Port does not assume responsibility for any inconvenience, loss or damage caused by any interruptions to electric service.
- p. Port staff has the right to turn off the dock water supply during periods of potential winter freezing conditions. Notice will be provided. Licensees shall be prepared to be without dockside water during these times.
- q. It is not recommended to keep a hose hooked up to your unattended vessel with the dockside water turned on.

5.2 Dock Boxes

- a. In the event of damage to the dock box, the licensee shall be responsible for all costs of repair or replacement of the dock box if deemed necessary by the Marine Facilities Director or designee.
- b. Dock boxes should be secured with a lock or zip tie to secure lid.

5.3 Boarding Ladders

- a. Boarding ladders are permitted on floats for entering and exiting of vessels.
- b. Boarding ladders must not exceed 24 inches in width and shall not be permanently fastened to the dock.
- c. Boarding ladders must not be positioned so that access to the entire dock area is denied. Boarding ladders must not exceed 50lbs including any stored contents.

5.4 Parking, Loading, and Unloading

- a. Licensees and guests should be careful to observe the signs and regulations as issued by the local municipality.
- b. Parking at the marinas is provided in lots specifically reserved for licensee parking and is by permit only. Licensees must park in the designated spaces and display the

marina parking permit at all times. The parking is intended to serve marina licensees who are on their boats in the marina or underway; parking in the marina lots for other purposes is not permitted.

- c. Loading zones are provided at both marinas for short term parking only. Vehicles should be removed from the loading areas as soon as possible to prevent unnecessary congestion of the marina frontage.

5.5 Oil Spills and Disposal

- a. Oil spills and oil disposal are to be handled in accordance with the BMP's described in Attachment B of these rules.

5.6 Noise and Behavior

- a. Excessive noise and behavior that may create a nuisance or disturb others will not be allowed.

5.7 Seaworthiness

- a. Vessels moored in the Port of Bremerton Marinas must be seaworthy.
- b. Vessels moored in the marina may not have openings above the waterline that cannot be secured to sea. This rule may be relaxed, at the discretion of marina management, during periods of maintenance as allowed by these rules.
- c. All vessels moored in the marina must be able to get underway on their own primary mechanical propulsion/power without the use of auxiliary kicker motors. After 30 days written notice, the owner of a vessel moored at the marina must be able to demonstrate this ability should they be requested to do so by marina management.

5.8 Vessel Maintenance

Major repair work on vessels is not permitted. See Attachment B for more details.

5.9 Waiting Lists

- a. The moorage waiting list and live aboard waiting list each require a deposit of \$100, paid in advance, which shall be applied to either moorage or live aboard status, whichever is applicable, upon notification from Marine Facilities Director or designee.
- b. A \$25 fee will be charged in January of each year to remain on the list. If the annual fee is not paid in full by March 31st the wait list applicant will be removed from the list and their deposit will be forfeited.
- c. The wait list applicant is responsible for keeping the Marina advised of applicant's current mailing address, email address and telephone number and informing the Marina, in writing, of any changes in the information on the wait list.
- d. If a wait list applicant declines a moorage slip when offered, they may move to the bottom of the list or be removed from the list and forfeit the deposit.

5.10 Signs

- a. Posting of signs for the sale, charter, or rental of vessels moored in the marina is subject to approval of the Marine Facilities Director or designee.
- b. Port of Bremerton Marinas are a family friendly public marina. Posting of signs with profanity, vulgarity, pornography, or similar nature will be requested to be removed.

5.11 Carts

The carts provided by the Port must be promptly returned to their storage area immediately after use.

Section 6. Guest Moorage

6.1 Location

Guest moorage areas shall be those areas designated by the Port of Bremerton.

6.2 Length of Stay

- a. The guest moorage dock is intended as an area of moorage to be used while visiting or laying over for a limited period of time.
- b. Six hours of stay is permitted without charge on a not-to-interfere basis.
- c. Maximum stay in guest moorage is fourteen days.
- d. Non-motorized vessels, such as kayaks and paddle boards, may utilize designated guest moorage areas free of charge for day use only.
- e. One night of safe harbor moorage rate per calendar year is permitted pursuant to weather events or similar circumstances, only with approval from the Marine Facilities Director or designee.

6.3 Registration

- a. All vessels staying at the guest moorage area overnight will be required to register at the marina office and pay rates as established by the Port of Bremerton.
- b. Guest moorage must be paid in advance.
- c. Guests must acknowledge receipt of marina rules and regulations and agree to abide by them.
- d. Late fees may be assessed for guest moorage charges not paid in advance at a rate of \$5 per day with a maximum charge of \$40 per month.
- e. WA State leasehold tax will apply to all guest moorage 30 days and longer.

6.4 Licensee Use of Guest Moorage

- a. Permanent marina licensees may occupy guest moorage using their own vessel a maximum of six days each calendar year, excluding Memorial Weekend, 4th of July and Labor Day Weekend, at one-half the normal guest rates (moorage and electrical)

then in effect. Unused reduced rate guest moorage days may not be carried over from one calendar year to the next.

- b. The use of guest moorage is on a first come/first serve basis, and only upon such slips being available.

6.5 Rules for Boaters in Guest Moorage

- a. Vessels underway inside the marina shall be operated at minimum safe steerageway speed. The entire marina is a NO WAKE zone; boaters causing damage as a result of wakes are responsible for the costs of repairs to the marina or moored vessels in the marina.
- b. All vessels must enter the marina under their own power. Transient moorage will not be provided to any boat towed into the marina without the permission of marina management. Vessels may be towed in and out of the marina only after obtaining permission from marina management.
- c. Normal check-out time is 1:00PM. Please contact the marina staff if you desire to depart after check-out time.
- d. Rafting (tying multiple boats side to side) is not allowed without the prior approval of marina management.
- e. Sewage or contaminated bilge water shall not be discharged in the marina.
- f. All pets must be kept on a leash, or otherwise physically restrained, when not on the boat. Pet owners are responsible for picking up and properly disposing of pet waste.
- g. Swimming is not allowed in the marina. Underwater diving (personal or professional) is prohibited unless approved in advance by marina management.
- h. Quiet hours are from 10:00pm to 7:00am unless otherwise noted at the marina office. This means that during those hours, noise shall be at a decimal level so as to not unreasonably disturb the peace or comfort of others. At all times, noise levels shall comply with local ordinances and may be enforced by local law enforcement agencies.
- i. Fireworks of any kind are not allowed to be set off in the marina.
- j. Open fires or cooking is not allowed on the docks or floats except in the BBQ units provided by the marina. Visiting boaters must arrange for the use of these BBQ units at the marina office.
- k. Wildlife of any kind shall not be fed within the marina.
- l. Sailing in the marina is not allowed. Sailboats must enter and leave the marina under power.
- m. Skateboarding, riding bicycles (including motorized bikes), motorcycles and roller skating/roller blading are not permitted on the docks.
- n. Children under the age of 12 on the docks or floats must be supervised by an adult.
- o. Violation of rules may result in termination of moorage without refund and expulsion from the marina.

6.6 Guest Reservations

- a.** A per boat reservation fee will be charged for guest moorage reservations. This fee is not applied to moorage.
- b.** A signed agreement will be required for all guest reservations acknowledging receipt and compliance with marina rules and regulations.
- c.** Cancellations must be made 72 hours in advance. Cancellations not made 72 hours in advance will be invoiced one night moorage (minimum 40') for each slip reserved.
 - 1.** A defined NOAA weather event may be considered regarding cancellation, with approval from Marine Facilities Director or designee

Section 7. Severability

7.1 Invalidity of Particular Provisions

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

Attachment A

RCW 53.08.310

Moorage facilities—Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section, RCW 53.08.480, and 53.08.320.

(1) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(2) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(3) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(4) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(5) "Transient vessel" means a vessel using a moorage facility and which belongs to an owner who does not have a moorage agreement with the moorage facility operator. Transient vessels include, but are not limited to: Vessels seeking a harbor of refuge, day use, or overnight use of a moorage facility on a space-as-available basis. Transient vessels may also include vessels taken into custody under RCW 79.100.040.

(6) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

[2014 c 195 § 205; 1986 c 260 § 1; 1983 c 188 § 1.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—Intent—2014 c 195: See notes following RCW 79.100.170 and 79.100.180.

Construction—Savings—1983 c 188: "Nothing contained in RCW 53.08.310 and 53.08.320 may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties." [1983 c 188 § 3.]

Severability—1983 c 188: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 188 § 5.]

RCW 53.08.320

Moorage facilities—Rules authorized—Port charges, delinquency—Abandoned vessels, public sale.

A moorage facility operator may adopt all rules necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The rules may also establish procedures for the enforcement of these rules by port district, city, county, metropolitan park district or town personnel. The rules shall include the following:

(1) Procedures authorizing moorage facility personnel 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 moorage facility operator 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 his or her last known address. In the case of a transient vessel, or where no address was furnished by the owner, the moorage facility operator need not give such notice prior to securing the vessel. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel a readily visible notice. 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 days from the time the notice is attached, the vessel may be sold at public auction to satisfy the port charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

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

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator'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, if the vessel 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. If the owner is not known, or unable to reimburse the moorage facility operator for the costs of these procedures, the mooring facility operators may seek reimbursement of ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW 79.100.100.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the moorage facility operator of all port charges, or by posting with the moorage facility operator a sufficient cash bond or other acceptable security, to be held in trust by the moorage facility operator 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 moorage facility operator shall receive so 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 moorage facility operator. The balance shall be refunded immediately to the owner at his or her last known address.

(4) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety 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.

(5) If a vessel moored or stored at a moorage facility is abandoned, the moorage facility operator 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 prescribed by this subsection (5). Either a minimum bid may be established or a letter of credit may be required, or both, to discourage the future re-abandonment of the vessel.

(a) Before the vessel is sold, the owner of the vessel shall be given at least twenty 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 but not more than twenty 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 a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port 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 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 days of the date the notification was provided pursuant to subsection (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 moorage facility operator. In the event of litigation, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section 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 moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the derelict vessel removal account established in RCW 79.100.100. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a 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 days of sale, title to the vessel will revert to the moorage facility operator.

(6) The rules authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such rules conspicuously posted at its moorage facility at all times.

[2011 c 247 § 3; 2002 c 286 § 23; 1986 c 260 § 2; 1985 c 7 § 124; 1983 c 188 § 2.]

NOTES:

Effective date—2002 c 286: See RCW 79.100.901.

Severability—Construction—Savings—1983 c 188: See notes following RCW 53.08.310.

RCW 53.08.480

Insurance requirements.

- (1) Every moorage facility operator must:
 - (a) Obtain and maintain insurance coverage for the moorage facility;
 - (b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.
- (2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by moorage facility operators and required of moored vessels must:
 - (a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and
 - (b) Include, at a minimum, general, legal, and pollution liability coverage.
- (3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.
- (4) The requirement under this section for moorage facility operators to require proof of marine insurance from mooring vessels applies whenever a moorage facility operator enters an initial or renewal moorage agreement after June 12, 2014. The moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.
- (5) Any moorage facility operator that the department has determined has failed to satisfy the requirements of this section is not eligible for reimbursement from the derelict vessel removal account under RCW 79.100.100. [2014 c 195 § 203.]

NOTES:

Findings—Intent—2014 c 195: See notes following RCW 79.100.170 and 79.100.180.

RCW 79.100.010

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Abandoned vessel" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.
- (2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.
- (3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.
- (4) "Department" means the department of natural resources.
- (5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:
 - (a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW **79.02.300** or rules adopted by an authorized public entity;
 - (b) Has been left on private property without authorization of the owner; or
 - (c) Has been left for a period of seven consecutive days, and:
 - (i) Is sunk or in danger of sinking;
 - (ii) Is obstructing a waterway; or
 - (iii) Is endangering life or property.
- (6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.
- (7) "Ship" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and that exceeds two hundred feet in length.

(8) "Vessel" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.

[2014 c 195 § 604; 2007 c 342 § 1; 2006 c 153 § 2; 2002 c 286 § 2.]

NOTES:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Findings—Intent—2014 c 195: See notes following RCW 79.100.170 and 79.100.180.

RCW 79.100.030

Authority of authorized public entity—Owner retains primary responsibility— Limitation on civil liability.

(1) An authorized public entity has the authority, subject to the processes and limitations of this chapter, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above aquatic lands within the jurisdiction of the authorized public entity. A vessel disposal must be done in an environmentally sound manner and in accordance with all federal, state, and local laws, including the state solid waste disposal provisions provided for in chapter 70.95 RCW. Scuttling or sinking of a vessel is only permissible after obtaining the express permission of the owner or owners of the aquatic lands below where the scuttling or sinking would occur, and obtaining all necessary state and federal permits or licenses.

(2) The primary responsibility to remove a derelict or abandoned vessel belongs to the owner, operator, or lessee of the moorage facility or the aquatic lands where the vessel is located. If the authorized public entity with the primary responsibility is unwilling or unable to exercise the authority granted by this section, it may request the department to assume the authorized public entity's authority for a particular vessel. The department may at its discretion assume the authorized public entity's authority for a particular vessel after being requested to do so. For vessels not at a moorage facility, an authorized public entity with jurisdiction over the aquatic lands where the vessel is located may, at its discretion, request to assume primary responsibility for that particular vessel from the owner of the aquatic lands where the vessel is located.

(3) The authority granted by this chapter is permissive, and no authorized public entity has a duty to exercise the authority. No liability attaches to an authorized public entity that chooses not to exercise this authority. An authorized public entity, in the good faith performance of the actions authorized under this chapter, is not liable for civil damages resulting from any act or omission in the performance of the actions other than acts or omissions constituting gross negligence or willful or wanton misconduct. Any person whose assistance has been requested by an authorized public entity, who has entered into a written agreement pursuant to RCW 79.100.070, and who, in good faith, renders assistance or advice with respect to activities conducted by an authorized public entity pursuant to this chapter, is not liable for civil damages resulting from any act or omission in the rendering of the assistance or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

[2011 c 247 § 4; 2002 c 286 § 4.]

RCW 79.100.040

Obtaining custody of vessel.

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lienholders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after

custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel:

- (i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or
- (ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

(4) An authorized public entity may invite the department of ecology to use the authority granted to it under RCW 90.56.410 prior to, or concurrently with, obtaining custody of a vessel under this section. However, this is not a necessary prerequisite to an authorized public entity obtaining custody.

[2013 c 291 § 37; 2007 c 342 § 2; 2006 c 153 § 3; 2002 c 286 § 5.]

RCW 79.100.150

Transfer of certain vessels—Vessel inspection—Secondary liability.

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than thirty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter 88.02 RCW; or

(ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) If the vessel inspection determines the vessel is not seaworthy, as defined by agency rule, and the value of the vessel is less than the anticipated costs required to return the vessel to seaworthiness, then the vessel owner may not sell or transfer ownership of the vessel unless:

(a) The vessel is repaired to a seaworthy state prior to the transfer of ownership; or

(b) The vessel is sold for scrap, restoration, salvage, or another use that will remove the vessel from state waters to a person displaying a business license issued under RCW 19.02.070 that a reasonable person in the seller's position would believe has the capability and intent to do based on factors that may include the buyer's facilities, resources, documented intent, and relevant history.

(3) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(4) Unless rules adopted by the department provide otherwise, the vessel inspection required under this section must be contained in a formal marine survey conducted by a third party to the transaction. The survey must include, at a minimum, a conclusion relating to the seaworthiness of the vessel, an estimate of the vessel's fair market value, and, if applicable, an estimate as to the anticipated cost of repairs necessary to return the vessel to seaworthiness.

(5) The department may, by rule, allow other forms of vessel condition determinations, such as United States coast guard certificates of inspection, to replace the requirements for a formal marine survey under this section.

(6) Failure to comply with the requirements of this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(7) Nothing in this section prevents a vessel owner from removing, dismantling, and lawfully disposing of any vessel lawfully under the vessel owner's control.

[2020 c 324 § 3; 2014 c 195 § 102; 2013 c 291 § 38.]

RCW 79.100.170

Transfer of ownership of certain vessels—Marine insurance policy.

(1) Any individual or company that purchases or otherwise receives a used vessel greater than thirty-five feet in length and more than forty years old must, prior to or concurrent with the transfer of ownership, secure a marine insurance policy consistent with this section. Proof of the marine insurance policy must be provided to:

(a) The transferor of the vessel upon purchase or other transfer; and

(b) If applicable, the department of licensing upon first-time registration or after the transfer of ownership, or the department of revenue upon the payment of any taxes.

(2) The transferor of a vessel greater than thirty-five feet in length and more than forty years old has an affirmative duty to ensure that any potential transferee has secured a marine insurance policy consistent with this section prior to or concurrent with the finalization of any sale or transfer. Nothing in this section prohibits the sale or other transfer of a vessel greater than thirty-five feet in length and more than forty years old to a transferee that fails to secure a marine insurance policy. However, a transferor that chooses to finalize a sale or other transfer with a transferee not in possession of a marine insurance policy assumes secondary liability for the vessel consistent with RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(3) The marine insurance policy required under this section must be secured by the transferee prior to, or concurrent with, assuming ownership of a vessel greater than thirty-five feet in length and more than forty years old. The marine insurance policy must satisfy the following conditions:

(a) Have a term of at least twelve months following the transferee's assumption of vessel ownership;

(b) Provide coverage of an amount that is, unless otherwise provided by the department by rule, at least three hundred thousand dollars;

(c) Provide, unless otherwise provided by the department by rule, coverage for the removal of the vessel if it should sink and coverage should it cause a pollution event.

(4) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(5) The department may, by rule, provide for a purchaser of a vessel to also satisfy the insurance requirements of this section through the posting of adequate security with a financial institution.

(6) A person required to secure marine insurance or show proof of marine insurance under this section who either: (a) Fails to secure a marine insurance policy consistent with this section prior to or concurrent with the transfer of ownership, unless the vessel was sold consistent with RCW 79.100.150(2)(b); or (b) cancels a marine insurance policy consistent with this section prior to the end of the twelfth month of vessel ownership or to a subsequent transfer of ownership, whichever occurs first, without securing another marine insurance policy consistent with this section in its place, is guilty of a misdemeanor. The department may contact any vessel owner required by this section to have a marine insurance policy to ensure compliance with this section.

[2020 c 324 § 4; 2014 c 195 § 101.]

Section 8. NOTES:

Findings—2020 c 324: See note following RCW 79.100.160.

Findings—Intent—2014 c 195: "(1) The legislature finds that section 45, chapter 291, Laws of 2013 required the department of natural resources, in consultation with the department of ecology, to evaluate potential changes to laws and rules related to derelict and abandoned vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water.

(2) The legislature further finds that, during the 2013 legislative interim, the two responsible agencies engaged in a thorough process to satisfy their legislative charge. This process involved exhausting in-state expertise on various topics and reaching out to experts in vessel deconstruction, surety bonding, letters of credit, marine insurance, taxation, federal regulation, similar programs in other states, and more. The process also involved two open invitation public meetings.

(3) The legislature further finds that a significant number of various and competing options were discussed, analyzed, and ultimately dismissed during the process undertaken by the two agencies. It is the intent of the legislature to capture the recommendations for meeting the goals of increased vessel owner responsibility and addressing the challenges associated with the economics of removing vessels from the water that rose to the top from the process undertaken by the agencies.

(4) It is the further intent of the legislature that this act serve as the final report due by the department of natural resources under section 45, chapter 291, Laws of 2013." [2014 c 195 § 1.]

Findings—Intent—2014 c 195: See note following RCW 79.100.180.

Attachment B

Port of Bremerton

Port Orchard Marina & Bremerton Marina

Best Management Practices

The Port marina staff is committed to preserving and enhancing the environment through proper management of activities at the Port Orchard Marina and the Bremerton Marina. In accordance with the Washington State Department of Ecology guidelines, United State Coast Guard regulations, and the Federal Clean Water Act, we have established these Best Management Practices which we hope will further the goal of safekeeping our harbors and the marine environment.

I. Bilge Water Management and Fueling Practices

- a. The discharge of contaminated bilge water is illegal. Do not discharge bilge water that is contaminated with oil, detergents, anti-freeze, or bilge cleaners. The fine for discharging oil from your bilge can be as high as \$20,000 per day per violation. Use oil absorbent bilge pads or pillows in your vessel's bilge to soak up oil and fuel. In an emergency, contact the marina staff for assistance.
- b. Prevent oil contamination of bilge water. Do not drain oil into bilge. Fit a tray underneath the engine to collect drips. Put a couple of pads in the pan to make cleanup easier. Keep bilge area as dry as possible. Fix all fuel and oil leaks in a timely fashion.
- c. Do not use detergents or soaps on fuel, oil, or otherwise contaminated bilge water. While enzyme-based bilge cleaners are generally 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.
- d. Dispose of oil-soaked adsorbents by placing them in the approved absorbent disposal bin located at the fuel dock. If in doubt, contact the marina staff.
- e. 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).

II. Fueling Operations – Port Orchard Marina

- a. All fueling must take place at the fuel pier. Avoid topping off your fuel tanks. Estimate the amount of fuel needed prior to filling your tank. Catch any spills with an absorbent pad. Never lock open or leave fuel nozzles unattended.
- b. Oil absorbent pads and small cups are available at the fuel dock.

III. Hazardous Chemicals, Cleaners and Waste

- a. Hazardous or flammable chemical/materials shall not be stored in the dock lockers or on the pier.
- b. Disposal of used oil, antifreeze, paints, solvents, varnishes, fluorescent light bulbs, and automotive batteries into the garbage is prohibited. These materials are not to be discharged into the sanitary sewage or into marine waters. DO NOT dispose of these wastes in the Marina garbage dumpsters and DO NOT leave these wastes on the dock!

Contact the Marina Office for further information on how and where to properly dispose of all hazardous material.

IV. Waste Oil

- a. The marinas do not take any waste oil or used filters. Contact the marina office for further information.

V. Spill Prevention and Response

- a. Store oil absorbent materials on your vessel in case of spills.
- b. If a spill occurs, stop the spill or leakage source and contain the spill. In the event of a spill in the water, contact the Marina Office or call 911 immediately for assistance in containing a spill.
- c. The U.S. Coast Guard requires report of a spill in the water immediately. Call the National Response Center at 1-800-424-8802 and the Washington State Spill Hotline at 1-800-OILS-911. VHF channel 16 may be used to report a spill if a telephone is not available.
- d. Do not use detergents on oil spilled in the water. Detergents disperse spills, but do not eliminate them. Oil and detergents are toxic to fish and other marine life.

VI. Solid Waste

- a. Throwing garbage into the water or on the land is prohibited. Use trash cans and dumpsters located at the marina for your use.

VII. Gray Water and Sewage Management

- a. The discharge of sewage within the marina, including treated sewage, is prohibited. Discharge within three (3) miles of land is illegal and subject to fines up to \$2,000. Y-valves must be safety wired to ensure sewage flows into holding tank only. Store sewage in holding tanks and dispose of properly at a pump-out station or use a pump-out service.
- b. Pump-out facilities and port-a-potty discharge stations, located at the Port Orchard marina Fuel Dock and at the Bremerton Marina at the end of Docks C and D, are available free of charge.
- c. Even treated sewage is a threat to the shallow water environment. Do not discharge treated sewage (including Coast Guard approved MSD's) while in the marina.
- d. Shore-side restrooms and showers are available for your use free of charge and we encourage you to use them instead of on-board bathroom facilities.
- e. Minimize detergent usage and oily food waste in on-board sinks and showers. Scrape off table scraps and dispose of in the trash. Use shore side facilities whenever possible.
- f. All pet droppings must be removed and disposed of in the garbage dumpsters or sewage disposal, not in Marina waters.

VIII. Boat Repair Activity

- a. Painting, scraping, and refinishing of boats, when in the water, is limited to minor touch ups and minor repairs. Such work is defined by Washington Department of Ecology as being limited to the vessel's superstructure, deck and hull above the waterline and must not exceed 25% of the vessel's surface above the waterline. Extensive repair work must occur in a commercial, permitted, boatyard.
- b. Any minor repair, painting, scraping, and refinishing must employ a containment barrier which prevents debris from entering the water/docks. All paint mixing must be done with the can(s) placed inside secondary containment that will catch spillage. Paint cans

used in the pier area shall be as small as feasible, but in no case larger than one gallon in size.

- c. Do not work from a float or small boat alongside of your boat.
- d. Boat repair or storage of equipment, supplies, etc. is not allowed on the dock. Locker boxes are provided at most slips.
- e. Boat hulls with soft or ablative anti-fouling paint shall not be scrubbed or cleaned in the Marina by divers or with underwater scrubbing devices. Approved haul-out facilities must be used for these coatings. Mechanical devices or scrapers, or any process that removes paint underwater may not be used.
- f. Divers are not allowed to leave any sort of material in the water including film, debris, or zinc.
- g. Contractors must dispose of their own waste off site. The marina is not permitted to handle hazardous wastes generated by commercial operators or maintenance contractors.
- h. These policies apply to tenants, vendors, and employees.

IX. Boat Cleaning

- a. Scrub and rinse your boat often. A quick rinse after each outing reduces the need to scrub the top-side with harsh cleaners. If cleaners are used, no visible suds or discoloration of the water are permitted. Spot clean or use small amounts of phosphate-free and biodegradable soaps only when necessary. Otherwise, use alternatives such as baking soda or vinegar as all-purpose cleaners. Remember there is no legal discharge of any cleaner to our waters.

X. Boat launch

- a. Following boat haul out, do not rinse the bottom of your boat at the launch. Please rinse your boat in a commercial, permitted boatyard where the rinse water is discharged to the sanitary sewage.

XI. Important Phone Numbers

Emergency Response

Fire/Police911

Marina Offices

Port Orchard Marina Office(360) 876-5535

Bremerton Marina Office.....(360) 373-1035

Oil Spills

National Response Center.....(800) 424-8802

Washington State Spill Hotline.....(800) 645-7911

Hazardous Waste Management

Olympic View Transfer Station(360) 674-2297

Kitsap County Health District.....(360) 337-5235

Kitsap County Public Works(360) 337-5777