

TITLE 1: GENERAL PROVISIONS

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Chapter 1.01
GENERAL PROVISIONS

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1.01.010 Adoption – Effective date.

- A. Adoption. Pursuant to the provisions of Chapter 53.08 RCW, there is hereby adopted the Port of Port Townsend Rules, Regulations and Procedures, as compiled and edited by the Executive Director of the Port of Port Townsend.
- B. Effective Date. Pursuant to Port Commission Resolution No. 583-12, Appendix “A”, §2, these Port of Port Townsend Rules, Regulations and Procedures shall become effective on their date of issuance by the Executive Director of the Port of Port Townsend. *[Issued by Exec. Dir. 10/15/13]*

1.01.020 Title – Citation – Reference.

This document shall be known as the “Port of Port Townsend Rules, Regulations and Procedures” and it shall be sufficient to refer to said document as the “Port rules”, or “Port regulations” or “Port procedures” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any resolution of the Port of Port Townsend adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Port of Port Townsend Rules, Regulations and Procedures. Further reference may be had to the titles, chapters, sections and subsections of these Rules, Regulations and Procedures and such references shall apply to that numbered title, chapter, section or subsection as it appears in these Rules, Regulations and Procedures. *[Issued by Exec. Dir. 10/15/13]*

1.01.030 Applicability of Port Rules, Regulations and Procedures.

- A. The regulations of the Port of Port Townsend apply to all users of Port facilities, equipment or roadways.

- B. Users shall comply with any verbal or written signs and operational procedures of the Port.
- C. All Port, Municipal, County, State, and Federal regulations, laws, generally accepted safety standards and requirements apply to the users of the Port.
- D. All boats, aircraft, or vehicles using facilities or space within the Port areas will be subject to all of the charges, rules, and conditions as prescribed by Port Tariff.
[Reissued by Exec. Dir. 10/15/13; formerly #4]

1.01.040 Severability - Constitutionality.

If any section, subsection, sentence, clause or phrase of these Rules, Regulations and Procedures is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Executive Director hereby declares that he/she would have issued these Rules, Regulations and Procedures, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and in such instance, that the remaining portions of these Rules, Regulations and Procedures shall be in full force and effect. [Issued by Exec. Dir. 10/15/13]

1.01.050 Construction.

Nothing herein before or after contained may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws affecting the Port.
[Reissued by Exec. Dir. 10/15/13; formerly #11]

1.01.060 User's responsibility – Constructive notice.

It is the user's responsibility to obtain a copy of these Rules, Regulations and Procedures from the Port. The Port does not accept the responsibility for mailing or delivery of regulations or for ensuring that the users have familiarized themselves with the Port Rules, Regulations and Procedures. [Reissued by Exec. Dir. 10/15/13; formerly #9]

1.01.070 Posting of regulations.

That which is set forth herein is enforceable only if the Port has had its tariff containing these regulations conspicuously posted at its facilities at all times. [Reissued by Exec. Dir. 10/15/13; formerly #10]

**Chapter 1.02
DEFINITIONS**

Sections:

1.02.010	Generally.
1.02.020	Undefined words and phrases.
1.02.030	A through D terms.
1.02.040	E through H terms.
1.02.050	I through M terms.
1.02.060	N through Q terms.
1.02.070	R through Z terms.

1.02.010 Generally.

Unless the context otherwise requires, the following words and phrases when used in these Rules, Regulations and Procedures shall have the meaning and construction given in this section. All words used in the present tense include the past and future tenses, and the future tense includes the present tense; all words in the singular number include the plural, and the plural the singular; the word “shall” is mandatory and not discretionary, and the word “may” is permissive; and, masculine gender includes the feminine and neuter. *[Issued by Exec. Dir. 10/15/13]*

1.02.020 Undefined words and phrases.

The definition of any word or phrase not listed in the definitions which is in question when administering these Rules, Regulations and Procedures, shall be defined from one of the following sources, in the order they are listed:

- A. Any Port of Port Townsend resolution, regulation or formally adopted plan;
- B. Any statute or regulations of the State of Washington;
- C. Legal definitions from Washington common law or a law dictionary; or
- D. The common dictionary. *[Issued by Exec. Dir. 10/15/13]*

1.02.030 A through D terms.

“Active commercial fishing vessel” means a vessel which is engaged in a bona fide commercial fishing operation under one or more valid licenses, evidence of which includes, but is not limited to possessing a current commercial season fishing license, current season fish tickets, landing permits, or other proof to establish fishing activity. *[Reissued by Exec. Dir. 10/15/13; formerly #3.1]*

“Airport” means the Jefferson County International Airport (JCIA) and all of the area, building, facilities and improvements within the exterior boundaries of such airport, as it now exists or as it may hereafter be extended or enlarged. *[Reissued by Exec. Dir. 10/15/13; formerly Part I, §1, #1 of the Rules and Regulations for the Jefferson County International Airport.]*

“Best management practice” or “BMP” means state-of-the-art technology as applied to a specific problem. The BMP represents physical, institutional, or strategic approaches to environmental problems, particularly with respect to nonpoint source pollution control. (See Appendix “B” for Environmental Best Management Practices). *[Issued by Exec. Dir. 10/15/13]*

“Boat docking facility” means a place where vessels may be secured to a fixed or floating structure or to the shoreline. *[Reissued by Exec. Dir. 10/15/13; formerly #3.2]*

“Boat Haven” means a protected area from high winds and high seas to accommodate safe moorage of waterborne vessels which also, provides upland support facilities for repairs, provisions, and accommodations. *[Reissued by Exec. Dir. 10/15/13; formerly #3.3]*

“Business moorage space” means an area assigned by the Harbormaster for use of either selling vessels or doing repairs on vessels in the water. *[Reissued by Exec. Dir. 10/15/13; formerly #3.5]*

“Busker” or “busking” refers to street entertainers or performers who may or may not accept donations. *[Issued by Exec. Dir. 10/15/13]*

“CAB” means the Civil Aeronautics Board. *[Reissued by Exec. Dir. 8/12/1; formerly Part I, §1, #5 of the Rules and Regulations for the Jefferson County International Airport]*

“Charter” means any vessel engaged in transporting people or goods to and from any destination for money. *[Reissued by Exec. Dir. 10/15/13; formerly #3.6]*

“City Dock” is the dock owned and operated by the Port of Port Townsend located in the harbor south of Water Street within the vacated right-of-way of Madison Street. *[Issued by Exec. Dir. 10/15/13]*

“Commercial” means the use of any vessel in the water for a purpose directly related to the sale of goods and/or the furnishing of services of any kind. *[Reissued by Exec. Dir. 10/15/13; formerly #3.7]*

“Commercial business” means the use of Port property to provide a service or market a product to the general public for profit. *[Reissued by Exec. Dir. 10/15/13; formerly #3.8]*

“Commercial passenger service vessels” as used in Title 7 of these Rules, Regulations and Procedures means vessels of 65 feet or less which provide waterfront access and recreational boating opportunities to the public, such as whale watching, waterfront tours, sightseeing, dinner cruises and other similar activities, as well as lighters or launches serving larger commercial vessels at anchor. *[Issued by Exec. Dir. 10/15/13]*

“Commercial vending” means the sale of goods, services or products for profit. *[Issued by Exec. Dir. 10/15/13]*

“Commercial vessel” means any vessel engaged in commerce or operating or transporting passengers for profit (including, but not limited to, cruise ships, ferries, commercial fishing vessels and freight vessels). *[Issued by Exec. Dir. 10/15/13]*

“Commission” means the Port Commission of the Port of Port Townsend. *[Issued by Exec. Dir. 10/15/13]*

“County” means Jefferson County. *[Issued by Exec. Dir. 10/15/13]*

“Deputy Director” means the individual designated by the Executive Director to assist the Executive Director in overseeing the safe and efficient running of the Port and its properties, including the Jefferson County International Airport. *[Issued by Exec. Dir. 10/15/13]*

“Derelict vessel” means any vessel whose fair market value is less than the cost of disposal of said vessel (commonly known as Tipping Fee) at the County Land Fill combined with the cost of demolition and transportation from the Port Facility to the Jefferson County Land Fill. *[Reissued by Exec. Dir. 10/15/13; formerly #100.1]*

1.02.040 E through H terms.

“Emergency vessel” means any authorized emergency vessel of the city, commercial towing vessel under contract with the Port, City of Port Townsend, Jefferson County sheriff’s department, the United States government or the state of Washington. *[Issued by Exec. Dir. 10/15/13]*

“Executive Director” means the individual designated by the Port Commission to oversee the safe and efficient running of the Port and its properties, including the Jefferson County International Airport. *[Reissued by Exec. Dir. 10/15/13; formerly #3.9]*

“FAA” means the Federal Aviation Administration. *[Reissued by Exec. Dir. 10/15/13; formerly Part I, §1, #7 of the Rules and Regulations for the Jefferson County International Airport]*

“FSS” means the Flight Service Station of the FAA. *[Reissued by Exec. Dir. 10/15/13; formerly Part I, §1, #8 of the Rules and Regulations for the Jefferson County International Airport]*

“Guest” means a person using a Port facility who does not have a month-to-month Tenancy Agreement with the Port. Guests are further differentiated into “monthly guests” and “nightly guests”, as defined within §§1.02.050 and 1.02.060, respectively. *[Reissued by Exec. Dir. 10/15/13; formerly #3.10]*

“Harbormaster” means the individual or individuals assigned by the Executive Director to oversee operations at the Port’s marinas *[Reissued by Exec. Dir. 10/15/13; formerly #3.11]*

“Hull length” means the measured length from bow to stern, not including any overhangs of swim platforms or other accoutrements. *[Reissued by Exec. Dir. 10/15/13/ formerly #3.12]*

1.02.050 I through M terms.

“Length overall (LOA)” means the length of any vessel from the farthest tip of any attachments on the bow including any overhangs off the stern of vessel. *[Reissued by Exec. Dir. 10/15/13; formerly #3.13]*

“Lien, possessory” means a charge upon a vessel or other thing of value for the payment of satisfaction of a debt or obligation, enforceable by the Port in the manner prescribed by law. *[Issued by Exec. Dir. 10/15/13]*

“Linear areas” means any side tie area along a dock that is not an actual slip. *[Reissued by Exec. Dir. 10/15/13; formerly #3.14.]*

“Live-aboard” means any vessel used as a dwelling for more than 7 days in any 10 day period. *[Reissued by Exec. Dir. 10/15/13; formerly #3.15]*

“Marine business” means any person or company with a current business license involved in marine related fields working on Port property and advertising or soliciting customers. *[Reissued by Exec. Dir. 10/15/13; formerly #3.16]*

“Monthly guest” means those owners of vessels or RVs using a Port facility who have not executed a month-to-month Tenancy Agreement with the Port. Space for monthly guests (both moorage and RV spaces) shall be determined by Port staff and be made available on a first-come, first-served basis. Monthly guests shall be required to execute the Guest

License and Port Use Agreement and show proof of liability insurance within fourteen (14) days of arrival (see Appendix “C”). Rates for such monthly guests are lower than those established for nightly guests, though higher than those for month-to-month tenants. *[Reissued by Exec. Dir. 10/15/13; formerly #3.17]*

“Moorage” means all designated areas within a protected area to moor vessels for easy access to and from shore; for the purposes of Title 7 of these Rules, Regulations and Procedures, it shall also mean any Port-owned transient or seasonal tie-up stations or buoys located within the harbor. *[Reissued by Exec. Dir. 10/15/13; formerly #3.18]*

1.02.060 N through Q terms.

“Nightly guest” means those owners of vessels and RVs seeking day use or overnight use of a Port facility, for a period not to exceed fourteen (14) days. Nightly guests shall be required to execute a Guest License and Port Use Agreement (see Appendix “C”). Rates for such nightly guests are higher than those established for either monthly guests or month-to-month tenants. *[Issued by Exec. Dir. 10/15/13]*

“Obstruction” means a vessel or other personal property which in any way blocks, interferes with or endangers a vessel, impedes navigation, or interferes with the performance of other lawful activity of the Port. *[Issued by Exec. Dir. 10/15/13]*

“Operable” means that a vessel is capable of safely maneuvering under its own power from the mooring to another port of call and back to its mooring. In cases where a vessel does not appear to have left its mooring for a long period of time and the question of operability arises, the Harbormaster may require a demonstration of the vessel’s operability. Refer also to 4.03.080(A). *[Issued by Exec. Dir. 10/15/13]*

“Operator”, for the purposes of Title 7 of these Rules, Regulations and Procedures, means a person who, by ownership, hire, consent of the vessel owner, or other lawful arrangement, expressly or impliedly has the right or privilege to operate a vessel within the harbor, and who is responsible for such vessel. *[Issued by Exec. Dir. 10/15/13]*

“Overnight tie-up” for the purposes of Title 7 of these Rules, Regulations and Procedures, means the moorage of a boat between the hours of one-half hour after sunset and 7:00 a.m. *[Issued by Exec. Dir. 10/15/13]*

“Owner” means the person who has lawful possession of a vessel or personal property by virtue of legal title or equitable interest therein which entitles such person to such possession. *[Issued by Exec. Dir. 10/15/13]*

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, trustee, receiver, assignee, officer, employee or other similar representative of any of them. *[Issued by Exec. Dir. 10/15/13]*

“Pier” means any wharf, dock, float, grid, or other structure used to promote the convenient loading and unloading of vessels. *[Issued by Exec. Dir. 10/15/13]*

“Port” means the Port of Port Townsend, a municipal corporation organized and existing under the laws of the State of Washington (Chapter 53.08 RCW). *[Reissued by Exec. Dir. 10/15/13; formerly #3.19]*

“Port area” means areas within the marinas, airport, and other Port properties including water, land, airspace above, and all buildings and facilities in or on Port properties. The term shall include all references to Port “properties”, “premises” and “facilities”. *[Reissued by Exec. Dir. 10/15/13; formerly #3.20]*

“Port Commission” means the three member elected body which exercises the powers of the Port District and serves as the Port’s legislative authority under Title 53 RCW. *[Reissued by Exec. Dir. 10/15/13; formerly #3.21]*

1.02.070 R through Z terms.

“Recreational vehicle” or “RV” means a factory constructed motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- A. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; and
- B. It contains 400 square feet or less of gross area measured at maximum horizontal projections; and
- C. It is built on a single chassis; and
- D. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

For purposes of winter monthly guests at the Port’s facilities, the term “recreational vehicle” shall be the same as that set forth above, EXCEPT that said motor home, travel trailer, truck camper, or camping trailer shall be equipped with operational plumbing and self-contained with regard to power, water and wastewater (both gray and black water). *[Issued by Exec. Dir. 10/15/13]*

“Registrant” means the individual that registers with the Port of Port Townsend for the purpose of securing the right to use Port facilities (e.g., RV park site, nightly guest moorage, etc.) on condition of such registration. *[Issued by Exec. Dir. 10/15/13]*

“Regular moorage tenant” means those owners of vessels using a Port facility who have executed a month-to-month Moorage Tenancy Agreement with the Port and have shown proof of liability insurance (see Appendix “D”). Moorage for monthly guests shall be assigned on a first-come, first-served basis, as set forth in Chapter 4.05 of these Rules, Regulations and Procedures. Rates for regular moorage tenants are lower than those established for either nightly or monthly guests. *[Issued by Exec. Dir. 10/15/13]*

“Reserve moorage” means moorage secured by written contract for a specific slip for no less than a 1 month period. *[Reissued by Exec. Dir. 10/15/13; formerly #3.22]*

“Rules, Regulations and Procedures” means the “Port of Port Townsend Rules, Regulations and Procedures”, as adopted by the Port’s Executive Director under the Delegation of Authority Resolution adopted by the Port Commission (i.e., Resolution No. 563-11 or successor resolutions thereto). *[Issued by Exec. Dir. 10/15/13]*

“Seaworthy” means that the vessel’s hull, keel, decking, cabin and mast are structurally sound. If a dispute over the seaworthiness of a vessel arises, the opinion of a certified independent marine surveyor may be obtained at owner’s expense. Refer also to §4.02.090(B). *[Reissued by Exec. Dir. 10/15/13; formerly #19.2]*

“Slip” means a designated area of certain width and length with docks provided, for easy access to shore, to meet the requirements of a vessel within a protected area, for its safe keeping. *[Reissued by Exec. Dir. 10/15/13; formerly #3.23]*

“State” means the state of Washington. *[Issued by Exec. Dir. 10/15/13]*

“Summer months” means June 1st through September 30th of each calendar year. *[Reissued by Exec. Dir. 10/15/13; formerly #3.24]*

“Tenant” or lessee means any person, firm, partnership, corporation, association, organization, or agent thereof, who contracts for use of Port facilities. The term shall include both nightly and monthly guests (i.e., subject to a Guest License and Port Use Agreement, see Appendix “C”), as well as regular moorage tenants (i.e., subject to the Port’s standard Moorage Tenancy Agreement, see Appendix “D”). *[Reissued by Exec. Dir. 10/15/13; formerly #3.25]*

“Transient, recreational vessel”, for the purposes of Title 7 of these Rules, Regulations and Procedures, means a recreational, noncommercial vessel using a Port mooring facility without a permit or use agreement with the Port, and includes such vessels as those recreational boaters seeking a harbor of refuge, or a facility for day use, loading and unloading, or overnight moorage on a space as-available basis. *[Issued by Exec. Dir. 10/15/13]*

“Union Wharf” is the pier area, floating dock and any existing or future moorage or facilities owned and maintained by the Port of Port Townsend located in the harbor south of Water Street on Taylor Street. *[Issued by Exec. Dir. 10/15/13]*

“User” means any person entering the Port area. *[Reissued by Exec. Dir. 10/15/13; formerly #3.26]*

“Vessel” means a craft which is designed primarily for navigation on water that is completely seaworthy and ready for immediate navigation, and which meets all applicable laws and regulations pertaining to navigation and safety equipment, including but not limited to registration as a vessel by an appropriate government agency. For purposes of Title 7 of these Rules, Regulations and Procedures, “vessel” shall also mean boat, ship, watercraft, dinghy, sea kayak or other contrivance, regardless of length, used or capable of being used as a means of transportation of persons or personal property on water. *[Reissued by Exec. Dir. 10/15/13; formerly #3.27]*

“Vessel owner” means an owner, authorized agent or skipper of a vessel. Anyone designated by the owner in writing to act on his/her behalf. *[Reissued by Exec. Dir. 10/15/13; formerly #3.28]*

“Winter months” means October 1st through May 31st of each calendar year. *[Reissued by Exec. Dir. 10/15/13; formerly #3.24]*

Chapter 1.03
REGULATORY AUTHORITY & ENFORCEMENT

Sections:

1.03.010	Executive Director's authority to promulgate rules.
1.03.020	Executive Director to compile and report amendments to Commission.
1.03.030	Staff authorized to make ministerial revisions.
1.03.040	Executive Director's authority to enforce.

1.03.010 Executive Director's authority to promulgate rules.

- A. Pursuant to Commission Resolution No. 583-12 (see Appendix "A"), the Executive Director is authorized to adopt rules, regulations and procedures necessary for the efficient operation of the Port, so long as such rules, regulations and procedures are reported to the Commission and are consistent with Commission policy. All subsequent amendments to the Rules, Regulations and Procedures established herein may hereafter be made by the Executive Director, so long as such amendments do not exceed the authority granted by Resolution No. 583-12 (or any successor thereto), and provided further that all such amendments are reported to the Commission in a timely manner.
- B. The Executive Director may delegate to appropriate Port staff such administrative authority or reporting requirements as is necessary and advisable in the efficient exercise of the Director's authority. *[Issued by Exec. Dir. 10/15/13]*

1.03.020 Executive Director to compile and report amendments to Commission.

- A. Each year, the Executive Director shall compile and maintain a "bill format" version of these Rules, Regulations and Procedures (i.e., with new language shown in double-underlining and language proposed for deletion shown in strikeouts) that clearly depicts revisions issued by the Director over the course of the year.
- B. Prior to the end of the calendar year, the Executive Director shall report any revisions to these Rules, Regulations and Procedures at a regularly scheduled Commission Meeting. The Director's report should describe the rationales for any such amendments and how the amendments are consistent with adopted Commission policy (if applicable). *[Issued by Exec. Dir. 10/15/13]*

1.03.030 Staff authorized to make ministerial revisions.

Port staff, under the authority and direction of the Executive Director, has the authority when incorporating new provisions or revisions to the Rules, Regulations and Procedures issued by the Director to:

- A. Edit and revise language for such consolidation, to the extent deemed necessary or desirable by the Executive Director, without changing their meaning, in the following respects only:
 - 1. Make capitalization uniform with that followed generally in the Rules, Regulations and Procedures.
 - 2. Make chapter or section division and subdivision designations uniform with that followed in the Rules, Regulations and Procedures.
 - 3. Substitute for the term "this rule" or "this regulation" or the like, where necessary, the term "section," "part," "chapter," or "title" or reference to specific section or chapter numbers as the case may require.
 - 4. Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures.
 - 5. Rearrange any misplaced material, incorporate any omitted material as well as correct obvious errors in spelling, and obvious clerical or typographical errors, or errors by way of additions or omissions.
 - 6. Correct obvious errors in references, by chapter or section number, to other provisions within these Rules, Regulations and Procedures.
 - 7. Correct manifest errors or omissions in numbering or renumbering sections of the revised Rules, Regulations and Procedures.
 - 8. Divide long sections into two or more sections, and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the Rules, Regulations and Procedures, when to do so will not change the meaning or effect of such sections.
 - 9. Change the wording of section captions, if any, and provide captions to new chapters and sections.
 - 10. Strike provisions that are obviously obsolete.
- B. Create new titles, chapters, and sections of the Port of Port Townsend Rules, Regulations and Procedures, or otherwise revise the title, chapter, and sectional organization of the Rules, Regulations and Procedures, all as may be required from time to time, to effect the orderly and logical arrangement of Port Commission Resolutions. Such new titles, chapters, and sections, and organizational revisions, shall have the same force and effect as the resolutions originally enacted by the Port Commission. [*Issued by Exec. Dir. 10/15/13*]

1.03.040 Enforcement.

- A. Written or verbal instructions. The Executive Director and his/her designees are authorized to enforce these regulations by written or verbal instructions.

- B. Removal or ejection from Port areas. Subject to the provisions of §1.03.050, below, the Executive Director may remove or eject persons violating these Rules, Regulations and Procedures from the Port areas and/or obtain the assistance of law enforcement officers to protect property, lives, or preserve the peace. The Executive Director and his staff may interpret the reasonable intent of these regulations to carry out the purposes of the regulations.
- C. Impoundment. If a boat, aircraft or other property, the owner of which has been notified to remove the boat, aircraft or property from the Port area, is not removed immediately it may be impounded by the Port and/or removed by a private contractor, charges for which will be assessed against its owner.
- D. Refusal to enter into agreements for use of Port facilities. The Executive Director and his/her designees may refuse to enter into contractual agreements (e.g., for transient or regular moorage, building or land leases and rentals (including Work Yard and Shipyard areas), haul-outs, and other business arrangements involving the use of Port facilities when such use would not be in the best interests of the Port, as indicated by any one or more of the following:
 - 1. The individual or entity has a record of previously failing to meet the standards and requirements established by these Rules, Regulations and Procedures;
 - 2. The individual or entity has previously supplied the Port with false information or has misrepresented material facts in his/her prior dealings with the Port; or has failed to fully disclose material facts in previous dealings with the Port;
 - 3. The individual or entity has defaulted in the performance of any lease or other agreement with the Port of Port Townsend;
 - 4. In relation to leasing Port property, the individual or entity has a credit report which contains derogatory information and does not appear to be an individual or entity of satisfactory business responsibility and reputation; or
 - 5. The individual or entity wishing to use Port facilities to conduct its business has been convicted of any crime or violation of any county ordinance of such a nature that it indicates to the Executive Director that said individual or entity would not be a desirable tenant. *[Reissued by Exec. Dir. 10/15/13; formerly #7 and Part 3, §3, of the Rules and Regulations for the Jefferson County International Airport]*

1.03.050 Removal or ejection from Port areas, grounds and process.

Consistent with §1.03.040(B), and in addition to any penalties otherwise provided by Port Resolution, or federal, state, or local law or regulation, any person violating these Rules, Regulations and Procedures, or operating or handling any vessel or aircraft in violation of these Rules, Regulations and Procedures, or failing or refusing to comply with these Rules,

Regulations and Procedures, may be promptly removed or ejected from the Port areas by or under the authority of the Executive Director, and upon his/her order such person may be deprived of the further use of the Port areas its facilities. *[Reissued by Exec. Dir. 10/15/13; formerly Part 4, §1, of the Rules and Regulations for the Jefferson County International Airport]*

1.03.060 Appeals – Timing and contents – Commission hearing.

A. Appeals. Appeals of the decision of the Executive Director to remove, eject, or otherwise deprive a person of further use of the Port areas and its facilities may be appealed to the Port Commission for further review. Such appeals shall be filed with the Executive Director within fourteen (14) calendar days after the date of the decision being appealed. A notice of appeal shall be delivered to the Port by mail or personal delivery, and must be received by 4:30 p.m. on the last business day of the appeal period.

B. Contents of Notice of Appeal. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong, citing to specific and applicable provisions of the Port’s Rules, Regulations and Procedures or other applicable federal, state or local laws or regulations (note: the appellant shall bear the burden of proving the Executive Director’s decision was erroneous); and
4. The relief requested.

Any notice of appeal not in full compliance with this section shall not be considered by the Port Commission.

C. Port Commission Hearing. Appeals shall be presented to the Commission as soon as practicable and at least by the next regular meeting of the Commission, at which time the appellant shall appear before the Commission and show cause, if any, why the Executive Director’s decision was in error and why he/she should not be deprived of the further use of the Port areas and facilities. Upon the order of the Commission to affirm the Executive Director’s decision, such person shall be deprived of the further use of the Port areas and its facilities for such length of time as may be deemed necessary to safeguard the Port areas and its facilities, its operations, the public use thereof, and the Port's interest therein. *[Issued by Exec. Dir. 10/15/13]*

Chapter 1.04
USE OF PORT FACILITIES – ALLOCATION OF RISK

Sections:

- | | |
|----------|---------------------|
| 1.04.010 | Assumption of risk. |
| 1.04.020 | Hold harmless. |

1.04.010 Assumption of risk.

Anyone visiting or using the Port or its facilities does so at his/her own risk. The Port does not assume any responsibility for loss or damage to property or personal injury except as such liability may be proven to have resulted from negligence by the Port or its employees. *[Reissued by Exec. Dir. 10/15/13; formerly #5]*

1.04.020 Hold harmless.

The Port shall not be liable or responsible in any manner for an aircraft's, vessel's, recreational vehicle's or vehicle's safe keeping or condition of any associated tackle, apparel, fixtures, equipment and or furnishings. The Port shall not be liable or responsible for any personal injuries suffered by owner or his agents or invitees arising from any cause upon an aircraft, recreational vehicle, vehicle or boat upon Port property. *[Reissued by Exec. Dir. 10/15/13; formerly #6]*

Chapter 1.05
GENERAL RULES & REGULATIONS
(Applicable to All Port Areas)

Sections:

1.05.010	Applicability.
1.05.020	Authorized persons.
1.05.030	Marinas - Children to be accompanied by adult(s).
1.05.040	Unauthorized camping prohibited.
1.05.050	RESERVED.
1.05.060	Prohibited behavior on Port premises.
1.05.070	Vehicle traffic and parking.
1.05.080	Marinas - Swimming – Fishing – Diving.
1.05.090	Pets.
1.05.100	Bicycles.
1.05.110	Fireworks prohibited.
1.05.120	Marinas - Carts.
1.05.130	Fire equipment.
1.05.140	Bulletin boards – Signs – Mail.
1.05.150	Restrooms.
1.05.160	No smoking areas.
1.05.170	Hazardous materials.

1.05.010 Applicability.

- A. All uses and activities conducted on or in Port Areas, as that term is defined in Chapter 1.05, shall be in compliance with the general regulations established by this chapter.
- B. In addition to the regulations established by this Chapter, uses and activities conducted on or in Port Areas may be subject to the specific regulations pertinent to the use or activity (e.g., Owner/Operator Rules within Port marinas). [*Issued by Exec. Dir. 10/15/13*]

1.05.020 Authorized persons.

- A. Between the hours of 8 p.m. to 6 a.m., only those persons who are owners or operators of vessels or aircraft located on Port property, or the guests of such owners, shall be permitted in the work, storage, and hangar areas.

- B. Only authorized persons are permitted in areas specifically posted for special categories of persons, such as work areas. [*Reissued by Exec. Dir. 10/15/13; formerly #56.1 and 56.2*]

1.05.030 Children to be accompanied by adult(s).

Children under twelve (12) years of age are not permitted on piers within the Port's marinas, or in hangar and taxiway areas of the Airport unless accompanied by a parent or other responsible adult. Children under 5 years of age are required to wear a life jacket on the piers within the Port's marinas and be under physical control of a responsible adult. [*Reissued by Exec. Dir. 10/15/13; formerly #57*]

1.05.040 Unauthorized camping prohibited.

Except for authorized use of the Point Hudson Recreational Vehicle Park, overnight camping in vehicles, tents, restroom compounds, or otherwise, is prohibited on Port properties. [*Issued by Exec. Dir. 10/15/13*]

1.05.050 RESERVED.

1.05.060 Prohibited behavior on or in Port areas.

- A. Loud, boisterous, and lewd and lascivious conduct is not permitted on Port property.
- B. Behavior that disturbs or creates a nuisance for on Port premises (e.g., marinas) is prohibited.
- C. Drinking alcoholic beverages is prohibited in outdoor areas open to the general public except for the following:
 - 1. Consumption upon licensed premises (e.g., Port Townsend Brewery); or
 - 2. As part of an outdoor special event expressly permitted by the Executive Director (e.g., Wooden Boat Festival beer garden). [*Reissued by Exec. Dir. 10/15/13; formerly #60.1-60.3*]

1.05.070 Vehicle traffic and parking.

- A. The Executive Director may establish reasonable traffic and parking regulations as may be required for orderly handling of motor vehicles on the Port's premises, including NO PARKING areas for fire lanes, dumpsters, walkways, lift right-of-way and such other areas as would impede safe and efficient Port operations.
- B. A vehicle parked in violation of signs or regulations may be towed away and impounded, and shall be released only after all charges and costs have been paid.
- C. Users of the Port may use only designated areas for parking. All vehicles must be in operating condition and have current registration.
- D. All vehicles must display current tabs or are subject to towing at the owner's expense.

- E. Short term parking of vehicles in the work yards at the Boat Haven is permitted, provided the vehicle does not impair the Port's ability to move boats with the Travelifts. If a vehicle in the yard is obstructing the Port's operation, the vehicle may be towed at owner's expense. *[Reissued by Exec. Dir. 10/15/13; formerly #61.1-61.6]*

1.05.080 Marinas - Swimming – Fishing – Diving.

Swimming, fishing, water-skiing, and diving in the Port marinas are prohibited, except when authorized by the Executive Director. Diving for the repair or maintenance of vessels is authorized if properly marked. In-water hull cleaning is prohibited. *[Reissued by Exec. Dir. 10/15/13; formerly #62]*

1.05.090 Pets.

Pets must be kept on a leash no longer than 10' and in the control of a competent person. Owners of pets are responsible for proper clean up and disposal of animal wastes. Failure to properly clean up after a pet will result in a cleanup service fee of not less than \$50.00. Any unleashed Pets will be subject to impoundment at the owner's expense. If any pet becomes a nuisance, the Port reserves the right to prohibit it from Port property and/or request removal to the animal shelter. *[Reissued by Exec. Dir. 10/15/13; formerly #63]*

1.05.100 Bicycles.

Riding and storage of bicycles, motorcycles, mopeds or similar vehicles on piers or floats is prohibited. Storage of the above will be either on owner's vessel, vehicle, or in designated areas. *[Reissued by Exec. Dir. 10/15/13; formerly #64]*

1.05.110 Fireworks prohibited.

The display or use of fireworks on Port premises is strictly prohibited. *[Reissued by Exec. Dir. 10/15/13; formerly #65]*

1.05.120 Marinas - Carts.

Carts shall be returned promptly by the user to the top of the ramps within the Port's marinas. No carts shall be taken off Port property. The user must exercise proper care of carts and particularly not overload any cart. User is responsible for any damage caused by abuse of carts. *[Reissued by Exec. Dir. 10/15/13; formerly #66]*

1.05.130 Fire equipment.

Fire extinguishers located throughout the Marinas, Yards and Airport are to be used only for the fighting of fires. Fire hoses and heavy equipment will be used only by Port staff and/or the fire department. *[Reissued by Exec. Dir. 10/15/13; formerly #67]*

1.05.140 Bulletin boards – Signs – Mail.

- A. Notes/bulletins on boards should be of nautical or aeronautical purpose, as pertinent to the relevant Port facility, and bear the date of posting. Notes and bulletins not meeting this requirement will be removed. All public bulletin boards will be completely cleared on the first of every calendar month.
- B. Notes/bulletins of a permanent type should be of nautical or aeronautical purpose, dated and submitted to Harbormaster’s office or Airport Manager, as applicable, for posting. Unauthorized notes and bulletins may be removed by the Port.
- C. All patrons are responsible for their own mail, UPS, FedEx, etc. delivery. The Port will not handle or sign for any deliveries.
- D. Other than on public bulletin boards, posting of signs in the Port areas shall be subject to the approval of the Harbormaster or Airport Manager, as applicable. *[Reissued by Exec. Dir. 10/15/13; formerly #68.1-68.4]*

1.05.150 Restrooms.

- A. Except for service dogs, pets are not allowed in restroom or laundry areas.
- B. Women and men shall use separate facilities. Restrooms are not co-ed. *[Reissued by Exec. Dir. 10/15/13; formerly #69]*

1.05.160 No smoking areas.

Consistent with Chapter 70.160 RCW, no person may carry or smoke any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment within any Port owned building that is used by and open to the public, or within twenty-five feet from entrances, exits, windows that open or ventilation intakes of such buildings. On Port of Port Townsend premises, such buildings include, but are not limited to: public restrooms, laundry facilities, moorage offices, conference rooms, enclosed common areas, Port Commission offices, and Port administrative buildings. *[Reissued by Exec. Dir. 10/15/13; formerly #70]*

1.05.170 Hazardous materials.

The Jefferson county sheriff department is designated as the hazardous materials incident command agency to operate within the boundaries of the Port district. All hazardous materials shall be disposed of properly, consistent with §1.05.180, below. *[Reissued by Exec. Dir. 10/15/13]*

1.05.180 Best Management Practices Implementation.

The entire Port site (i.e., all facilities and properties) is operated under a National Pollutant Discharge Elimination System (NPDES) waste discharge permit administered by the Washington State Department of Ecology. This NPDES permit governs all activities that potentially impact the environment. The Port has adopted BMPs to reduce the potential for pollution or contamination of stormwater runoff and adjacent marine and

surface waters which are set forth in Appendix “B” to these Rules, Regulations and Procedures. Accordingly, every person undertaking any activity or use of Port properties or facilities which may cause or contribute to stormwater pollution or contamination, illegal discharges, or non-stormwater discharges shall comply with the BMPs set forth in Appendix “B”. The BMPs set forth in Appendix “B” may be updated periodically by the Executive Director to ensure conformance with guidelines established by the Washington State Department of Ecology. [*Issued by Exec. Dir. 10/15/13*]

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TITLE 2: RESERVED

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TITLE 3: RESERVED

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TITLE 4: MARINAS

Chapters:

- 4.01 General Provisions**
- 4.02 Owner/Operator Rules**
- 4.03 RESERVED**
- 4.04 Moorage Classes, Assignments & Reassignments**
- 4.05 Special Rates & Services**
- 4.06 Moorage Utilities**
- 4.07 Live-Aboard Regulations**
- 4.08 Fuel Docks**
- 4.09 Port Charges, Delinquency – Abandoned Vessels, Public Sale**

Chapter 4.01
GENERAL PROVISIONS

Sections:

4.01.010	Title.
4.01.020	Purpose.
4.01.030	Statement of policy.
4.01.040	Application of regulations.

4.01.010 Title.

The provisions set forth in this Title 4, together with any subsequent amendments, shall be known as the “Port of Port Townsend Marina Rules, Regulations and Procedures.”
[Issued by Exec. Dir. 10/15/13]

4.01.020 Purposes.

The purposes of the Port of Port Townsend Marina Rules, Regulations and Procedures are to promote the safe and efficient operation of the Port of Port Townsend’s marinas and to provide fair and equitable service to all users of the Port’s marina facilities. *[Reissued by Exec. Dir. 10/15/13; formerly #1]*

4.01.030 Statement of policy.

The Port of Port Townsend provides marinas to the citizens of Jefferson County and the general public. Because these facilities are funded by the public, all of the Port’s marinas are open to everyone and the public is expected to respect and protect the public’s interest in these facilities. When there are limitations in the availability of space at these facilities, the Port will operate on a first come first served basis. Also the Port is expected to manage the facilities to provide the best service to the greatest public while respecting the personal property rights of all patrons and the public. Patrons and the public are to respect the rights of others and be particularly vigilant concerning the control of pets, safety of children, and prevention of vandalism. *[Reissued by Exec. Dir. 10/15/13; formerly #2]*

4.01.040 Application of regulations.

- A. The Harbormaster, acting under the direction and supervision of the Executive Director, shall have full authority to interpret and enforce this Title 4, and to recommend amendments to this title affecting marina operations. All orders and instructions given by the Harbormaster in the performance of his/her duties shall be complied with pursuant to this Title.

- B. Every vessel entering a marina of the Port of Port Townsend shall immediately become subject to the applicable provisions of this Title and to the orders and directions of the Harbormaster. The Harbormaster has the authority to enter upon any vessel in a Port marina when necessary in the performance of his/her duties.
[Issued by Exec. Dir. 10/15/13]

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Chapter 4.02
OWNER/OPERATOR RULES

Sections:

4.02.010	Applicability.
4.02.020	Vessel registration/numbering – Furnishing information to Harbormaster.
4.02.030	Partnerships.
4.02.040	Leasing in lieu of owning vessel.
4.02.050	Subleasing.
4.02.060	Transfer of ownership.
4.02.070	Vessel identification.
4.02.080	Indemnification and insurance.
4.02.090	Seaworthiness and operability.
4.02.100	Maneuvering and navigating in the harbor.
4.02.110	Use restrictions for docks.
4.02.120	Moving of vessels.
4.02.130	Use of slips.
4.02.140	Responsibility.
4.02.150	Oversize vessels.
4.02.160	Storage on piers.
4.02.170	Dinghies.
4.02.180	Fenders.
4.02.190	No modification of floats.
4.02.200	Landing steps.
4.02.210	Inspections.
4.02.220	Best management practices implementation.

4.02.010 Applicability.

This Chapter 4.02 shall apply to all marinas of the Port of Port Townsend (i.e., Port Townsend Boat Haven, Point Hudson, and Quilcene). *[Issued by Exec. Dir. 10/15/13]*

4.02.020 Vessel registration/numbering – Furnishing information to Harbormaster.

- A. Every vessel entering or berthed at the Port of Port Townsend’s marinas shall be currently registered and numbered or documented, as provided by state or federal regulations or by international treaty.

- B. The owners or operators of vessels entering the marinas of the Port of Port Townsend shall furnish all documents relating to the vessel and the ownership thereof, upon request by the Harbormaster. The Harbormaster shall have the authority to obtain vessel registration information from state or federal authorities at any time. *[Reissued by Exec. Dir. 10/15/13; formerly #12]*

4.02.030 Partnerships.

The Port will recognize partnerships when the slip lessee owns 50% or more of the vessel. It is the tenant's responsibility to show proof of this by a notarized bill of sale, other bona fide documents or state registration documents. *[Reissued by Exec. Dir. 10/15/13; formerly #13]*

4.02.040 Leasing in lieu of owning vessel.

A moorage tenant may substitute a leased boat, if the tenant provides the Port with sufficient proof that the boat is properly leased. *[Reissued by Exec. Dir. 10/15/13; formerly #14.]*

4.02.050 Subleasing.

- A. Non-commercial berths. Subletting of vessel berths leased for non-commercial use is prohibited. The slip lessee shall not assign, transfer or sublet his/her berth. Use of the designated berth is personal to lessee and the designated vessel. A person purchasing the vessel or other interest therein from owner will not thereby acquire any rights to the assigned berth.
- B. Commercial berths. Business lessees occupying berths leased for commercial use may temporarily sublease their berths, subject to the following restrictions:
1. The primary lessee shall occupy the assigned berth for a minimum of eight (8) months each calendar year and use it to conduct the business activities for which it is intended;
 2. Subletting of the assigned berth shall not exceed four (4) months each calendar year;
 3. The rate charged any sublessee shall not exceed that charged the primary lease-holder;
 4. The primary lessee shall remain solely responsible for payments under the lease to the Port;
 5. The primary lessee shall be responsible for the actions of sublessees and their guests; and
 6. All sublessees permitted under this subsection shall be registered with the Moorage Office and supply proof of insurance meeting the requirements of 4.02.080(B), below. *[Reissued by Exec. Dir. 10/15/13; formerly #15; see also, Point Hudson Business Moorage Policy, adopted by Commission 5/8/08, revised by Commission 2/1/11]*

4.02.060 Transfer of ownership.

In the event of the transfer of ownership of a vessel, the berth remains with the original lessee. Transfer of the vessel occurs once the new owner has taken possession. It is the responsibility of the current tenant to inform the Port of any change in ownership of the vessel registered on their moorage agreement. *[Reissued by Exec. Dir. 10/15/13; formerly #16]*

4.02.070 Vessel identification.

- A. All vessels entering the harbors or marinas shall have valid identification permanently affixed to the hull and clearly visible from the outside.
- B. Either a valid state registration number or a current documented name of vessel shall be displayed on hull.
- C. Failure to meet the above requirements may be cause for refusal of moorage by the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #17.1-17.3]*

4.02.080 Indemnification and insurance.

- A. Indemnification. All users of marinas and their facilities operated by the Port of Port Townsend, including without limitation, nightly guests, monthly guests and regular moorage users, shall indemnify and hold the Port of Port Townsend, its employees, officials, and agents harmless from all damage to property and injury or death to persons that results, directly or indirectly, from user's use and/or occupancy of the Port property. This indemnification shall not apply to damage caused by the sole negligence of the Port but shall be enforceable to the maximum extent permitted by law. This indemnification provision shall supplement any other agreements that user has with the Port.
- B. Insurance. All persons who berth a vessel in a marina operated by the Port of Port Townsend, even on a temporary basis, shall maintain insurance in force and good standing on the vessel. Monthly guest and regular moorage users shall carry Protection and Indemnity (watercraft liability) coverage with limits of at least Three Hundred Thousand Dollars (\$300,000.00) per occurrence. Monthly guest and regular moorage users shall furnish certificates of insurance naming the Port of Port Townsend as an "Additional Insured". For all vessels engaged in charter, foot ferry, tour, launch, shuttle services, or similar activities where the general public is invited to Port facilities, the required minimum amount of coverage shall be One Million Dollars (\$1,000,000.00) per occurrence, with the Port of Port Townsend named as "Additional Insured". As a condition of using Port of Port Townsend facilities, users shall have insurance information available for inspection upon request by Port staff. Port Staff shall have the right, but not the obligation, to request such evidence of insurance. Failure to have such documentation may be grounds for termination of any berthage privileges. *[Reissued by Exec. Dir. 10/15/13; formerly #18]*

4.02.090 Seaworthiness and operability.

Vessels moored in the Ports marinas shall be operable and maintained in a seaworthy condition and be of a design suitable for operation on the waters of Puget Sound in a typical range of seas. Vessels which do not meet Coast Guard vessel safety standards or could be hazardous to marina property or to other vessels may not be granted moorage, and may be denied permission to remain in the Port Area. "Operable" and "Seaworthy" shall be further defined and regulated as follows:

- A. "Operable" means capable of safely maneuvering under its own power from the mooring to another port of call and back to its mooring. In cases where a vessel does not appear to have left its mooring for a long period of time and the question of operability arises, the Harbormaster may require a demonstration of the vessel's operability. At least thirty (30) days advance written notice must be given to the vessel's owner for such a request. Such notice shall be by Certified Mail. In the cases where a vessel is found to be inoperable, the owner shall have ninety (90) days to effect repairs. If after ninety (90) days the boat is still inoperable, the mooring will be forfeited to the Port of Port Townsend. An extension of up to an additional ninety (90) days to complete repairs may be granted if the vessel owner has, in the sole opinion of the Harbormaster, made substantial progress toward completion of repairs. If the vessel is removed from the water to effect repairs, regular credit system policies will apply. This section is not intended to apply to any brief period of repair common to most vessels. The Harbormaster may repeat this request to test operability as needed.
- B. "Seaworthy" shall mean that the vessel's hull, keel, decking, cabin and mast are structurally sound. If a dispute over the seaworthiness of a vessel arises, the opinion of a certified independent marine surveyor may be obtained at owner's expense. If a determination is made that a vessel is not seaworthy, ninety (90) days shall be granted to repair the vessel. If after ninety (90) days the vessel is still not determined to be seaworthy, the mooring of said vessel shall be forfeited to the Port of Port Townsend. An extension of up to an additional ninety (90) days to complete repairs may be granted if the vessel owner has, in the sole opinion of the Harbormaster, made substantial progress toward completion of repairs. If the vessel is removed from the water to effect repairs, regular credit system policies will apply. In cases where determination of operability, design and/or seaworthiness is in dispute, the Harbormaster's decision will be final. [*Reissued by Exec. Dir. 10/15/13; formerly #19.1-19.2*]

4.02.100 Maneuvering and navigating in the harbor.

The Port of Port Townsend's three marinas are small boat harbors. The maneuvering of vessels within these harbors poses safety and operational concerns. The vessel owner assumes responsibility for loss or damage to property or personal injury while visiting or using Port facilities.

- A. The movement of boats within the moorage area (between piers) shall be for the purpose of mooring, entering or leaving, a slip only. Among other things, no random sailing or cruising by vessels will be permitted except for hand powered vessels under 20'. All boaters will comply with Coast Guard Rules of the Road.
- B. Within harbors, vessel operators will control their speed so as not to leave a wake and will be held responsible for any wake damage.
- C. Advance contact shall be made with the Port before vessels over 75 feet enter the harbor.
- D. Tidal conditions will limit the times when deep draft vessels can enter or exit the harbor. The Port will advise vessel owner of the limitation when initial contact is made. It shall be the vessel owner's responsibility to determine the best time (based on tides) to enter or exit the marina. Should the vessel become grounded within the harbor the owners shall take immediate action to resolve the situation. Owner shall immediately notify the Port of such occurrence, and whether there is any potential for spills.
- E. Weather conditions, specifically high winds may impact a vessel while entering or exiting the Harbor. Large vessel traffic throughout the harbor is not recommended at times when the wind speed is greater than 20 MPH.
- F. Given the limitations listed above, some vessels may be required to utilize an assist vessel to help while maneuvering within the harbor. It is the vessel owner's responsibility to contract for and coordinate such assistance. *[Reissued by Exec. Dir. 10/15/13; formerly #20.1-20.6]*

4.02.110 Use restrictions for docks.

- A. General. The dock facilities at the Port of Port Townsend's marinas were designed and constructed for use with certain limitations, including physical limitations such as weight, length, and draft of boats; vessel tie-up limitations and requirements; and tidal restrictions. In all cases, the operator, as well as the owner, of the vessel assumes full responsibility for the safety and physical integrity of the vessel, its passengers, the dock, and other vessels and persons using the dock.
- B. Specific. In consideration of these limitations, the following rules shall apply:
 - 1. Powering up vessels while tied to docks shall be prohibited.
 - 2. When docking, vessel operators should take all reasonable measures to avoid abrupt impacts to dock facilities.
 - 3. Vessels are not to be operated in a manner that creates wakes along the dock.
 - 4. Vessel mooring lines are to be attached to cleats and excessive loads to individual cleats should be avoided.
- B. Responsibility of Operator. Notwithstanding the above use restrictions, the operator of each vessel is expected to know the draft and capabilities of his or her vessel, and is entirely responsible for the safety of the vessel and the safe loading

and unloading of crew and/or passengers during all tides and weather conditions.
[Issued by Exec. Dir. 10/15/13]

4.02.120 Relocation of vessels.

- A. Vessels, when unattended, must be securely moored with adequate lines. Absolutely no lines shall cross walkways.
 - 1. After attempting to contact the vessel owner or operator, the Port reserves the right to move vessels for the protection of life or property.
 - 2. The Port reserves the right to move vessels that are in leased slips in error and/or along linear areas to maximize the most efficient use of space.
[Formerly #21.1-21.2.]
- B. Any person requesting to be moved within the harbor shall be charged a relocation fee. Relocations for Port's convenience will not be charged. [Reissued by Exec. Dir. 10/15/13; formerly #53.1-53.2]

4.02.130 Use of slips.

- A. The Port may make any assigned berth available for use by others for any period of its non-use by lessee.
- B. Any time a slip will be vacant 48 hours or more, the moorage tenant is to notify the Harbormaster of such vacancy. If a lessee returns to his slip without notifying the Port and his/her berth is occupied, the lessee will tie up in another area designated by the Port until the assigned slip is available as determined by the Harbormaster.
- C. In order to maximize efficiency in the marina to accommodate the largest number of boaters possible the Port reserves the right to relocate any regular moorage tenant to a more appropriate sized slip for their vessel. [Reissued by Exec. Dir. 10/15/13; formerly #22.1-22.3.]

4.02.140 Responsibility.

The Port will not be responsible for special requests concerning the well-being and maintenance of any objects stored/moored at Port facilities (e.g., bilge pumps, heaters, lights, lines etcetera). [Reissued by Exec. Dir. 10/15/13; formerly #24]

4.02.150 Oversize vessels.

The maximum overage will be 2' over the slip size unless specifically permitted by the Harbormaster, provided, however, that no overage shall be permitted on A/B Dock at the Boat Haven Marina. [Reissued by Exec. Dir. 10/15/13; formerly #25]

4.02.160 Storage on piers – Abandoned property.

- A. No storage is permitted on piers or fingers.

- B. All boat owners, operators, crew or guests using the Port area or its facilities for moorage or otherwise shall keep their boat, and the pier or finger vicinity of his boat neat, clean, orderly and shipshape.
- C. Any objects left on the docks or in the land areas of the Port in violation of the regulations will be removed by the Port and placed in storage. To recover these goods, a \$65.00 service charge in addition to storage charges shall be paid in full. After six (6) months, the goods will become property of the Port and the use or disposal will be determined by the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #26.1-3 and #54]*

4.02.170 Dinghies.

- A. Storage of rafts, nets, reels and other items of equipment will only be aboard vessels or in areas designated by the Harbormaster.
- B. Rowboats, skiffs, dinghies, may be stored in the water, with the primary boat, as long as the primary boat is in the slip or will be absent less than 48 hours. Such storage may not encroach upon space allocated to adjacent slips.
- C. Any of the above items or other equipment or gear, left without proper storage arrangements will be in violation of the rules and subject to impoundment by the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #27.1-27.3]*

4.02.180 Fenders.

- A. Installation of fixed or permanent fenders may be installed to any float only with prior written permission from the Harbormaster and must be installed by Port staff.
- B. Vessel owners or operators are responsible for their own fenders to protect their vessel and adjacent vessels. *[Reissued by Exec. Dir. 10/15/13; formerly #28.1-28.2]*

4.02.190 No modification of floats.

No changes shall be made to any Port structure, including floats. *[Reissued by Exec. Dir. 10/15/13; formerly #29]*

4.02.200 Landing steps.

Landing steps shall not exceed one half the width of the finger pier, and must be capable of being removed at the Harbormaster's request. *[Reissued by Exec. Dir. 10/15/13; formerly #30.]*

4.02.210 Inspections.

The Port reserves the right to inspect any of the leased/rented premises at any time. Failure to inspect shall not be deemed to create any responsibility upon the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #31.]*

4.02.220 Best management practices implementation.

All tenants and users of the Port's marinas shall comply with §1.05.180, Best Management Practices Implementation, of these Rules, Regulations and Procedures, and the BMPs set forth in Appendix "B". [*Issued by Exec. Dir. 10/15/13*]

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**Chapter 4.03
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Chapter 4.04
MOORAGE CLASSES, ASSIGNMENTS & REASSIGNMENTS

Sections:

4.04.010	Statement of policy.
4.04.020	Prospective tenants - Waiting list – Moorage assignments.
4.04.030	Existing tenants - Requests to move – Moorage reassignments.
4.04.040	All applications – Required information – Updating information.
4.04.050	Fees – Moorage waiting and reassignment applications.
4.04.060	Moorage assignments and reassignments – Process.
4.04.070	RESERVED.
4.04.080	RESERVED.
4.04.090	Non-acceptance of offered slips – Effect on Waiting List position.
4.04.100	Simultaneous availability of multiple slips – Assignment process.
4.04.110	Availability of Commercial Basin slips – Assignment and reassignment.
4.04.120	Commercial Basin applicants – Proof of commercial status required.
4.04.130	Pro-rating of moorage fees.
4.04.140	Regular moorage assignment.
4.04.150	Slip transfers.
4.04.160	Long-term absences.
4.04.170	Termination.
4.04.180	Monthly guest moorage assignments – Termination - Reassignments.
4.04.190	Nightly guest moorage.
4.04.195	Point Hudson Marina – Reservations.
4.04.200	Visiting charter vessels.
4.04.210	Extra-wide vessels.
4.04.220	Limited Access moorage.
4.04.230	Undesirable moorage.
4.04.240	Yacht Club moorage.
4.04.250	Business moorage – Conditions of approval.
4.04.260	Boat Haven Work Pier moorage.
4.04.270	Commercial fishing vessels – Rafted moorage area.

4.04.010 Statement of policy.

Moorage at the Port’s marinas is open to all on equal terms, and shall be available on a first-come, first- served basis. As the demand for moorage is greater than the availability, it is

normally necessary to go on a waiting list to receive a regular moorage berth. *[Reissued 10/15/13; formerly #32]*

4.04.020 Prospective tenants - Waiting list – Moorage assignments.

A “Moorage Waiting List” shall be maintained for prospective tenants seeking moorage space. The waiting list shall be processed by date of application, the earliest date receiving first consideration. Moorage shall be assigned in that order with consideration given to overall length, beam and operating characteristics of the vessel. *[Reissued by Exec. Dir. 10/15/13; formerly #32.1]*

4.04.030 Existing tenants - Requests to move – Moorage reassignments.

In addition to the Moorage Waiting List described in 4.04.020, above, a “Requests to Move List” shall be maintained to accommodate those existing moorage tenants that are seeking re-assignment (i.e. upgrade or downgrade size) of moorage space. The list shall have priority in berth assignments, based on seniority date and request to move date. To receive a slip transfer from the list, a tenant’s existing account(s) with the Port must be paid up to current status. *[Reissued by Exec. Dir. 10/15/13; formerly #32.1]*

4.04.040 All applications – Required information – Updating information.

- A. Applicants for moorage space must fill out the Moorage Waiting List form and indicate the LOA of vessel including bowsprits, dinghies and other appurtenances. Applicants shall designate preferred slip size(s) whether or not they presently have a boat.
- B. Applicants are responsible for keeping the Port advised of current address, telephone numbers, emergency contacts, and informing the Port in writing of any changes in any information on the application. *[Reissued by Exec. Dir. 10/15/13; formerly #32.2 and #32.5]*

4.04.050 Fees - Moorage waiting and reassignment applications.

- A. Except for undesirable moorage spaces, a non-refundable Moorage Waiting List administrative fee shall be required in order to be placed on a waiting list.
- B. The wait list fee shall be renewed annually, in the anniversary month of the original application. If said fee is not paid by the final day of the anniversary month, the application shall be considered abandoned, and the applicant will be removed from the waiting list with no further rights to moorage under said application.
- C. The “Request to Move” list fee shall be a one-time fee per listing. This fee is for the same amount as the original Moorage Waiting List application fee. *[Reissued by Exec. Dir. 10/15/13; formerly #32.3 and #32.4]*

4.04.060 Moorage assignments and reassignments – Process.

- A. Assignments of moorage shall be from the “Moorage Waiting List” and “Request to Move List”, by taking the top name from the Moorage Waiting List and alternating thereafter with the top name on the Request to Move list.
- B. If a person on either of the lists declines the offered space, the space shall be offered to the next person on the same list until accepted by someone on that list. If one of the lists is exhausted without an acceptance, the Port staff may offer space to the top name on the other list.
- C. When a waiting list applicant is notified of an available slip, they shall have 48 hours to respond. If no response is received by Port staff, the next person on the list shall be notified and offered the available slip. The first person contacted shall be given three (3) opportunities to accept an offered slip. If, after the third offer, they fail to accept the offered slip, they shall be moved to the bottom of the list. See also, §4.04.090, below. *[Reissued by Exec. Dir. 10/15/13; formerly #32.6 and 32.7]*

4.04.070 RESERVED.

4.04.080 RESERVED.

4.04.090 Non-acceptance of offered slips - Effect on Waiting List position.

Applicants shall not be required to accept an offered slip. An applicant who is offered and declines a slip may pay a \$25.00 “pass fee” to retain his/her position on the Waiting List. An applicant may decline an offered slip and pay the pass fee for up to three (3) consecutive slip offerings; however, if said applicant declines an offered slip a fourth time, they shall lose their Waiting List position and be moved to the bottom of said list. *[Reissued by Exec. Dir. 10/15/13; formerly #32.9]*

4.04.100 Simultaneous availability of multiple slips – Assignment process.

If more than one moorage of the same length and type is available at the same time, the appropriate number of applicants will be sent letters of availability and assigned on a first-come, first-served basis. *[Reissued by Exec. Dir. 10/15/13; formerly #32.10]*

4.04.110 Availability of Commercial slips – Assignment and reassignment.

If commercial slips are available at any Port facility they will be assigned off the Commercial Moorage Waiting List. However, if no vessels are on the Commercial Moorage Waiting List, the Port reserves the right to assign commercial moorage spaces to recreational vessels. *[Reissued by Exec. Dir. 10/15/13; formerly #32.11]*

4.04.120 Commercial Basin applicants – Proof of commercial status required.

Applicants for moorage in the Commercial Basin shall provide proof of Commercial Status (i.e. Commercial Fishing License or Charter License and City Business License). [Reissued by Exec. Dir. 10/15/13; formerly #32.12]

4.04.130 Pro-rating of moorage fees.

- A. New slip assignments for regular moorage and monthly guests, that arrive other than on the first of the month will be charged on a pro-rated basis in 1-week increments as follows:
 - 1 - 7 days = 1 week;
 - 8 - 14 days = 2 weeks; and
 - 15 - 21 days = 3 weeks.
- B. At the time of pro-rating, customer is required to pay the pro-rated month and the following month's charges in advance. [Reissued by Exec. Dir. 10/15/13; formerly #32.13]

4.04.140 Regular moorage assignment.

- A. To accept a regular moorage assignment, each applicant is required to complete a standard Port Moorage Tenancy Agreement within 2 weeks of notification and pay appropriate fees (see Appendix "D").
- B. All past due accounts must be paid in full to receive a regular moorage slip.
- C. It is the responsibility of the applicant to show proof of vessel ownership when assigned a regular moorage slip and anytime the Port requests.
- D. The reserve moorage will be on a month to month basis.
- E. Any rate adjustment approved and set by the Commission will be effective for all regular moorage tenants on the approved date.
- F. Before the Port finalizes any new slip assignment, the vessel will be measured and inspected by Port staff to assure that the vessel fits the slip size designation. If it is found that the vessel does not fit the slip, the applicant will have to re-apply for the appropriate size slip designation and pay established fees.
- G. Charges shall be based on designated slip size or length overall of the vessel, whichever is greater. [Reissued by Exec. Dir. 10/15/13; formerly #33.1-33.7]

4.04.150 Slip transfers.

- A. Tenants wishing slip transfers of a different size must apply for the new waiting list.
- B. Tenants wishing slip transfers of the same size will notify the Port in writing. When the next slip becomes available that meets their requirements, the Port will notify the tenant and they will have 48 hours to make the change.
- C. In the event that a tenant shall die, the moorage may be transferred to the individual who has legally inherited the vessel, provided that appropriate proof of inheritance and ownership is supplied. [Reissued by Exec. Dir. 10/15/13; formerly #34.1-34.3]

4.04.160 Long-term absences.

A regular moorage tenant requiring an extended absence or who is between boats may relinquish a slip for up to two (2) years and retain the tenant's original waiting list date or first date of assignment, whichever is earlier. The tenant's slip will then be reassigned and the tenant shall have up to two (2) years to again be placed on the wait list using their original seniority date. All other relevant provisions of this Chapter 4.04 shall then apply (i.e., §§4.04.020 to 4.04.130, above). If at the end of the two (2) year period the tenant shall have declined to again be placed on the waiting list, the tenant's seniority date shall be forfeited. [*Reissued by Exec. Dir. 10/15/13; formerly #75*]

4.04.170 Termination.

- A. The tenant or the Port will give the other party written notice at least two weeks before termination. Tenants will pay for the month on which termination occurs at the monthly or nightly guest rate, whichever is less.
- B. In the event a tenant fails to pay the fees and other charges that have accrued to the Port, the tenant will have violated the provisions of his agreement, and the Port may, without advance notice, take possession of his/her boat, its tackle, apparel, fixtures, equipment, and furnishings, and retain such possession until all charges are fully paid and any and all other violations of the agreement have been cured. In addition, or as an alternative, the Port may, on five (5) days written notice, deliver to the address stated in the agreement a written notice terminating the tenant's right to further berthage. The Port maintains the right to collect fees and utility charges until such time as the vessel is removed from Port premises. In addition to the balance due, tenant shall be responsible for, and shall pay, the Port's expenses and attorney fees. [*Reissued by Exec. Dir. 10/15/13; formerly #35.1-35.2*]

4.04.180 Monthly guest moorage assignments – Termination - Reassignments.

- A. Each month, the Harbormaster will determine the type and number of available monthly guest moorage spaces.
- B. Monthly Guest Moorage Licenses and Port Use Agreements are for stays of 30 days at a time or longer. These licenses and agreements only assure the tenant of month-to-month moorage (see Appendix "C").
- C. A Monthly Guest Moorage License and Port Use Agreement must be filled out, and payment of posted rates is due in advance (note: the prorating provisions of §4.04.130 and the definitions of "summer months" and "winter months" set forth in §1.02.060 shall apply). Once on Auto Billing, the account must be paid by the 20th of each month. In the event the Monthly Guest becomes 30 days past due, the Moorage License and Port Use Agreement shall be terminated, charges shall revert to the posted nightly moorage fees, and late fees shall be added.

- D. In order to terminate a Monthly Guest Moorage License and Port Use Agreement, a guest shall give at least two (2) weeks written notice. The provisions of §4.04.170 shall also apply.
- E. Monthly Guests must be willing to relocate to another slip/space upon request by the Harbormaster due to the fact that the return dates of regular moorage tenants are not always definite.
- F. Monthly guests shall be required to show proof of liability insurance consistent with the provisions of §4.02.080(B) within fourteen (14) days of arrival. Failure to do so shall result in immediate removal from the marina. [*Reissued by Exec. Dir. 10/15/13; formerly #36.1-36.5*]

4.04.190 Nightly guest moorage.

- A. All vessel owners or operators are required to register at the Port Moorage Office immediately upon arriving at Port facilities. Payment of fees shall be done in advance of service requested.
- B. Vessels arriving after normal business hours shall register immediately at the self-registration board.
- C. Any vessel which is not registered may be subject to impoundment fees and/or towing fees. If there is not available space in the water, the Port reserves the right to haul unregistered vessels and place them in dry storage at the owner's expense. All fees must be paid in full to release vessel.
- D. To be properly registered, an owner/operator must fill out a Nightly Guest Moorage License and Port Use Agreement form (see Appendix "C"). Fees must be paid in advance.
- E. Guest moorage will be accepted when space is available, on a first come, first served basis.
- F. Any vessel arriving between 1500-0800 hours shall be required to pay the overnight fees.
- G. Any guest entering harbor between 1300-0800 who stays longer than 30 minutes shall be charged the nightly rate.
- H. Guests are paying for space in the harbor. The assigned slip number may not always be available for the duration of the guest's stay so it will be their responsibility to move, if requested by the Harbormaster.
- I. Check out time is 1200 hours.
- J. Moorage fees for guests will be assessed the current guest moorage fee based on overall length of the vessel whether tied alongside the dock, in a slip or in a rafted position.
- K. Guest vessel fees must be current or they will be considered unregistered.
- L. Any guest on monthly rate who is a live-aboard must have a live-aboard permit.
- M. In the event that the Port is unable to make contact with an unregistered guest, a mandatory charge to cover labor overhead and insurance will be charged to any

vessel which must be moved or locked up by the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #37.1-37.13]*

4.04.195 Point Hudson Marina – Reservations.

Notwithstanding any other provisions of this Chapter 4.04, transient guests wishing to reserve space at the Point Hudson Marina shall be subject to the reservation procedures established for Recreational Vehicles in Chapter 8.02 of these Rules, Regulations and Procedures. *[Issued by Exec. Dir. 10/15/13]*

4.04.200 Visiting charter vessels.

Any visiting charter vessel loading or unloading passengers will be subject to the payment of passenger boarding fees in addition to established nightly guest mooring fees. *[Reissued by Exec. Dir. 10/15/13; formerly #38]*

4.04.210 Extra-wide vessels.

- A. The Harbormaster may assign areas within the harbor for moorage of extra wide vessels. Some of these areas may be designated "reserve slips" and assigned according to regular assignment procedures. Other areas will be available for nightly or monthly guests. The Harbormaster has final authority to determine the specific areas and the acceptability of any vessel for such area.
- B. Port moorage staff shall make every attempt to accommodate boats, primarily by arranging boats so that wide boats will be moored with narrower boats.
- C. In the event that this is not possible, and an irreconcilable difference arises, the boat which has occupied the slip the longest shall have priority. *[Reissued by Exec. Dir. 10/15/13; formerly #39.1-39.3]*

4.04.220 Limited Access moorage.

- A. The areas designated by the Harbormaster to be called limited access moorage will be charged at 75% of the reserve moorage rate, assigned from the waiting list and charges will be based on space size or vessel whichever is greater. In these areas, the tide restricts movement of the vessels. The Port will not accept any responsibility for vessels trapped by the tide, or any damage that may occur due to other vessels maneuvering through the channel.
- B. Power to limited access moorage areas is not guaranteed and in most cases is not available. No rafting in these areas will be allowed unless permission of the Harbormaster is obtained and the overnight guest fee is paid. Under no circumstance may power be provided to rafted vessels. *[Reissued by Exec. Dir. 10/15/13; formerly #47.1-47.2]*

4.04.230 Undesirable moorage.

- A. Areas designated as undesirable moorage by the Harbormaster will be charged at 50% of the reserve moorage rate.
- B. Undesirable moorage areas are affected by the tide and during low tides there may be no water. The Port will accept no liability or responsibility for any damage occurring to vessels moored in these areas.
- C. Undesirable moorage areas be charged at the boat's overall length. *[Reissued by Exec. Dir. 10/15/13; formerly #48.1-48.3]*

4.04.240 Yacht Club moorage.

Yacht clubs shall be subject to all of the rules, regulations and procedures established in this Title 4, Marinas, and shall be treated as nightly guests for the purposes of assigning slips and calculating rates. *[Reissued by Exec. Dir. 10/15/13; formerly #49.1-49.2]*

4.04.250 Business moorage – Conditions of approval.

- A. The areas designated as business moorage by the Harbormaster shall be charged at 25% more than the current reserve moorage rate.
- B. A copy of a current business license shall be provided by the business receiving moorage. Businesses may pass on charges to their clients not to exceed the amount paid to the Port.
- C. Businesses shall be responsible for any utility charges. Rafting in areas that will not affect the navigation of other vessels may be allowed.
- D. Businesses shall sign a liability waiver releasing the Port from any liability.
- E. Business moorage will be assigned from a business waiting list.
- F. Assignment of business moorage will be restricted to linear areas.
- G. These areas will be charged based on designated space size or the length overall of the vessel, whichever is greater.
- H. All charter vessels operating out of the Port shall be required to provide documentation of insurance covering customer liability, in addition to meeting the insurance requirements set forth in §4.02.080(B). *[Reissued by Exec. Dir. 10/15/13; formerly #50.1-7 and #52]*

4.04.260 Boat Haven Work Pier moorage.

- A. Vessels may be moored temporarily at the Boat Haven Work Pier, either in the lift slot or on the work float.
- B. It is the vessel owner's responsibility to keep a person on watch to adjust mooring lines for tide changes while moored in the lift slot.
[Reissued by Exec. Dir. 10/15/13; formerly #51.1-2]

4.04.270 Commercial fishing vessels – Rafted moorage area.

The Port of Port Townsend has established an area within the Commercial Mooring Basin of the Port Townsend Boat Haven to be used as monthly guest moorage for active commercial fishing vessels. This area shall be designated as the “Rafted Moorage Area” for active Commercial Fishing Vessels. The following provisions shall apply to this area:

- A. For purposes of this section monthly is defined as any continuous thirty (30) day period.
- B. This area is available on a first come, first served basis. Vessels must be on site and ready to move into the area at time of registration. Advance reservations are not permitted. This procedure allows the Port to view the vessel for derelict vessel determination, prior to space assignment.
- C. Vessel owners or operators are required to register with the Port and complete a Commercial Fishing Vessel Rafted Moorage Agreement prior to mooring in this area. Payment for the first thirty (30) day period is due at the time of registration.
- D. Vessel owners or operators must provide proof of active fishing status in order to be eligible to moor in this area at the reduced rate. The following documentation shall be provided to the Port at the time application is submitted:
 - 1. Copy of a current commercial fishing license or permit from any state; and
 - 2. Proof of a fish sales ticket within the last six (6) months.
- E. The established rate for this area shall be available on a year round basis.
- F. There shall be no pro-ration of this fee.
- G. All other applicable established Port fees shall be paid while in this area (i.e. environmental fees, electrical fees, etc.).
- H. As this is a rafted tight pack mooring area, all tenants signed up to use this area must be willing to cooperate and participate in the movement of boats in and out of this area. This means the vessel owner/operator or an appointed representative shall be available for the Port to contact when a vessel needs to be moved. If no representative responds within 24 hours, and the Port must provide labor to move the vessel, the Port’s established labor rate shall be charged.
- I. Any unregistered vessel found in this area may be subject to impoundment fees, and/or towing fees. If there is not available space in the water, the Port reserves the right to haul unregistered vessels and place them in dry storage at the owner’s expense. All fees shall be paid in full to release the vessel.
- J. At times of under-utilization of this area by monthly commercial fishing vessels, the Port’s Harbormaster may assign nightly guests to this area.
- K. Tenants of this area shall abide by all other applicable provisions of these Port Rules, Regulations and Procedures. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “K”, §§1-12]*

Chapter 4.05
SPECIAL RATES & SERVICES

Sections:

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| 4.05.010 | Credit system – Port use of slips left vacant by moorage tenants. |
| 4.05.020 | Special interest group requests. |

4.05.010 Credit system - Port use of slips left vacant by moorage tenants.

- A. Any regular moorage tenant who gives notice that their berth will be available for at least seven (7) consecutive days, will be eligible to receive a credit equivalent to one thirtieth (1/30) of their monthly rent for each day the Port uses their berth to accommodate a guest. If moorage tenant returns during the period of scheduled absence, and the slip they are normally assigned to is occupied, they will use a slip as assigned by the Harbormaster. Tenants account must be in and remain in the current paid status in order to be eligible to receive credit under this policy. Credits will not be given to vessels in Port Work Yards under the moorage incentive program detailed in this section.
- B. Use of the credit system is limited to six (6) months in any calendar year. The tenant may still retain the slip while the vessel is gone, but is not eligible to receive a credit.
[Reissued by Exec. Dir. 10/15/13; formerly #72]

4.05.020 Special interest group requests.

Subject to the approval of the Executive Director, the Harbormaster will consider each special interest group request individually and will make a decision concerning the request based upon its importance on Port operations. [Reissued by Exec. Dir. 10/15/13; formerly #73]

Chapter 4.06
MOORAGE UTILITIES

Sections:

4.06.010	Electrical service – Use of power cords.
4.06.020	Water.
4.06.030	Wastewater.
4.06.040	Refuse.

4.06.010 Electrical service – Use of power cords.

- A. Lessee shall pay for electrical service at the established fee schedule. The Port does not guarantee continuity of electrical service to a vessel, nor the characteristics or compatibility with the vessels internal systems.
- B. Any damage caused by misuse or negligence by the tenant will be repaired by the Port and repair costs charged to the tenant.
- C. All shore power cords connected to any Port electrical outlet must be an exterior grade cord and must have an AMP capacity rating which matches or exceeds the rating of the outlets. Also, these cords must have weather proof boots on the ends.
- D. All shore power cords connected to any Port electrical outlet shall be secured between the vessel and outlet in such a manner as to prevent creating a hazard (i.e. tripping), and to prevent cord from hanging in the water. [*Reissued by Exec. Dir. 10/15/13; formerly #41.1-5*]

4.06.020 Water.

- A. Water service is provided at several locations on all floats.
- B. Winter service. All water lines on all floats will be turned off and drained during freezing temperatures. When the temperature is above freezing, the water service may be reinstated, if possible. The Port does not guarantee uninterrupted water service. [*Reissued by Exec. Dir. 10/15/13; formerly #42.1-2*]

4.06.030 Wastewater.

- A. Discharge of waste or other contaminated material from vessels in the Marinas is strictly prohibited. Vessels that discharge contaminated waste, particularly raw sewage, shall be subject to revocation of their moorage privileges and forfeiture of their assigned slip.
- B. The Port provides pump-out units on the ship dock and at the registration dock.

- C. All vessels being hauled out must pump-out all black and gray water tanks prior to being lifted. Established Port rates shall be applied.
- D. Vessel owners with vessels having holding tank capacities in excess of 500 gallons shall contract with a licensed bonded private septage hauler to pump tanks, after obtaining permission from the Harbormaster.
- E. Care must be taken to prevent accidental spillage during pump-out operation. The Vessel owner shall be responsible for all costs associated with clean up should a spill occur. *[Reissued by Exec. Dir. 10/15/13; formerly #44.1-4]*

4.06.040 Refuse.

- A. All refuse must be placed in containers provided for that purpose. Depositing household refuse in Port containers is prohibited and violators will be subject to a clean-up fee of at least \$320.00.
- B. No garbage, trash, oil, fuel, debris or other materials, liquid, or solid, shall be deposited in the water, on the piers, or on the land areas of the Port facilities. Where designated, all refuse must be properly separated for recycling. Any person leaving trash or other items on Port properties and not properly in a dumpster will be responsible for the cost of disposal.
- C. All leased properties shall provide or contract for their own garbage disposal. *[Reissued by Exec. Dir. 10/15/13; formerly #45.1-3]*

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Chapter 4.07
LIVE-ABOARD RULES & REGULATIONS

Sections:

4.07.010	Applications and permits.
4.07.020	Renting of live-aboard vessels prohibited.
4.07.030	Seaworthiness – Equipment – Pump-out use.
4.07.040	Monthly fee.
4.07.050	Compliance with other rules, regulations and procedures.

4.07.010 Applications and permits.

- A. Any person wishing to live aboard a vessel in one of the Port’s marinas shall first apply for, and obtain, a Live-Aboard Permit issued by the Moorage Office.
- B. Once issued, Live-Aboard Permits must be posted in a conspicuously visible location on the vessel.
- C. After having obtained a Live-Aboard Permit under subsection “A”, above, the permittee shall be obligated to reapply for a Live-Aboard Permit each successive January. *[Reissued by Exec. Dir. 8/12/19; formerly #46.1-2]*

4.07.020 Renting of live-aboard vessels prohibited.

Live-aboards must own the live-aboard vessel. Renting vessels to people seeking live-aboard status shall be prohibited. *[Reissued by Exec. Dir. 8/12/19; formerly #46.3]*

4.07.030 Seaworthiness – Equipment – Pump-out use.

- A. All live-aboard vessels shall be capable of leaving the Marina under their own power.
- B. All live-aboard vessels shall meet U.S.C.G. requirements for Recreational Boats.
- C. The Harbormaster shall determine if a vessel is properly equipped (e.g., Marine Sanitation Device, Fire Extinguisher) to be eligible for live-aboard status.
- D. Owners of live-aboard vessels shall provide proof of sufficient use of pump-out facilities or pump-out service. *[Reissued by Exec. Dir. 8/12/19; formerly #46.4 – 46.6 and 46.12.]*

4.07.040 Monthly fee.

The owners of live-aboard vessels will be charged a monthly fee as adopted by the Port Commission. *[Reissued by Exec. Dir. 10/15/13; formerly #46.7]*

4.07.050 Compliance with other rules, regulations and procedures.

Owners of live-aboard vessels shall comply with all other applicable provisions of these Port Rules, Regulations and Procedures. [*Reissued by Exec. Dir. 10/15/13; formerly #46.10*]

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**Chapter 4.08
FUEL DOCKS**

Sections:

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| 4.08.010 | Prohibited activities. |
| 4.08.020 | Fuel truck deliveries – Harbormaster permission required. |
| 4.08.030 | Fueling at slips – Vessel owner responsible. |

4.08.010 Prohibited activities.

The following rules shall apply to all fuel docks at all Port facilities:

- A. The fuel area shall be used only to transfer fuel. Mooring of vessels shall be prohibited.
- B. Smoking is prohibited within the fueling area. Engines shall be turned off before fueling vessel.
- C. Barbecues and open flames shall be prohibited.
- D. No unattended vessels will remain moored in fueling area
- E. Fueling across rafted vessels is prohibited. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "A", #1-4]*

4.08.020 Fuel truck deliveries - Harbormaster permission required.

No fuel truck deliveries from ramps, loading zones, work docks, or any Port facilities except fueling dock will be allowed without permission from the Harbormaster. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "A", #5]*

4.08.030 Fueling at slips – Vessel owner responsible.

Boat owners are allowed to carry small quantities of fuel to their boats but should exercise due caution while fueling at their slip as they will be responsible for clean-up of any fuel spills and all applicable fines. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "A", #6]*

Chapter 4.09
PORT CHARGES, DELINQUENCY – ABANDONED VESSELS, PUBLIC SALE

Sections:

4.09.010	Purpose and authority.
4.09.020	Collections process – Authority of Port staff.
4.09.030	Movement of vessels – When authorized.
4.09.040	Payment of charges – Release of vessel.
4.09.050	Abandoned vessels.
4.09.060	Sale of abandoned vessels.
4.09.070	Validity – Enforceability.

4.09.010 Purpose and authority.

The rules set forth in this Chapter 4.09 are adopted under the authority of RCW 53.08.320, and are intended to ensure the expeditious collection of Port charges and to establish enforcement procedures for use by Port personnel. [*Issued by Exec. Dir. 10/15/13*]

4.09.020 Collections process – Authority of Port staff.

- A. The Port's Executive Director, Harbormaster or authorized staff are authorized to take reasonable measures, including the use of chains, ropes and locks, or removal from the water, to secure vessels within the Port facility so that the vessels are in the possession and control of the Port and cannot be removed from the Port 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 certified mail at the last known address. In the case of a guest vessel, or where no address was furnished by the owner, the Port need not give such notice prior to securing the vessel. An authorized Port employee shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size, and shall contain the following information:
1. The date and time the notice was attached;
 2. A statement that if the account is not paid in full within ninety (90) days from the time the notice was attached, the vessel may be sold at public auction to satisfy the Port charges; and

3. The address and telephone number where additional information may be obtained concerning the release of the vessel.
- B. After a vessel is secured, the Port shall make a reasonable effort to notify the owner by registered mail in order to give the owner the information contained in the notice. *[Reissued by Exec. Dir. 10/15/13; formerly #76.1-2]*

4.09.030 Movement of vessels – When authorized.

- A. The Port's Executive Director and/or his assigned subordinates are authorized to move vessels ashore for storage on Port property, if the vessel is, in the opinion of Port personnel:
1. A nuisance;
 2. In danger of sinking or creating other damage; or
 3. Is owing Port charges.
- B. Costs of any such procedure shall be paid by the vessel's owner. *[Reissued by Exec. Dir. 10/15/13; formerly #77]*

4.09.040 Payment of charges – Release of vessel.

- A. If a vessel is secured under §4.09.020 or moved ashore under §4.09.030, the owner, who is obligated to the Port for Port charges, may regain possession of the vessel by:
1. Making arrangements satisfactory with the Port for the immediate removal of the vessel from the moorage facility or for authorized moorage; and
 2. Making payment to the Port of all Port charges; or
 3. By posting with the Port a sufficient cash bond or other acceptable security, to be held in trust by the Port pending written agreement of the parties with respect to payment by the vessel's owner of the amount owing; or
 4. Pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction.
- B. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the Port shall receive 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 Port. The balance shall be refunded immediately to the owner at the owner's last known address. *[Reissued by Exec. Dir. 10/15/13; formerly #78]*

4.09.050 Abandoned vessels.

If a vessel has been secured by the Port and it is not released to the owner under the bonding provisions of this Chapter 4.10 within 90 days after notifying or attempting to notify the owner under §4.09.020, the vessel shall be conclusively presumed to have been abandoned by the owner. *[Reissued by Exec. Dir. 10/15/13; formerly #79]*

4.09.060 Sale of abandoned vessels.

If a vessel moored or stored at a moorage facility is abandoned, the Port's Executive Director and/or his assigned subordinates may, by resolution of the Port Commission, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as set forth in this section. 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 vessel owner, if known and can be located shall be given at least twenty (20) days' notice of the sale in the manner set forth in §4.09.020 of this Chapter if the name and address of the owner is known. The notice shall contain the time and the place of the sale, a reasonable description of the vessel to be sold, and the amount of Port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten (10) but not more than twenty (20) days before the sale, in a newspaper of general circulation within Jefferson County, Washington. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The Port may bid all or part of its 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 Jefferson County Superior Court to contest the validity of the impoundment or the amount of the Port charges owing. Such lawsuit must be commenced within ten (10) days of the date the notification was provided pursuant to §4.09.020, or the right to hearing shall be deemed waived and the owner shall be liable for any Port charges owing the Port. In the event of litigation, the prevailing party shall be entitled to reasonable attorney's fees and costs.
- C. The proceeds of a sale under this Chapter 4.09 shall first be applied to the payment of Port charges. The balance, if any, shall be paid to the owner. If the owner cannot, in the exercise of due diligence, be located by the Port within one (1) year of the date of sale, the excess funds from the sale shall revert to the derelict vessel removal account established under RCW 79.100.100. If the sale is for a sum less than the applicable Port charges, the Port 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 the sale, title to the vessel will revert to the Port. *[Reissued by Exec. Dir. 10/15/13; formerly #80-80.1]*

4.09.070 Validity – Enforceability.

The provisions of this Chapter 4.10 shall be enforceable only if the Port has had its tariff containing these rules conspicuously posted at its moorage facility at all times. *[Issued by Exec. Dir. 10/15/13]*

TITLE 5: TRAVEL LIFTS, WORK YARDS & SHIPYARDS

Chapters:

- 5.01 Travel Lifts & Storage**
- 5.02 Workyards**
- 5.03 Shipyard Work Areas**
- 5.04 Sandblasting**
- 5.05 Derelict Vessels**
- 5.06 Enforcement, Work Privilege Termination, Default**

Chapter 5.01
TRAVEL LIFTS & STORAGE

Sections:

5.01.010	Purpose.
5.01.020	Scheduling haul-outs.
5.01.030	Hoist/Yard Tenancy Agreement required.
5.01.040	Pre-haul-out inspections.
5.01.050	Preparation of vessel prior to haul-out.
5.01.060	Round-trip haul-outs - Services included.
5.01.070	Returning vessels to the water following blocking.
5.01.080	Inspection haul-outs.
5.01.090	One-way haul-outs.
5.01.100	Moving and re-blocking of vessels in yard.
5.01.110	Haul-out fees and charges.
5.01.120	Haul-out charges – Calculation of time.
5.01.130	Weather-related suspensions.
5.01.140	Haul-out cancellations – Rescheduling.
5.01.150	Haul-out – Operational limits – Safety precautions.
5.01.160	Port employees – Limitations on authority.
5.01.170	Work pier and float – Reservations, project plans, vehicular access.
5.01.180	Wash-down facilities.
5.01.190	Vessel blocking.

5.01.010 Purpose.

The Travel Lifts and Storage Rules, Regulations and Procedures describe the rules governing use of the mobile travel lifts to haul out boats for repairs in the yard, inspections, and re-blocking within the yard. *[Reissued by Exec. Dir. 10/15/13; formerly #81]*

5.01.020 Scheduling haul-outs.

- A. The Port offers the haul-out service on a pre-arranged basis. Scheduling is through the Yard office and can typically require lead times of up to three (3) weeks.
- B. At the time the haul-out reservation is made, the owner must provide vessel information including, but not limited to the following: proof of ownership (i.e., state registration, documentation papers, or notarized bill of sale) dimensions;

approximate weight; general condition; preferred service dates; and services required. *[Reissued by Exec. Dir. 10/15/13; formerly #81.1-2]*

5.01.030 Hoist/Yard Tenancy Agreement required.

Prior to the haul-out, the vessel owner or his/her authorized representative is required to complete a "Hoist/Yard Tenancy Agreement" in a form acceptable to the Executive Director and Port Attorney. A sample agreement is set forth, for informational purposes only, within Appendix "E" to these Rules, Regulations and Procedures. The owner and all crew members who will be performing work on the vessel while it is in the yard shall comply with §1.05.180, Best Management Practices Implementation, of these Rules, Regulations and Procedures, and shall also first receive the Port briefing on Environmental BMPs (see Appendix: "B"). Prior to haul-out, the vessel owner or his/her authorized representative shall provide proof of liability insurance satisfying the requirements of §4.02.080 of these Rules, Regulations and Procedures. *[Reissued by Exec. Dir. 10/15/13; formerly #82.]*

5.01.040 Pre haul-out inspections.

- A. Prior to haul-out the hoist operators will meet with the owner to inspect the vessel.
 - B. The owner should provide any engineered drawings, sketches, photographs, etc. which will help in determining placement of straps and blocking.
 - C. Bilge pumps shall be turned off prior to haul-out.
- [Reissued by Exec. Dir. 10/15/13; formerly #83-83.1]*

5.01.050 Preparation of vessel prior to haul-out.

- A. Prior to haul-out the vessel owner or representative is responsible to ensure that all gear and equipment in and on the vessel is secured against movement of the vessel during the haul-out.
 - B. All equipment, vessel attachments and technical gear, including masts and stays, must be secured by the owner or representative, prior to the haul-out. The hoist operator may authorize equipment or attachments may be loosened or removed.
- [Reissued by Exec. Dir. 10/15/13; formerly #83.18 and #83.15]*

5.01.060 Round-trip haul-outs - Services included.

A round trip haul-out includes the following services:

- A. A lift out of the water with blocking and the return trip into the water or onto a trailer.
- B. For an additional fee, the owner or representative will have use of the pressure sprayer after hauling out (see posted rate schedule). All washing will be accomplished at an area designated by the Yard Manager. The owner is required to

provide all tools and supplies (e.g., scrub brushes, scrapers, tools, etc.), for cleaning the bottom of the vessel. No use of detergents or chemicals is allowed.

- C. The Port will provide the materials and labor for blocking the vessel. Requests for non-standard blocking will be considered, though additional charges may apply. *[Reissued by Exec. Dir. 10/15/13; formerly #83.2]*

5.01.070 Returning vessels to the water following blocking.

- A. After the vessel is lifted from the blocking, the vessel owner is permitted a brief interval to touch up “holidays” left by the cradle.
- B. The owner may provide cardboard, wax paper, or old carpet to place between straps and vessel’s hull before the boat is picked up. *[Reissued by Exec. Dir. 10/15/13; formerly #83.3]*

5.01.080 Inspection haul-outs.

- A. An inspection haul-out is a lift out of the water, with the vessel allowed to hang in the slings for a short interval before being returned to the water.
- B. An inspection haul-out on the 300-ton lift (i.e., the ship hoist) may last up to four (4) hours (including haul-out) to permit vessel inspection. *[Reissued by Exec. Dir. 10/15/13; formerly #83.4]*

5.01.090 One-way haul-outs.

A one-way hoist is a lift of a boat one time either in the yard for re-blocking or onto a trailer. If use of the pressure sprayer is requested, standard washdown and environmental fees shall apply. *[Reissued by Exec. Dir. 10/15/13; formerly #83.5]*

5.01.100 Moving and re-blocking of vessels in yard.

Re-blocking of vessels either to a different location within the yard, or to rearrange the blocking to facilitate work requires advance reservations, and approval of the new blocking set up by the Port’s hoist and yard supervisor. *[Reissued by Exec. Dir. 10/15/13; formerly #83.6]*

5.01.110 Haul-out fees and charges.

- A. All charges must be paid in full at the end of each month or before vessel is returned to water.
- B. Charges for the hoist are based on vessel’s hull length.
- C. Due to the unique and time consuming requirements posed by Catamarans and Trimarans, some multi-hulled vessels are charged at 150% of round-trip hoist rates based on LOA of vessel.
- D. Boats that require an immediate haul-out after placement in the water must pay re-block fees. Boats that have been released from slings will use inspection procedures.

- E. Use of the travel lift for operations other than those set forth in this section, or where delays are encountered, will be charged according to rate schedule.
[Reissued by Exec. Dir. 10/15/13; formerly #83.8, #83.10-11, and #83.19-20]

5.01.120 Haul-out charges – Calculation of time.

- A. Charges for the lift commence at the time scheduled or when the Port operator is ready, whichever is later.
- B. Time of completion is when Port operator and travel lift or other Port equipment is no longer engaged in handling the vessel. [Reissued by Exec. Dir. 10/15/13; formerly #83.7]

5.01.130 Weather-related suspensions.

In high winds or other extreme weather conditions, all operations of the lift will be shut down until such time as the lift operator determines it safe to resume. [Reissued by Exec. Dir. 10/15/13; formerly #83.9]

5.01.140 Haul-out cancellations – Rescheduling.

Appointments may be canceled if the owner or representative is more than 15 minutes late. It is then the owner or representative's responsibility to make a new appointment.
[Reissued by Exec. Dir. 10/15/13; formerly #83.12]

5.01.150 Haul-out – Operational limits – Safety precautions.

- A. The Port's 300-ton travelift is equipped with scales and alarms. If the operational limit of the hoist is reached before the vessel is all the way out of the water, the vessel will be immediately placed back in the water.
- B. If the load limit is reached and vessel must be placed back in the water, the owner will have the option of trying to remove enough weight from the vessel to fall within safe operational limits or go to another facility. Attempted lift fees will be applied.
- C. No one shall be on board vessel while the lift is moving to the blocking location.
- D. It shall be the sole responsibility of the owner or representative to consider the limitations and requirements of the hoist when modifying vessels (i.e., the addition of bait sheds, rolling chocks, stabilizers, transducers, etc. may preclude damage-free movement of the vessel during the return trip from the yard to the water).
- E. The Port shall not be held responsible for damage due to strap placement. It shall be the owner's or representative's sole responsibility to inform the hoist operators of the location of shafts, props, transducers, knot meters, or any other fixtures that could be damaged by strap placement. The Port shall not be held responsible for damage caused to hard chines, bilge keels, rubbing strakes or similar projections from the hull, or underwater damage caused by improper location of slings.
[Reissued by Exec. Dir. 10/15/13; formerly #83.13, #83.16-17 and #83.21-22]

5.01.160 Port employees – Limitations on authority.

Port employees shall not be authorized to perform any work on boats other than that which is necessary to haul, block, and/or wash boats. *[Reissued by Exec. Dir. 10/15/13; formerly #83.14]*

5.01.170 Work pier and float – Reservations, project plans, vehicular access.

- A. During times that the travelift is not utilizing the pier, it will be available for a variety of uses (e.g., moorage at the work float and in the slot, loading/unloading, crane work, rigging, etc.).
- B. All uses of the work pier require advance reservations through the Yard office.
- C. Small projects can be done on vessels from the work pier deck, by reserving space, for a specific time, through the Yard office.
 - 1. A project plan must be submitted prior to beginning work on the vessel. This plan will show how safety and environmental issues will be handled.
 - 2. Nothing shall be erected or placed on the pier in such a manner that it could not be relocated to accommodate an emergency haul-out.
 - 3. Environmental Best Management Practices (BMPs) are the same for projects from the pier as they are for moorage. (See Appendix “B”).
- D. Vehicle access may be permitted on lift piers only by prior arrangement through the Yard office.
 - 1. Hoist/Yard Tenancy Agreement (See Appendix “E”) will be required as well as business license(s), and any equipment certifications required by the state or local ordinances. These documents must be provided to the Port prior to equipment accessing the pier.
 - 2. Cranes or other equipment must keep their outriggers within the designated areas along the sides of the pier.
 - 3. Load limits shall be strictly adhered to at all times. *[Reissued by Exec. Dir. 10/15/13; formerly #84, #85, #86.1-3 and #87.1-3]*

5.01.180 Wash-down facilities.

In order to meet Federal water quality standards the Port has installed vessel wash-down facilities to capture, contain and treat wash-down water. This facility is used to wash the growth from vessel bottoms after haul-out and prior to blocking in the yard.

- A. The washing of boat bottoms shall be done on the Port’s wash-down slab ONLY, and nowhere else on Port property.
- B. The use of detergents, cleaners, or solvents in conjunction with the pressure wash is strictly prohibited. These products pose treatment and disposal problems.
- C. Vessel owners have the option of washing the vessel themselves or hiring Port staff to do so. If owner wishes to pay Port staff, arrangements must be made at time the haul-out is booked.

- D. Pressure washing of the vessel's bottom often generates solid waste which must be properly disposed. Solid waste disposal charges shall be billed separately from wash-down charges.
- E. The vessel owner, or anyone assisting or contracted by the owner to wash vessel's bottom, must follow established wash-down procedures.
- F. Abuse or damage of the Port wash-down facility by the vessel owner or contractor while using the facility will be repaired by Port staff and the vessel owner will be charged for any such repairs on a time and materials basis.
- G. Care shall be taken while the vessel is on the wash-down slab to prevent anything other than wash-down water from entering the sumps in the center of the slab.
- H. If problems are encountered during wash-down operations, Port staff shall be notified immediately. Customers shall not attempt to fix Port equipment.
[Reissued by Exec. Dir. 10/15/13; formerly #88.1- 88.9]

5.01.190 Vessel blocking.

As part of a round-trip hoist, the Port will provide blocking materials and Port staff will provide the labor to block up vessels in the yard.

- A. Port staff, working with the owner and using owner's engineered drawings, photo's, etc., will determine the best way to block vessel.
- B. If an owner requests extra blocking beyond that proposed by Port staff, the established extra blocking rate shall apply.
- C. If an owner requests a blocking arrangement different from that proposed by staff, such requests will be considered by Port staff, with Port staff retaining final decision-making authority on the acceptability of such requests. If an agreement with the owner cannot be reached, the vessel shall be placed back in the water and regular hoist fees shall apply.
- D. Alteration, for any reason, of the blocking set by Port staff shall terminate the Port's responsibility. Port staff will correct the blocking and labor charges shall be applied.
- E. Any cutting of the blocking cradles or damage to any blocking materials other than by normal wear and tear will lead to charges to replace damaged blocking.
- F. Tying off of tarps, etc. to any of the blocking materials is prohibited. [Reissued by Exec. Dir. 10/15/13; formerly #89.1 – 6]

**Chapter 5.02
WORK YARDS**

Sections:

5.02.010	Purpose.
5.02.020	Mandatory compliance.
5.02.030	Hoist/Yard Tenancy Agreement required.
5.02.040	Project plans required – Contents.
5.02.050	Proof of business license required.
5.02.060	Vehicular and heavy equipment access – Prior arrangement required.
5.02.070	Tools and equipment to be provided by owner.
5.02.080	Upland live-aboard permits – Requirements – Limitations.
5.02.090	Yard storage charges.
5.02.100	Painting of vessels.
5.02.110	Refuse disposal - Work areas to be kept clean and orderly.
5.02.120	Hazardous and volatile materials.
5.02.130	Alteration of vessel blocking – Termination of Port responsibility.
5.02.140	Prohibited behavior on or in Work Yard areas.
5.02.150	Violations – Removal of vessel – Compensation for clean-up and damages.
5.02.160	Temporary structures.

5.02.010 Purpose.

The Work Yards Rules, Regulations and Procedures describe the rules governing vessel owners, vessel crews and local marine trades and marine trades service providers conducting vessel maintenance and repair activities in the work yard areas of the Port of Port Townsend. The rules are intended to ensure that such activities are conducted in a safe and lawful manner. Additionally, because the entire Port Townsend Boat Haven site is operated under a National Pollutant Discharge Elimination System (NPDES) waste discharge permit administered by Washington State Department of Ecology, these rules are intended to minimize the environmental impacts of such activities and to maintain the Port's NPDES permit. *[Reissued by Exec. Dir. 10/15/13; formerly #90]*

5.02.020 Best Management Practices Implementation - Mandatory compliance.

All owners and authorized representatives thereof working on vessels in the Port's yard areas shall comply with §1.05.180, and the Environmental Best Management Practices

(BMPs) set forth in Appendix “B”, as well as the Noise BMPs set forth in Appendix “F”. Furthermore, it shall be the responsibility of the owner or his/her authorized representative to ensure that all individuals working on the vessel are aware of these Rules, Regulations and Procedures and the Best Management Practices (BMPs) governing work conducted in the Port’s yard areas. Failure to do so may lead to Termination of Work Privileges and Enforcement action as detailed in Chapter 5.04. [Reissued by Exec. Dir. 10/15/13; formerly #90.2]

5.02.030 Hoist/Yard Tenancy Agreement required.

Prior to beginning work on the vessel, the vessel owner or his/her authorized representative is required to complete a “Hoist/Yard Tenancy Agreement” in a form acceptable to the Executive Director and Port Attorney. A sample agreement is set forth, for informational purposes only, within Appendix “E” to these Rules, Regulations and Procedures. [Reissued by Exec. Dir. 10/15/13; formerly #90.3]

5.02.040 Project plans required – Contents.

A project plan must be submitted by the owner or his/her authorized representative to the Port at the time the Hoist/Yard Tenancy Agreement is signed. At a minimum, this plan shall include the following information:

- A. A detailed description of the work to be accomplished;
- B. A comprehensive list of the marine service providers and vendors to complete the work;
- C. An estimate of the time necessary to complete the project; and
- D. A detailed description of the measures to be taken to comply with the safety and environmental standards of these Rules, Regulations and Procedures. [Reissued by Exec. Dir. 10/15/13; formerly #90.4]

5.02.050 Proof of business license required.

- A. All contractors and marine service providers working on Port property shall provide the Port with proof of current business licenses, an executed copy of a “Hoist/Yard Tenancy Agreement”, which includes Hold Harmless provisions (see Appendix “E” to these Rules, Regulations and Procedures). It shall be the responsibility of the vessel owner or his/her authorized representative to ensure that the Port is provided with all required information.
- B. The Port will maintain a file and list of contractors and marine service providers that have submitted the information required in subsection A, above. [Reissued by Exec. Dir. 10/15/13; formerly #90.5-6]

5.02.060 Vehicular and heavy equipment access – Prior arrangement required.

If a vessel owner intends to use or needs to have larger equipment access the vessel (e.g., cranes, delivery trucks, etc.), prior arrangements shall be made with the hoist and yard supervisor. *[Reissued by Exec. Dir. 10/15/13; formerly #90.7]*

5.02.070 Tools and equipment to be provided by owner.

The Port shall under no circumstance provide tools or equipment (e.g., ladders, extension cords, etc.) to vessel owners, contractors and service providers working within the Port's yard areas. The owner or his/her authorized representative shall provide all gear, equipment and labor. Said tools, equipment and supplies shall either be kept aboard the vessel or in an approved storage unit, when not in use. *[Reissued by Exec. Dir. 10/15/13; formerly #90.8]*

5.02.080 Upland live-aboard permits – Requirements – Limitations.

- A. Persons wishing to live aboard their vessel while in the upland work yard areas of the Port shall first apply for a "Live-Aboard Permit" on forms available at the Yard Office.
- B. The owner of the subject vessel or his/her authorized representative shall apply for the Live-Aboard Permit. Renting of vessels to persons seeking live-aboard status is prohibited.
- C. All live-aboard vessels within upland yard areas shall be registered with the Port and have a current Live-Aboard Permit conspicuously displayed upon the vessel.
- D. Upland Live-Aboard Permits shall be valid for a period of up to three (3) months, and shall be valid only while work is being actively performed on the vessel.
- E. Upland Live-Aboard Permits may be renewed on a monthly basis for up to three (3) additional months (i.e., for a maximum duration of six (6) months within a 12 month period), provided that the Yard Manager has reviewed the request and has concluded that the criteria set forth below have been satisfied:
 - 1. Unforeseen circumstances during the repairs to the vessel necessitate an extension of the Live-Aboard Permit;
 - 2. Termination of the Live-Aboard Permit would result in an unreasonable hardship to the vessel owner, and the vessel owner is not responsible for the delay in completing repairs;
 - 3. The vessel owner has demonstrated reasonable diligence in attempting to complete the repairs during the initial three (3) month period or any one (1) month extension period thereafter, as applicable; and
 - 4. That the vessel owner's accounts with the Port have been paid up to current status throughout his/her stay within the yard.
- F. Live-Aboard permittees shall be charged a monthly fee, as well as an established monthly fee for electricity.
- G. A Port Townsend Boat Haven Live-Aboard permittee that has moved his/her vessel into an upland work yard area of the Port, and who is eligible for the Port's credit

programs, will be charged the standard moorage and Marina live-aboard fees, in addition to the established monthly fee for electricity.

- H. Live-Aboard permittees shall comply with all Port Rules, Regulations and Procedures. *[Reissued by Exec. Dir. 10/15/13; formerly #90.9, #90.23-29]*

5.02.090 Yard storage charges.

- A. Storage charges on accounts that are prepaid commence on the day after the haul-out, and charges run through the day before return to the water.
- B. All charges shall be paid in full before any discount may be provided.
- C. Work yard charges shall be based on the overall length of the vessel.
- D. Charges will be billed the first of the month following haul out, and shall be paid within 20 days. Delinquent accounts will be billed a late charge. *[Reissued by Exec. Dir. 10/15/13; formerly #90.10-11, #90.20 and #90.22]*

5.02.100 Painting of vessels.

Paint spillage and overspray shall be promptly cleaned up. Spray painting is prohibited if overspray may occur. The owner should always take the appropriate steps such as tarps or barriers to protect nearby boats and vehicles. *[Reissued by Exec. Dir. 10/15/13; formerly #90.12]*

5.02.110 Refuse disposal - Work areas to be kept clean and orderly.

- A. For projects that will generate more than one garbage bag of refuse per week, the vessel owner, contractor or responsible party shall procure a dumpster and disposal service adequate to contain the refuse in a sanitary manner or otherwise provide for lawful disposal off-site.
- B. Empty cans, scraps of lumber, paper or other debris shall be placed in containers provided for that purpose. Area shall be left clean and orderly at the close of each day. If the area is not cleaned, the Port may charge the owner for clean-up and disposal.
- C. Prior to re-launching of the vessel, the area around the vessel in the yard shall be left in a clean and orderly condition. If the area is not cleaned, the Port shall charge the owner for clean-up and disposal. *[Reissued by Exec. Dir. 1/15/14; formerly #90.13, #90.18 and #90.21.]*

5.02.120 Hazardous and volatile materials.

- A. It is acknowledged by the Port that the repair and restoration of vessels necessitates the use of hazardous and volatile substances that inherently possess the potential to endanger other vessels and persons if used inappropriately. It shall be the vessel owner's sole responsibility to ensure that all appropriate safety precautions and manufacturer's instructions are adhered to while working in the yard areas of the Port.

- B. Oil, paint, and other volatile liquids or debris shall not be permitted to enter sanitary drains, thrown in the water or dumped on the ground. All hazardous materials must be disposed by approved means. *[Reissued by Exec. Dir. 10/15/13; formerly #90.14-5]*

5.02.130 Alteration of vessel blocking – Termination of Port responsibility.

Consistent with §5.01.190, above, alteration, for any reason of the blocking set by Port staff shall terminate the Port's responsibility. *[Reissued by Exec. Dir. 10/15/13; formerly #90.17]*

5.02.140 Prohibited behavior on or in Work Yard areas.

Persons engaged in work within the Port's Work Yard areas will be considerate to their neighbors and take care not to interfere with the work of other boat owners in the area. To these ends, the behaviors set forth in §1.05.060 of these Rules, Regulations and Procedures shall be prohibited. *[Reissued by Exec. Dir. 10/15/13; formerly #90.16]*

5.02.150 Violations – Removal of vessel – Compensation for clean-up and damages.

Violators of these regulations will be required to bring their account current and remove their vessel from the Port property within fifteen (15) days of written notice from the Yard Manager. They will also be required to pay for any damage or necessary clean up prior to departure. *[Reissued by Exec. Dir. 10/15/13; formerly #90.19]*

5.02.160 Temporary structures.

Temporary structures for the purpose of sheltering active work areas from the elements may be permitted at the discretion of the Yard Manager, provided that the vessel owner shall document, to the satisfaction of the Yard Manager, compliance with the building permit regulations of the City of Port Townsend. *[Issued by Exec. Dir. 10/15/13]*

Chapter 5.03
SHIPYARD WORK AREAS

Sections:

5.03.010	Shipyards - Definition and purpose.
5.03.020	Work Yard rules applicable.
5.03.030	Storage agreements.
5.03.040	Port staff – Authority.
5.03.050	Vessel work space – Definition and dimensions.
5.03.060	Additional work space upon request.
5.03.070	Vehicular and heavy equipment access – Prior arrangement required.
5.03.080	Temporary structures.

5.03.010 Shipyards – Definition and purpose.

The Port Townsend Shipyards is defined as those Port owned yard areas west of Boat Street. The Shipyards is to be used for the placement of vessels while work is being performed. Also these areas may be used for storage of miscellaneous boat or marine gear and equipment associated with a vessel in the yard. Established Port rates apply to anything stored on Port property. *[Reissued by Exec. Dir. 10/15/13; formerly #91 and 91.1]*

5.03.020 Work Yard rules applicable.

The provisions of Chapter 5.02, "Work Yards," shall also apply within the Shipyards. *[Reissued by Exec. Dir. 10/15/13; formerly #91]*

5.03.030 Storage agreements.

Everything stored in the Port yards must be pre-approved by Port staff and a storage agreement must be completed prior to occupying the space. *[Reissued by Exec. Dir. 10/15/13; formerly #91.2]*

5.03.040 Port staff – Authority.

Port staff, specifically the Port's hoist and yard supervisor has the authority to designate where vessels will be sited and where miscellaneous gear and equipment can be stored. *[Reissued by Exec. Dir. 10/15/13; formerly #91.3]*

5.03.050 Vessel work space – Definition and dimensions.

A vessel work space is defined as the Length Overall (LOA) of the vessel by 32 feet wide (which is the inside dimension of the travelift). *[Reissued by Exec. Dir. 10/15/13; formerly #91.4]*

5.03.060 Additional work space upon request.

If a vessel owner needs more space around the vessel for staging, equipment, or gear and supplies storage, arrangements must be made with the hoist and yard supervisor. Fees for this are based on the established Port rate per square foot. *[Reissued by Exec. Dir. 10/15/13; formerly #91.5]*

5.03.070 Vehicular and heavy equipment access – Prior arrangement required.

Consistent with §5.02.060, if a vessel owner intends to use or needs to have larger equipment access the vessel (e.g., cranes, delivery trucks, etc.), prior arrangements shall be made with the hoist and yard supervisor. *[Reissued by Exec. Dir. 10/15/13; formerly #91.6]*

5.03.080 Temporary structures.

Temporary structures for the purpose of sheltering active work areas from the elements may be permitted at the discretion of the Yard Manager, provided that the vessel owner shall document, to the satisfaction of the Yard Manager, compliance with the building permit regulations of the City of Port Townsend. *[Issued by Exec. Dir. 10/15/13]*

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**Chapter 5.04
SANDBLASTING**

Sections:

5.04.005	Sandblasting Agreement required.
5.04.010	Sandblasting – Designated areas.
5.04.020	Containment required.
5.04.030	Compliance with Department of Ecology regulations.
5.04.040	Sandblasting prohibited during high winds.
5.04.050	Debris disposal
5.04.060	Violations.
5.04.070	Duration of stay in sandblasting area.
5.04.080	Compliance with air quality regulations.

5.04.005 Sandblasting Agreement required.

No sandblasting may be undertaken by any owner/operator upon Port property without having first executed a Sandblasting Agreement and Conditions of Approval, in a form acceptable to the Yard Manager (refer to Appendix “G” for a sample Sandblasting Agreement). *[Issued by Exec. Dir. 10/15/13]*

5.04.010 Sandblasting – Designated areas.

The area designated by the Yard Manager for sandblasting shall be the only area sandblasting is allowed. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “F”, #101.1]*

5.04.020 Containment required.

Sandblasting must be accomplished in small areas that can be adequately covered to prevent debris spread. Containment, collection and proper disposal of all (100%) debris is mandatory. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “F”, #101.2]*

5.04.030 Compliance with Department of Ecology regulations.

Types and size of sand used shall comply with all Department of Ecology rules and regulations. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “F”, #101.3]*

5.04.040 Sandblasting prohibited during high winds.

Sandblasting is prohibited if winds would cause any debris to fall outside the immediate authorized work area. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “F”, #101.4]*

5.04.050 Debris disposal.

All debris shall be picked up following the completion of sandblasting, and prior to the removal of containment. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "F", #101.5]*

5.04.060 Violations.

All particles and debris shall be confined and controlled within the working area. If the Yard Manager has a reasonable basis to conclude that a violation has occurred, he/her may stop all sandblast activity and close the sandblast area. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "F", #101.6]*

5.04.070 Duration of stay in sandblast area.

No vessel shall be permitted to stay in the sandblast area beyond the time necessary to complete the scheduled work, unless written permission is first obtained from the Yard Manager. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "F", #101.7]*

5.04.080 Compliance with air quality regulations.

Owners/operators using the Port's sandblasting areas shall comply with the applicable policies, regulations and guidelines established by Olympic Air Pollution Authority and the EPA. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "F", #101.8]*

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**Chapter 5.05
DERELICT VESSELS**

Sections:

5.05.010	Inspection of suspect vessels.
5.05.020	Derelict vessel determination.
5.05.030	Deposit required for derelict vessels.
5.05.040	Regular fees applicable.
5.05.050	Owner's right to contest Harbormaster's/Yard Manager's determination.
5.05.060	Copy of chapter to be provided to owners of suspect vessels.
5.05.070	Emergency situations.
5.05.080	Port charges – Delinquency – Public sale.
5.05.090	Demolition and disposal – Vessel owner responsible for all costs.

5.05.010 Inspection of Suspect Vessels.

The Harbormaster or Yard Manager shall inspect any vessel which could be considered a derelict vessel (i.e., "suspect vessel") as defined herein. Inspections shall occur prior to transporting in or hauling out a vessel for storage in the Port yards or before receiving a regular moorage or guest slip assignment. It shall be the duty of the Hoist Operator or Moorage Clerk to notify the Harbormaster when a vessel which might be considered a derelict vessel has requested haul-out or moorage at the Port facility. [*Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.2*]

5.05.020 Derelict vessel determination.

- A. When the Harbormaster or Yard Manager is notified by a Port Employee that a vessel is suspected to be a derelict vessel, the owner shall be notified that the Harbormaster or Yard Manager is required to inspect the inside and/or outside of said vessel. If the owner refuses to allow such inspection, the Harbormaster or Yard Manager may refuse to allow the boat to be hauled out and placed in dry storage at the Port facility, and/or refuse moorage. The owner shall immediately remove the vessel from the premises of the Port facility.
- B. In conducting the inspection in order to make the determination of whether the vessel is derelict, the Harbormaster or Yard Manager shall consider the following nonexclusive criteria in making his evaluation:
1. General seaworthiness;
 2. Recent history of use of the vessel;

3. Whether the vessel is equipped with a working generator, holding tank, engine, and electrical system;
4. The extent of the repairs necessary to make the vessel seaworthy and to bring the vessel in compliance with current Coast Guard Regulations governing such vessel; and
5. Other factors bearing on the value of the vessel in comparison with the cost of demolition, transportation and disposal. [*Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.3*]

5.05.030 Deposit required for derelict vessels.

- A. If after completing the above described inspection, at the sole discretion of the Harbormaster or Yard Manager, as applicable, a vessel is determined to be a derelict vessel, the owner of such vessels shall deposit with the Port of Port Townsend a deposit in the amount of the number of tons of the boat, multiplied by the current "Tipping Fee" per ton as charged by the Jefferson County Land Fill for disposal, plus the sum of Five Hundred Dollars (\$500.00) for a derelict vessel weighing up to 100 tons. Vessels weighing between 100 and 200 tons shall pay One Thousand Dollars (\$1,000.00), and vessels over 200 hundred tons shall pay One Thousand Five Hundred Dollars (\$1,500.00) which shall be considered the estimated expense of demolition and transportation to the Jefferson County Land Fill for disposal. Refer to Appendix "H" for the Derelict Vessel Agreement and Deposit Form.
- B. The deposit made by owner shall be placed into an account within the Port of Port Townsend, and shall be held until the vessel is removed by the owner from the Port of Port Townsend.
- C. Should the owner not remove the vessel, abandon the vessel, or fail to pay storage or moorage charges and should the Port be required to dispose of the derelict vessel the deposit shall be forfeited to the Port of Port Townsend to be used in demolition, transportation and disposal of said vessel.
- D. If, and when the owner removes the vessel from Port property the deposit shall be returned to the owner within three (3) weeks of removal of the vessel from Port property.
- E. Deposits required under this Chapter must be made with cash or cashier's check. [*Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.4*]

5.05.040 Regular fees applicable.

Nothing in this Chapter 5.05 shall effect the liability of the owner to pay standard storage fees while the vessel is stored/moored in the Port facility and no portion of the deposit on a derelict vessel shall be applied for payment of storage fees, haul-out fees, or any other fees normally due the Port as a result of storing/mooring vessels within the Port facility. [*Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.5*]

5.05.050 Owner's right to contest Harbormaster's/Yard Manager's determination.

The owner of any vessel which has been determined to be a derelict vessel pursuant to this Chapter 5.05, at his or her sole expense, after paying the deposit required herein, may contest the decision of the Harbormaster or Yard Manager by obtaining a survey of the vessel in question, to be conducted by a licensed and accredited marine surveyor, for the purpose of establishing the fair market value of the vessel. In the event a licensed and accredited marine surveyor after surveying the vessel in question determines that the fair market of the vessel exceeds the tipping fee and demolition and transportation cost as set forth above, and a written and certified copy of said survey is provided to the Harbormaster or Yard Manager of the Port of Port Townsend, the deposit held by the Port shall be returned to the owner. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.6]*

5.05.060 Copy of chapter to be provided to owners of suspect vessels.

A copy of this Chapter 5.05 shall be provided to the owner of any suspect derelict vessel and the procedures set forth herein shall be explained briefly to that owner when a suspect derelict vessel requests moorage and/or haul-out as the Port facility. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.7]*

5.05.070 Emergency situations.

Nothing in this Chapter 5.05 shall prevent the Harbormaster or Yard Manager from authorizing removal of a suspect derelict vessel when such vessel may be in danger of sinking. It is intended that the determination of whether such vessel is in fact a derelict as defined herein shall be made prior to granting moorage and/or haul-out to any such vessel. However, if an emergency arises and in the Harbormaster's or Yard Manager's discretion it is appropriate to haul-out a vessel prior to making a determination as to whether the vessel is a derelict vessel, the inspection and determination contemplated herein shall take place once the vessel is removed from the water. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.8]*

5.05.080 Port charges – Delinquency - Public sale.

The deposit required 5.05.030, above, shall be considered a "port charge" as defined by RCW 53.08.310 (1) and any failure to pay the deposit as required herein upon demand of the Port of Port Townsend shall constitute a failure to pay port charges and subject the vessel to sale at public auction as authorized by RCW 53.08.320 under the process codified in Chapter 4.09 of these Rules, Regulations and Procedures. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.9]*

5.05.090 Demolition and disposal - Vessel owner responsible for all costs.

The Derelict vessel deposit is based on an estimate of vessel tonnage and demolition and transportation costs. If the Port must demolish and dispose of said vessel, the vessel

owner shall be responsible for all costs incurred by the Port in excess of the monies on deposit. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "E", #100.10]*

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Chapter 5.06
ENFORCEMENT, WORK PRIVILEGE TERMINATION, DEFAULT

Sections:

5.06.010	Enforcement.
5.06.020	First violation.
5.06.030	Second violation.
5.06.040	Third violation.
5.06.050	Major infractions.
5.06.060	Appeals.
5.06.070	Work privilege termination.
5.06.080	Default.

5.06.010 Enforcement.

Failure to comply with these Rules, Regulations and Procedures, the Port's Best Management Practices (BMPs), and applicable federal, state and local environmental regulations will lead to stepped enforcement as detailed below. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.0]*

5.06.020 First violation.

For the first violation of these Rules, Regulations and Procedures, individuals shall receive a verbal notice from Port staff. Port staff will note the nature of the violation on the Yard BMP Inspection Form and place a copy of the notation in the boat owners file. Also, staff will provide the individual and boat owner with a copy of the notation. While informing the person of the violation, Port staff will go over the appropriate steps and BMP's that need to be applied. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.1]*

5.06.030 Second violation.

The second violation of these rules shall result in the boat owner receiving a written "Stop Work" notice. The notice shall spell out the specific infraction and remedies that will need to be enacted before work can begin again. This notice will also state that any further violations may lead to termination of individual's/vessel owner's privilege to work on Port property. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.2]*

5.06.040 Third violation.

A third violation shall result in an immediate "Stop Work" order being issued. Port staff shall notify the Port's Executive Director of the situation. The Executive Director shall review the facts surrounding the violation, and consider prior history of violations, in

determining whether work privilege shall be terminated. [Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.3]

5.06.050 Major infractions.

Major infractions or violations of these and other Port policies referenced in this document, may lead to immediate termination of privilege to work on Port property. A "Major infraction" would be one which is so blatantly obvious and egregious as to clearly pose safety and/or environmental hazards. [Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.4]

5.06.060 Appeal process.

All individual's /vessel owners covered by this policy shall have the right to appeal "termination of work privilege" decisions. In the event that a privilege to work on Port property is terminated by Port staff following the stepped enforcement procedures stated above, individuals/vessel owners can appeal the decision to the Port's Board of Commissioners. Stop work orders remain in effect during the appeal process. [Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", 1.5]

5.06.070 Work privilege termination.

An individual's privilege to work on Port premises may be terminated for any of the following:

- A. Default. Failure to promptly pay to the Port, when due, all rents, charges, fees, and other payments which are payable to the Port by the contractor.
- B. Violation of rules. A violation of any provision of these Rules, Regulations and Procedures, Best Management Practices, (BMPs) or any other terms, conditions, rules or regulations to which the contractor is subject.
- C. Violation of laws. Any violation of the laws or regulations of the United States, the State of Washington, Jefferson County, or the City of Port Townsend.
- D. False information. Furnishing of any false information or misrepresentation of any material fact to the Port on the Registration Form, or in statements to or before the Port, or any failure to make full disclosure on the Registration Form, or in statements to or before the Port. [Reissued by Exec. Dir. 10/15/13; formerly Appendix "I", #2.0-2.4]

5.06.080 Default.

- A. Termination. In the event of termination of privileges, the individual shall cease all operations on Port property. Should the individual fail to do this, the Port shall have the right, without further notice to the individual, to immediately request that all of the individual's equipment, supplies and personal property be removed from the Port's facilities by force or otherwise, and with or without further legal process to expel, oust and remove any and all parties and any and all goods and chattels not

belonging to the Port that may be found within or upon the same, at the expense of the individual and without being liable to prosecution or to any claim for damages therefore. Upon such termination by the Port, all rights, powers, and privileges of the individual shall cease and the individual shall immediately vacate any space occupied by it, shall cease all work being performed in the Port facility and shall make no claim of any kind whatsoever against the Port, its agents, or representatives by reason of such termination or any act incident thereto. The Port shall have any and all other remedies at law and in equity, including the equitable remedy of injunction.

- B. Default – cost recovery. In the event that any party commences legal action to enforce or interpret any provision of these terms and conditions, the prevailing party in such legal action shall be entitled to an award of attorney’s fees and all litigation expenses, in amounts determined by the court. [*Reissued by Exec. Dir. 10/15/13; formerly Appendix “1”, #3.0-3.1*]

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TITLE 6: BOAT RAMPS & LAUNCHES

Chapters:

- 6.01 General Provisions**
- 6.02 Commercial Use of Launch Facilities**

**Chapter 6.01
GENERAL PROVISIONS**

Sections:

6.01.010	Intent.
6.01.020	Non-liability of Port of Port Townsend – Insurance required.
6.01.030	Launch fees – Short-term moorage.
6.01.040	Access routes.
6.01.050	Queuing for launch.
6.01.060	Blocking of ramps prohibited.
6.01.070	Time limits – Vessel launching/retrieval
6.01.080	Tow-vehicle parking.
6.01.090	Adjacent private properties – No trespassing.
6.01.100	Schematic map of Port launch facilities – Locations.

6.01.010 Intent.

The Gardiner, Mats Mats Bay, Port Hadlock, Point Hudson, Boat Haven and Quilcene Marina boat launch facilities (collectively referred to as the “launch facilities” within this Title 6) were constructed for the benefit of the public as a whole, and are intended principally to provide recreational trailer boaters with access to the water. The Port expects all users to use such launch facilities responsibly and with common courtesy, to keep them free of litter, to respect and protect the public’s interest, and to refrain from any activities which will or might cause the facilities damage or harm. The Port further expects the visiting public to respect the rights of others and to be particularly vigilant with regards to the control of pets, the safety of children, and keeping the facilities free of vandalism. [Issued by Exec. Dir. 10/15/13]

6.01.020 Non-liability of Port of Port Townsend – Insurance required.

A. Operator Responsibility/Hold Harmless. In some cases, the Port’s boat launch facilities lie in exposed sites where unforeseen and unexpected winds are common (e.g., Gardiner). It is the sole duty of boat operators to monitor wind, wave and tidal current conditions and to take all necessary measures to protect their boats, to refrain from damaging other boats, property, moorage floats/piers, and to protect their passengers, and any pedestrians in the vicinity of the Port’s boat launch ramps from personal injury. Should property damage or personal injury occur, as a condition of use of the facilities, the owner and/or operator of the boat shall save, indemnify and hold the Port harmless from, and defend the

Port against any and all claims for personal injury or property damage arising out of, or in any way connected to, use of Port facilities.

- B. Assumption of Risk. Any person visiting or using the Port's boat launch facilities does so at his/her own risk. The Port does not assume any responsibility for loss or damage to property or personal injury within or on such facilities.
- C. Insurance Required. As a condition of using Port boat launch facilities, all trailer boat owners and operators (other than small recreational vessels such as dinghies and kayaks) must carry general liability insurance to protect against personal injury and property damage as a condition of using said facilities. *[Issued by Exec. Dir. 10/15/13]*

6.01.030 Launch fees – Short-term moorage.

- A. Use of Port boat launch facilities is subject to fees established in the Port's tariff, which establishes both a daily use fee as well as an annual use permit.
- B. Special provisions applicable to holders of an annual use permit entitle users of the Boat Haven Launch Ramp to moor in slips assigned by the Harbormaster for up to twelve (12) hours (i.e., subject to fees established in the Port's tariff).
- C. Where applicable, temporary tie-up to moorage floats (e.g., Port Hadlock and Mats Mats facilities) is allowed on a first-come, first-served basis, but may not exceed four (4) consecutive hours, unless special permission for longer term dinghy/skiff tie up is granted by the Harbormaster. Tie up to the gangway at the Port Hadlock facility is expressly prohibited. *[Issued by Exec. Dir. 10/15/13]*

6.01.040 Access routes.

Persons wishing to use Port boat launch facilities are encouraged to follow posted signage for the safest and most suitable access routes from main roads. *[Issued by Exec. Dir. 10/15/13]*

6.01.050 Queuing for launch.

Persons using Port boat launch facilities shall launch their and retrieve their vessels in the order of the vehicles in line. Queue-jumping is prohibited. Please refer to Appendix "I" for Trailer Boating Best Practices. *[Issued by Exec. Dir. 10/15/13]*

6.01.060 Blocking of ramps prohibited.

Persons using Port boat launch facilities shall not block ramp access to other users with tow-vehicles, trailers or other obstructions. Please refer to Appendix "I" for Trailer Boating Best Practices. *[Issued by Exec. Dir. 10/15/13]*

6.01.070 Time limits – vessel launching/retrieval.

Vessel owners have 10 minutes, maximum, to launch or retrieve a vessel. Please refer to Appendix "I" for Trailer Boating Best Practices. *[Issued by Exec. Dir. 10/15/13]*

6.01.080 Tow-vehicle parking.

Persons using Port boat launch facilities shall follow posted signage for parking. To the extent practicable, owners of tow-vehicles/boat trailers should use provided parking spaces as far from launch ramps as possible, in order to ensure that later arrivals have adequate room to maneuver. [Issued by Exec. Dir. 10/15/13]

6.01.090 Adjacent private properties – No trespassing.

Where applicable, persons using Port facilities shall not trespass on private properties adjacent to launch ramps, and shall not otherwise interfere with the right to quiet enjoyment of adjacent private properties. [Issued by Exec. Dir. 10/15/13]

6.01.100 Schematic map of Port launch facilities – Locations.



[Issued by Exec. Dir. 10/15/13]

Chapter 6.02
COMMERCIAL USE OF LAUNCH FACILITIES

Sections:

6.02.010	Purpose - Applicability.
6.02.020	Permit required for commercial use.
6.02.030	Application – Required information.
6.02.040	Damage deposit required.
6.02.050	Gardiner facility – Commercial use prohibited.

6.02.010 Purpose – Applicability.

- A. The purpose and intent of this Chapter 6.02 is to establish rules, regulations and procedures governing the transfer of gear and equipment from commercial vessels of all types (e.g., fishing, crabbing, diving, charter, etc.) involved in both tribal and non-tribal activities of any kind.
- B. The provisions of this Chapter 6.02 shall apply to all non-permanent Port tenants needing to use the ramp facilities in any way to support their commercial activities. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “J”, §1]*

6.02.020 Permit required for commercial use.

All persons or entities wishing to use Port-owned launch ramp facilities for conducting and/or supporting commercial activities, shall first obtain permission from the Port. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “J”, §2]*

6.02.030 Application – Required information.

- A. To obtain permission for commercial use of launch ramp facilities, the applicant shall provide the following written information to the Port:
 - 1. The type and size of vessel involved;
 - 2. The requested duration of operations at specific ramp sites;
 - 3. Written narrative detailing how the ramp facility will be used;
 - 4. A list of the number and types of vehicles being off-loaded to; and
 - 5. Any special needs or additional information the Port should consider.
- B. In addition to the information required in subsection A, above, the applicant shall remit appropriate fees, which are assessed on a per boat, per ramp basis, as established in the Port’s tariff. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix “K”, §3]*

6.02.040 Damage deposit required.

A clean-up/damage deposit fee shall be paid prior to any long-term use of Port launch ramp facilities. This fee shall be refundable if inspection of facilities for damage and cleanliness is found to be satisfactory. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "J", §4]*

6.02.050 Gardiner facility – Commercial use prohibited.

Notwithstanding any other provisions contained in this Chapter 6.02, commercial use of the Gardiner launch ramp facility shall be expressly prohibited. *[Reissued by Exec. Dir. 10/15/13; formerly Appendix "J", in unnumbered text following §4]*

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TITLE 7: DOCKS & WHARVES

Chapters:

- 7.01 General Provisions**
- 7.02 City Dock Use Regulations**
- 7.03 Union Wharf Use Regulations**

Chapter 7.01
GENERAL PROVISIONS

Sections:

7.01.010	Authorization.
7.01.020	Applicability – Conflict of rules.
7.01.030	Intent.
7.01.040	Schematic drawings of Union Wharf.
7.01.050	Adoption of additional rules by Executive Director – Pamphlet – Signage.
7.01.060	Authorized emergency vessels exempt.
7.01.070	Reserved.
7.01.080	Use of shelter – Busking allowed – Temporary commercial uses.
7.01.090	Mooring requirements and responsibilities – Repair work prohibited.
7.01.100	Revocation of license – Prohibition of future use of facilities.
7.01.110	Non-liability of Port of Port Townsend – Insurance required.
7.01.120	Violations – Enforcement - Impounding of vessels.
7.01.130	Contractor use.
7.01.140	Suspension of permits/reservations for emergencies or repairs.

7.01.010 Authorization.

As authorized by RCW Title 53 generally, and RCW 53.08.030 specifically, Port of Port Townsend is authorized to acquire, add to, maintain, conduct and operate piers, wharves, docks, boat landings and other harbor improvements. In implementing this authority, the Port shall have supervision and control over waters immediately adjacent to docks or wharves owned by the Port. For the purposes of this chapter, such waters shall be known as “the harbor.” *[Issued by Exec. Dir. 10/15/13]*

7.01.020 Applicability – Conflict of rules.

The provisions of this Title 7 shall apply to all vessels using City Dock and Union Wharf, and shall be construed to supplement United States laws and Washington State laws and regulations when not expressly inconsistent with any laws and regulations which apply. Where the provisions of this Title 7 and another provision of these Rules, Regulations and Procedures overlap, whichever provision imposes the more stringent restrictions shall prevail. *[Issued by Exec. Dir. 10/15/13]*

7.01.030 Intent.

City Dock and Union Wharf (collectively referred to as “Port moorage facilities” within this Title 7) were constructed for the benefit of the public as a whole, and are intended to provide waterfront access and recreational opportunities for a wide variety of persons. In this regard, the Port expects all users, whether public or private, commercial or recreational, to use such moorage facilities responsibly and with common courtesy, to keep them free of litter, to respect and protect the public’s interest, and to refrain from any activities which will or might cause the facilities damage or harm. The Port further expects all commercial users of Union Wharf to be mindful that Union Wharf was constructed primarily to provide public access to, and recreational enjoyment of, the waterfront by the general public, and that any commercial use is secondary to this primary purpose. All patrons and the public are to respect the rights of others and to be particularly vigilant with regards to the control of pets, the safety of children, and keeping the facilities free of vandalism. *[Issued by Exec. Dir. 10/15/13]*

7.01.040 Schematic drawings of Union Wharf.

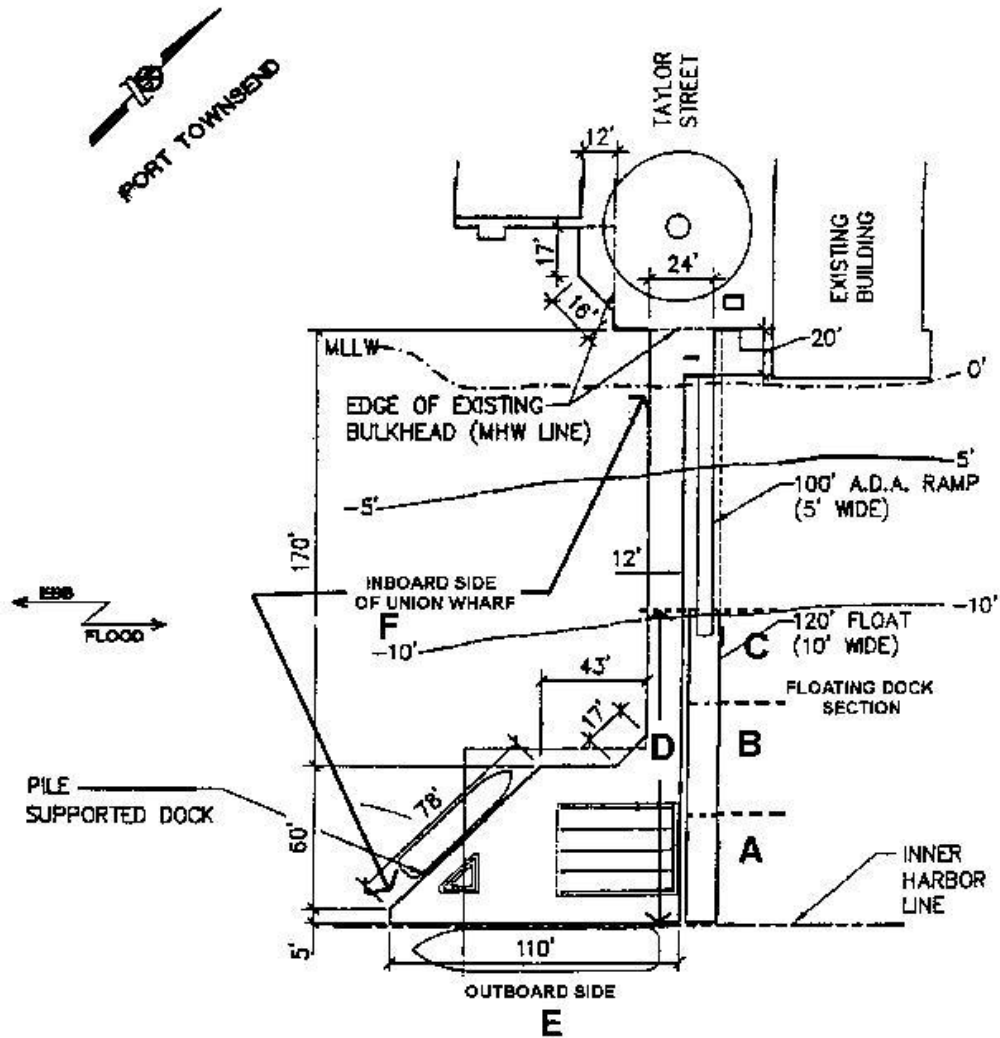
The following drawings illustrate the various sections and side of Union Wharf as regulated in this Title 7:

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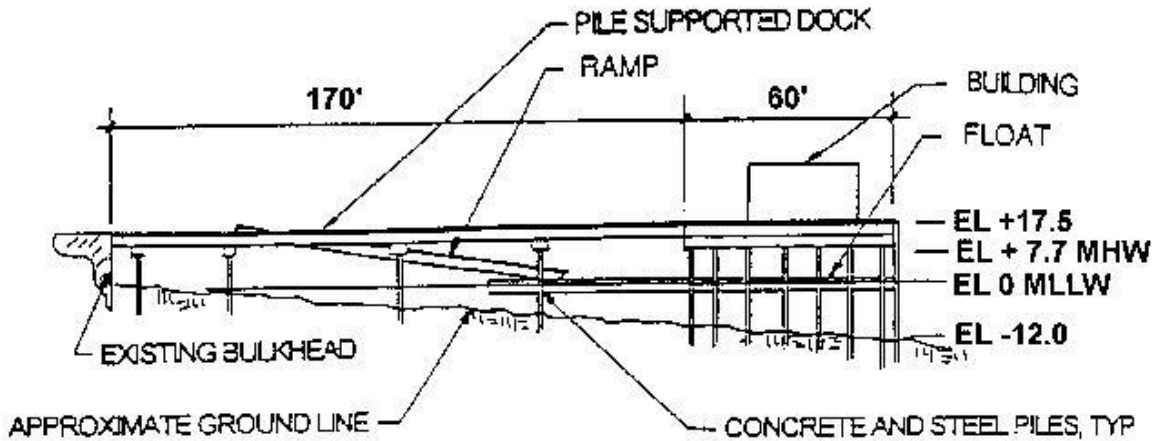
**UNION WHARF
PORT of PORT TOWNSEND
7.01.040 DRAWING 1 OF 2**

Nearest in-water structures are several hundred feet away from both sides of pier.

TIDAL INFORMATION					
Name	Place (Lat./Long.)	Height referred to datum of soundings (M.L.L.W.)			
		Mean Higher High Water	Mean High Water	Mean Tide Level	Mean Lower Low Water
Port Townsend	48°06'48"N 122°45'15"W	8.5 ft.	7.7 ft.	5.1 ft.	0.0 ft.



**UNION WHARF
PORT of PORT TOWNSEND
7.01.040 DRAWING 2 OF 2**



[Issued by Exec. Dir. 10/15/13]

7.01.050 Adoption of additional rules by Executive Director – Pamphlet – Signage.

- A. Executive Director Authority. Consistent with Chapter 1.03 of these Rules, Regulations and Procedures, the Executive Director shall have the authority to promulgate and adopt additional reasonable rules, regulations and procedures consistent with the intent of this chapter, pertaining to the operation, administration, management and use of City (“Cotton”) Dock and/or Union Wharf. Any adopted rules or regulations shall be copied to the Port Commission. Failure to comply with any such adopted rules or regulations shall be a violation of this chapter.
- B. Informational Pamphlet. Executive Director will develop and publish a pamphlet for distribution to potential commercial users of the facilities, which outlines operating policies and procedures, within a reasonable time after adoption of the rules, regulations and procedures set forth in this Title 7.
- C. Signage. The Executive Director may establish appropriate signage, in conformance with Chapter 17.76 of the City of Port Townsend Municipal Code, at the Port moorage facilities to inform users of the requirements of this Title 7.

[Issued by Exec. Dir. 10/15/13]

7.01.060 Authorized emergency vessels exempt.

The provisions of this Title 7 shall not apply to any authorized emergency vessel actually responding to an emergency call or in immediate pursuit of any actual or suspected violator of the law, within the purpose for which such emergency vessel has been authorized; provided, however, that the provisions of this section shall not relieve the operator of an authorized emergency vessel of the duty to operate with due regard for the safety of all persons using the harbor or Port moorage facilities. *[Issued by Exec. Dir. 10/15/13]*

7.01.070 Reserved.

7.01.080 Use of shelter – Busking allowed - Temporary commercial uses.

- A. Use of Shelter. The shelter at Union Wharf may be used for community events (such as community bands or concerts) sponsored by nonprofit organizations, and/or for any special events approved in advance by the Executive Director.
- B. Busking. Busking is permitted on City Dock and Union Wharf; provided, however, that at times when events permitted by subsection A of this section are scheduled on the wharf, any busker who interferes with or disturbs the event may be required to cease his/her performance. Buskers may not use sound amplification of any sort. The sale of CDs, tapes or other recorded music incidental to busking is allowed.
- C. Temporary Commercial Uses. Temporary (i.e., seasonal) non-exclusive commercial uses and vending that enhance the waterfront outdoor recreation experience are permitted on or within City Dock and Union Wharf, provided that:
 - 1. Such uses are permitted under the City of Port Townsend’s Shoreline Master Program and Zoning Code;
 - 2. Such uses do not preclude free pedestrian access to the structures;
 - 3. No commercial uses shall be allowed on the City Dock transient moorage float or upon the first 120 feet of the Union Wharf transient moorage float; and
 - 4. All such commercial uses, whether on City Dock or Union Wharf, shall be approved in advance by the Executive Director.

Fees for such commercial use shall be established in the Port’s tariff. *[Issued by Exec. Dir. 10/15/13]*

7.01.090 Mooring requirements and responsibilities – Repair work prohibited.

- A. Mooring Requirements/Responsibilities. All vessels, whether commercial or recreational, when left unattended shall be securely moored in accordance with standard, safe boating practices. The Port is not responsible for providing vessel loading or off-loading equipment, does not maintain a watch over vessels during

the berthing period or at any other time, and does not provide line handlers at the dock. If vessels moored at Port facilities are not moored safely, the Harbormaster may supply lines and fittings, or replace inadequate lines or fittings in such a manner as to prevent damage or injury to Port moorage facilities or other vessels or property. The owner and operator of the vessel shall be jointly and severally liable for such service and for all lines, fittings and materials supplied. The impound procedures of Chapter 4.09 of these Rules, Regulations and Procedures apply when such charges are not timely paid.

- B. Repair Work Prohibited. City Dock and Union Wharf are not intended to be facilities for boat repair or maintenance, and any such activities are prohibited while moored or docked at Port facilities, unless an emergency exists as determined by the Port. The owner and operator of vessels using Port facilities shall have full responsibility for all oil spills, pollution, etc., of harbor waters, and shall be liable for damages and remediation to the full extent allowed by local, state and federal law. *[Issued by Exec. Dir. 10/15/13]*

7.01.100 Revocation of license – Prohibition of future use of facilities.

The Harbormaster may revoke any license and/or prohibit future use of Port facilities for any of the following reasons:

- A. Failure or refusal of the owner or operator of the vessel to pay required fees;
- B. Failure or refusal of the owner or operator of the vessel to comply with the use or time restrictions of this Title 7;
- C. Violation of the terms of any commercial use agreement/license to use Port facilities;
- D. Providing the Port with false or misleading information; or
- E. Violation of any other provision of this Title 7.

In the event a license and Port use agreement is revoked, all fees and charges are nonrefundable. *[Issued by Exec. Dir. 10/15/13]*

7.01.110 Non-liability of Port of Port Townsend – Insurance required.

- A. Operator Responsibility/Hold Harmless. City Dock and Union Wharf lie in an exposed site where unforeseen and unexpected winds are common. In particular, the southeast winds blowing across Port Townsend Bay can create a leeshore. It is the sole duty of vessel operators to monitor wind, wave and tidal current conditions and to take all necessary measures to protect their vessel, to refrain from damaging other vessels, property, or the wharf, and to protect their passengers, crew and any pedestrian from personal injury. Should property damage or personal injury occur, as a condition of use of the facilities, the owner and/or operator of the vessel shall save, indemnify and hold the Port harmless from, and defend the Port against any and all claims for personal injury or property damage arising out of, or in any way connected to, use of Port facilities.

- B. Assumption of Risk. Any person visiting or using City Dock or Union Wharf does so at his/her own risk. The Port does not assume any responsibility for loss or damage to property or personal injury within or on such Port facilities.
- C. Insurance Required. As a condition of using Port facilities, commercial vessels must provide the Port with a certificate of insurance evidencing that they have the insurance coverage required by §7.03.020 and 7.03.030 of this Title 7. In addition, all recreational vessels (other than small recreational vessels such as dinghies and kayaks) must carry general liability insurance to protect against personal injury and property damage as a condition of using Port facilities. *[Issued by Exec. Dir. 10/15/13]*

7.01.120 Violations – Enforcement - Impounding of vessels.

- A. Violations – Enforcement. The Executive Director and his staff is authorized to enforce this Title 7 by written or verbal instructions, consistent with §1.03.040 of these Rules, Regulations and Procedures. The Executive Director may request persons violating these regulations to leave the Port moorage facilities and/or obtain the assistance of law enforcement officers to protect property, lives, or preserve the peace. The Executive Director and his staff may interpret the reasonable intent of these regulations to carry out the purposes of the regulations.
- B. Port Authority to Move Unlawful Vessels. Any vessel which is moored, docked, tied-up or made fast in violation of this Title 7 may be moved by the Port, or by a marine operator under contract with the Port, where necessary to protect life or property. In addition, after attempting to contact the vessel owner or operator, the Port reserves the right to move a vessel where the space occupied by the vessel has been previously reserved by a commercial passenger service vessel or a nonprofit organization. The Port assumes no liability for the moving of any vessel under this Title 7, and the owner or operator of such vessel shall be required to reimburse the Port for all associated costs, including but not limited to the amount due the marine operator, which may be recovered by the Port by any means available at law or equity.
- C. Owner/Operator Liability for Damages. Nothing in this Title 7 shall be construed so as to release any person owning, operating or controlling any vessel or obstruction from liability for damages. The safeguards to life and property required in this Title 7 shall not be construed as relieving any person from installing and maintaining any other safeguards which may be required by law or from practicing safe and responsible boating. In addition, any person using Port moorage facilities in such a manner as to damage such facilities shall be required to pay for all damages done, which may be recovered by the Port by any means available at law or equity.
- D. Impound Authority. In addition to other penalties provided in this Title 7, the Port shall have the right, in the event of a violation of this Title7, or failure to pay for

damages under this section or §7.01.090 to impound the vessel at the owner's or operator's expense, under the authority and procedures set forth in RCW §53.08.320, which are codified within Chapter 4.09 of these Rules, Regulations and Procedures. Appropriately located signs informing users of moorage time limits, restrictions on use and permit and/or fee requirements shall be deemed notice of warning of impoundment by violation. No liability shall attach to the Port for damage arising from moving or storage of vessels under this section. *[Issued by Exec. Dir. 10/15/13]*

7.01.130 Contractor use.

Notwithstanding any other provision of this Title 7, the Executive Director may allow a contractor, while engaged in the construction, renovation, repair or maintenance of Union Wharf or City Dock, to use the facilities where necessary without a charge. The Executive Director may limit use of Union Wharf or City Dock during this period. *[Issued by Exec. Dir. 10/15/13]*

7.01.140 Suspension of permits/reservations for emergencies or repairs.

In the event of an emergency or needed repairs of Port moorage facilities, the Port reserves the authority to suspend any reservations or use (whether commercial or recreational) of the facilities in light of the emergency or to accomplish needed repairs. *[Issued by Exec. Dir. 10/15/13]*

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Chapter 7.02
CITY DOCK USE REGULATIONS

Sections:

- | | |
|----------|----------------------------------|
| 7.02.010 | City Dock – General regulations. |
| 7.02.020 | Use restrictions for City Dock. |

7.02.010 City Dock – General regulations.

City Dock has been constructed to primarily be used for moorage by transient, recreational boaters and for general recreational access to the shoreline by pedestrians. The floating dock is available for vessel use on a seasonal basis (generally the months of June into September). To ensure that the floating dock and pier are used in a manner consistent with these purposes, the following use regulations shall apply to users of City Dock:

- A. Recreational Use. The use of City Dock by transient, recreational boaters is encouraged. Tie-up by transient, recreational vessels and by vessels owned and operated by a nonprofit corporation is subject to fees established in the Port's tariff. Except as otherwise provided in this section, such use is allowed at any time but may not exceed 72 consecutive hours, unless special permission is granted by the Harbormaster. Such use is on a first-come, first-served basis. Recreational boaters are hereby put on notice that rafting up of vessels to three-deep may occur and that any rafting up is at the owner's and/or operator's own risk.
1. City Dock Unloading/Loading Zone. The Harbormaster may designate a portion of the floating dock exclusively for 30-minute unloading and loading between the hours of 7:00 a.m. and one-half hour after sunset of:
(1) transient, recreational boat passengers at any time of the year, and/or
(2) commercial passenger service vessels during the low recreational use season and shoulder months as further set forth in subsection B of this section. A person responsible for navigating such boats must remain on board while temporarily moored at City Dock.
 2. City Dock 72-Hour Use. The Harbormaster may designate a portion of City Dock exclusively for 72-hour use by transient, recreational vessels and/or for overnight use by transient, recreational vessels.
- B. Commercial Passenger Service Vessel Use Prohibited. City Dock may not be used by commercial passenger service vessels. Portions of Union Wharf may be used for such purpose, as further delineated in Chapter 7.03, below.

- C. Designations and Signage. The Harbormaster shall place appropriate signs notifying commercial and recreational users of the use regulations contained in this Chapter. *[Issued by Exec. Dir. 10/15/13]*

7.02.020 Use restrictions for City Dock.

- A. General Limitations. City Dock was designed and constructed for use with certain limitations, including physical limitations such as weight, length, and draft of boats; wind restrictions; vessel tie-up limitations and requirements; tidal restrictions; and the use restrictions of the interagency committee for outdoor recreation grant funding. In all cases, the operator, as well as the owner, of the vessel assumes full responsibility for the safety and physical integrity of the vessel, its passengers, the dock, and other vessels and persons using the dock. In consideration of these limitations, the following design parameters apply:
1. Dock live load is not to exceed 100 pounds per square foot.
 2. Dock is not constructed to withstand impacts greater than 500-ft. pounds.
 3. Vessels are not to be operated in a manner that creates wakes along the dock.
 4. Vessel mooring lines are to be attached to cleats and loads are to be limited to no greater than 6,400 pounds per cleat.
 5. Vessels should not be moored at the dock when on-shore wind conditions exceed 35 mph and/or swells greater than two feet.
 6. Vessels should not be winched to the dock when off-shore wind conditions exceed 35 mph.
 7. This dock facility has no provisions for water, sewer, garbage, or electric power services.
- B. Responsibility of Operator. Notwithstanding the above use restrictions, the operator of each vessel is expected to know the draft and capabilities of his or her vessel, and is entirely responsible for the safety of the vessel and the safe loading and unloading of passengers during all tides and weather conditions, at whichever section of the dock the operator chooses to reserve or use. *[Issued by Exec. Dir. 10/15/13]*

Chapter 7.03
UNION WHARF USE REGULATIONS

Sections:

7.03.010	Union Wharf – Designations and signage.
7.03.020	Union Wharf floating dock – Permitted activities.
7.03.030	Outboard side of Union Wharf – Permitted activities.
7.03.040	Use restrictions for Union Wharf.
7.03.050	Revenue fees.

7.02.010 Union Wharf – Designations and signage.

The Harbormaster shall place appropriate signs notifying commercial and recreational users of the use and payment regulations contained in this Chapter 7.03 for the various locations of the wharf (as identified in the schematic drawings at §7.01.040). [*Issued by Exec. Dir. 10/15/13*]

7.03.020 Union Wharf floating dock – Permitted activities.

The floating dock on the northeast side of Union Wharf is available for vessel use on a seasonal basis (generally, the months of June to September). The use policies of this chapter are intended to encourage transient, recreational boat use of the floating dock during this time. When the floating dock is removed during the off-season, no docking, mooring or tie-up to the northeast side of Union Wharf is allowed. The specific uses allowed at various sections of Union Wharf are as follows:

- A. Inboard Floating Dock. The inboard side of the floating dock (Section D – see schematic drawing 1 in §7.01.040) is for exclusive use by transient, recreational, small vessels (e.g., dinghies, kayaks, rowboats, etc.) on a first-come, first-served basis, subject to fees established in the Port’s tariff. Tie-up is allowed at any time; however, it shall not exceed 72 consecutive hours.
- B. Outboard Floating Dock Sections B and C – Recreational Use Only. Sections B and C of the outboard floating dock (see schematic drawing 1 in §7.01.040) are for exclusive use by transient, recreational vessels measuring 80 feet overall or less, on a first-come, first-served basis, subject to fees established in the Port’s tariff. Tie-up is allowed at any time, but shall not exceed 72 consecutive hours. Recreational boaters are hereby put on notice that rafting up of vessels to three-deep may occur and that any rafting up is at the owner’s and/or operator’s own risk. Dinghies and other similar small vessels may not use this section of the dock.
- C. Outboard Floating Dock Section A – Recreational or Commercial Passenger Service Vessel Use. Section A of the outboard floating dock (see schematic drawing 1 in

§7.01.040) may be used by either transient, recreational vessels or commercial passenger service vessels measuring 40 feet overall or less.

1. Transient, recreational use shall be on a first-come, first-served basis, subject to fees established in the Port's tariff. Tie-up is allowed at any time, but shall not exceed 72 consecutive hours. Recreational boaters are hereby put on notice that rafting up of vessels to three-deep may occur and that any rafting up is at the owner's and/or operator's own risk. Dinghies and other similar small vessels may not use this section of the dock.
2. Use of section A of the outboard floating dock by commercial passenger service vessels shall be subject to execution of a License and Port Use Agreement, as outlined in this section. Such license and Port use agreement is for loading and unloading of passengers only, and is subject to the following regulations:
 - a. License and Port Use Agreement Required for Commercial Passenger Service Vessels. A commercial passenger service vessel license and use agreement may be negotiated on an annual (based on the calendar year) basis for each vessel upon payment of the fees established in the Port's tariff. The license may be obtained from the Port finance department at any time during the year. It shall be valid through December 31st of the year granted during such time as the floating dock is available for use. The license entitles the licensee to use the designated commercial loading and unloading section of the floating dock. The license and Port use agreement shall be in a form provided by the Port and be accompanied with the required fee(s). The granting of any license under this section shall be conditioned on the applicant providing the following:
 - i. A certificate of insurance evidencing that the applicant has in full force and effect a protection and indemnity insurance policy in an amount of not less than \$1,000,000 for marine and/or general liability and including pollution liability insurance, naming the Port of Port Townsend as an additional insured. The insurance requirement may be reduced to no less than \$500,000 where, at the sole discretion of the Executive Director, he or she determines that the proposed use poses a lesser liability risk.
 - ii. Execution of an agreement to save and hold the Port of Port Townsend harmless from, and defend the Port against any and all claims for personal injury or property damage arising

out of, or in any way, caused by the applicant's use of the dock or wharf.

- iii. A copy of the vessel's United States Coast Guard Certification of Documentation (if the vessel is required by law to have such certification) and current Washington State registration. Equivalent documentation shall be required of foreign vessels.
- b. Loading and Unloading/Conditions of Use. Use of the designated commercial section of the floating dock is limited to 30 minutes loading and unloading of passengers. Use is without reservation on a first-come, first-served basis. A person responsible for navigating such vessel must remain on board while temporarily moored at the floating dock. Notwithstanding the 30-minute time limit, such vessels shall depart from the loading zone as soon as their passengers are loaded or unloaded if another vessel is waiting to use the loading/unloading zone. In the event that more than one permitted vessel desires to use the commercial loading/unloading zone at the same or similar times, vessel operators are responsible for queuing up safely and considerately, and communicating with each other where necessary. Commercial vessel use shall not interfere with the reserved use of the outboard section of Union Wharf (Section E) authorized by §7.03.030.
- c. Assignment/Transfer of Licenses. No license issued under this section may be assigned. Upon application to the Port finance department, a license may be transferred to a different vessel under the same ownership.
- d. Port Right to Limit Licenses. The Port reserves the right, at the discretion of the Executive Director, to limit the number of seasonal licenses issued in order to prevent or remedy overuse of the floating dock. *[Issued by Exec. Dir. 10/15/13]*

7.03.030 Outboard side of Union Wharf – Permitted activities.

- A. Commercial and Recreational Use/License and Port Use Agreement Required. Use of the outboard side of Union Wharf, designated as Section E (see schematic drawing 1 in §7.01.040) and the east end of the floating dock (which is capable of being used for loading and unloading of passengers of boats docked at Section E) may be used by both commercial and transient recreational vessels, subject to execution of a License and Port Use Agreement, as outlined in this section. Such license and Port use agreement is subject to the following regulations:
 1. A certificate of insurance evidencing that the applicant has in full force and effect a protection and indemnity insurance policy in an amount of not less

than \$1,000,000 for marine and/or general liability and including pollution liability insurance, naming the Port as an additional insured. The insurance requirement may be reduced to no less than \$500,000 where, at the sole discretion of the Executive Director, he or she determines that the proposed use poses a lesser liability risk.

2. Execution of an agreement to save and hold the Port of Port Townsend harmless from, and defend the Port against any and all claims for personal injury or property damage arising out of, or in any way, caused by the licensee's use of the dock or wharf.
 3. A copy of the vessel's United States Coast Guard Certification of Documentation (if the vessel is required by law to have such certification) and current Washington State registration. Equivalent documentation shall be required of foreign vessels.
- B. Commercial and Recreational Use/Reservation System. All use of the outboard side of Union Wharf, designated as Section E (see schematic drawing 1 in §7.01.040) and the east end of the floating dock (which is capable of being used for loading and unloading of passengers of boats docked at Section E) may be used by both commercial and transient recreational vessels, subject the reservation system set forth in this section.
1. Any business, person, or organization desiring reserved use must receive advance approval from the Port at least five (5) working days in advance of the requested use date and pay the required fee, as established in the Port's tariff.
 2. The vessel operator shall specify on the license and Port use agreement form the specific day(s), time(s) and hour(s) of use requested.
 3. Reserved use of the east end of the floating dock cannot interfere with the use of Section A of the floating dock.
 4. Use is limited to vessels of 175 feet length overall with a beam no greater than 40 feet, unless approval for a larger vessel is granted by the Port. Approval of use by vessels larger than 175 feet by 40 feet, must be sought at least 30 days in advance of the date of proposed use, and the applicant must provide the Port with all pertinent information, including but not limited to the tonnage, windage, size, and loading, unloading and docking capabilities of the vessel. Any fees incurred by the Port in assessing a large vessel will be passed on to the vessel owner, and must be paid prior to granting of the license. Such approval is not a guarantee of safety, and the owner and operator remain fully responsible for the safety of the vessel, its crew and passengers, Port facilities, and other persons or vessels, and are liable for all personal injury or property damage as further set forth in this chapter.

- C. Reservations.
1. Reservations for use of section E of Union Wharf may be made up to nine (9) months in advance of the proposed use date(s). The Executive Director may establish a reservation system and necessary forms to reserve space on the outboard section of Union Wharf.
 2. Reservations for up to 72 hours of continuous, exclusive use of Section E will be accepted on a first-come, first-served basis, contingent on paying the fee and satisfying the requirements set forth below.
 3. Reservations for two (2) one-hour loadings and/or un-loadings at Section E will be accepted on a first-come, first-served basis, contingent on paying the fee and satisfying the requirements set forth below. This reservation entitles the permit holder to one (1) loading and one unloading of passengers within a six (6) hour period. Each loading or unloading cannot exceed one (1) hour. In order to reserve exclusive use of the wharf within the six (6) hour time period, the specific time requested must be identified on the license form. In the event that the vessel operator desires to load and unload passengers more than six (6) hours apart, two separate loading/unloading fees must be paid.
 - D. Fees. Fees for use of Section E of Union Wharf must be paid to the Port finance department at least five (5) days in advance of the use, consistent with the then current version of the Port's Tariff. *[Issued by Exec. Dir. 10/15/13]*

7.03.040 Use restrictions for Union Wharf.

- A. General Limitations. Union Wharf was designed and constructed for use with certain limitations, including physical limitations such as weight, length, and draft of boats; wind restrictions; vessel tie-up limitations and requirements; tidal restrictions; and the use restrictions of the interagency committee for outdoor recreation grant funding. In all cases, the operator, as well as the owner, of the vessel assumes full responsibility for the safety and physical integrity of the vessel, its passengers, the dock, and other dock users. In consideration of these limitations, the following maximum use design parameters apply:
1. Dock live load is not to exceed 250 pounds per square foot.
 2. Deck load – no greater than H 20 truck.
 3. Vessels are not to be operated in a manner that creates wakes along the wharf.
 4. Mooring load: 10,000 pounds in any direction. This corresponds to the line load capacity that each fender pile is capable of withstanding.
 5. This facility has no provisions for water, sewer, garbage, or electric power services.

- B. Responsibility of Operator. Notwithstanding the above use restrictions, the operator of each vessel is expected to know the draft and capabilities of the operator's vessel, and is entirely responsible for the safety of the vessel, and the safe loading and unloading of passengers during all tides and weather conditions, at whichever section of the dock the operator chooses to reserve or use. The operator is expected to monitor wind, wave and current conditions, and take all necessary actions to prevent property damage or personal injury (please refer to schematic drawing 2 in §7.01.040 for approximate depths as of July 1997).
- C. Use of Inboard Side (Section F). Use of the inboard side of Union Wharf (Section F on schematic drawing 1 in §7.01.040) is not permitted at any time. [*Issued by Exec. Dir. 10/15/13*]

7.03.050 Revenue fees.

All revenues from fees collected for the commercial use of Union Wharf and City Dock moorage facilities will be used to offset operation and maintenance costs. Any excess will be deposited in a dedicated account and first used for capital repairs or replacement of such facilities. The revenues collected may not be used for operation and maintenance of other Port facilities. [*Issued by Exec. Dir. 10/15/13*]

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TITLE 8: RECREATIONAL VEHICLE (RV) PARKS

Chapters:

- 8.01 RV Park Rules & Regulations**
- 8.02 Point Hudson RV Park - Reservations**

Chapter 8.01
RV PARK RULES & REGULATIONS

Sections:

8.01.010	Conflicts – More specific provisions apply.
8.01.020	Indemnification and insurance.
8.01.030	Maximum site occupancy – Permissible site uses.
8.01.040	Duration of stay – Nightly guests – Monthly guests.
8.01.050	Checkout time – Overstays.
8.01.060	Quiet hours.
8.01.070	Prohibited behaviors and activities.
8.01.080	Disposal of refuse – Use of dump stations.
8.01.090	Pets.
8.01.100	Speed limit.
8.01.110	Safe vehicle operation – Current registration required.
8.01.120	Emergency access – Removal of RVs.
8.01.130	Assumption of risk – Hold harmless.
8.01.140	Violations – Grounds for removal.

8.01.010 Conflicts – More specific provisions apply.

If any provision of this chapter conflicts with the general provisions set forth in Chapter 1.04, the provisions of this Chapter 8.01 shall apply. *[Issued by Exec. Dir. 10/15/13]*

8.01.020 Indemnification and insurance.

- A. Indemnification. All users of RV parks and related facilities operated by the Port of Port Townsend, including without limitation nightly guests and monthly guests shall indemnify and hold the Port of Port Townsend, its employees, officials, and agents harmless from all damage to property and injury or death to persons that results, directly or indirectly, from user's use and/or occupancy of Port property. This indemnification shall not apply to damage caused by the sole negligence of the Port but shall be enforceable to the maximum extent permitted by law. This indemnification provision shall supplement any other agreements that user has with the Port.
- B. All owners of vehicles staying at RV parks operated by the Port of Port Townsend, even on a temporary basis, shall maintain insurance in force and good standing on the vehicle. Port Staff shall have the right, but not the obligation, to request such evidence of insurance. Failure to have such documentation may be grounds for termination of RV park guest privileges. *[Issued by Exec. Dir. 10/15/13]*

8.01.030 Maximum site occupancy – Permissible site uses.

- A. No more than one (1) RV and one (1) towing or towed vehicle shall be permitted per assigned space, PROVIDED, HOWEVER, that Port staff may also permit small boats and small boat trailers on a discretionary basis, by prior arrangement.
- B. Under no circumstance shall the occupancy per site within the Port’s RV parks exceed six (6) persons.
- C. The registrant and his/her party shall be the only persons permitted to stay overnight at the site.
- D. Sites within the Port’s RV parks shall be used for solely for private recreational purposes, and business and commercial activities are strictly prohibited. *[Issued by Exec. Dir. 10/15/13]*

8.01.040 Duration of stay – Nightly guests – Winter monthly guests.

- A. During the period between June 1st and September 30th, no guest shall be permitted to stay for more than fourteen (14) nights, PROVIDED, HOWEVER, that stays may be extended by up to seven (7) additional days, for not more than a total of twenty-one (21) days in any thirty (30) day period.
- B. During the period between October 1st and May 31st, monthly rates may be made available on a wholly discretionary basis by prior arrangement. During this period, guests will be assigned spaces solely at the discretion of Port staff, and sites on “the Point” are not available. If permitted, monthly guests may stay for up to 180 consecutive days, consistent with the Port Townsend Municipal Code, PROVIDED that under no circumstance may the total stay exceed 180 days in any calendar year (please refer to the definition of “recreational vehicle park, public” in PTMC §17.08.060).
- C. Fees shall be payable in advance and must be kept current throughout a guest’s stay. *[Issued by Exec. Dir. 10/15/13]*

8.01.050 Checkout time – Overstays.

Checkout time shall be 12:00 p.m. Guests overstaying the checkout time (without prior approval from Port staff) shall be charged for an additional night’s stay. *[Issued by Exec. Dir. 10/15/13]*

8.01.060 Quiet hours.

Quiet hours shall be from 10:00 p.m. to 8:00 a.m. During this period, no use of generators shall be permitted. No extended idling shall be permitted at any time (i.e., during or after quiet hours). *[Issued by Exec. Dir. 10/15/13]*

8.01.070 Prohibited behaviors and activities.

The following behaviors and activities shall be prohibited in all Port RV parks:

- A. Loud, boisterous, and lewd and lascivious conduct.

- B. Behavior that disturbs or creates a nuisance on Port premises.
- C. Drinking alcoholic beverages, except in assigned spaces and within RVs.
- D. Tent camping.
- E. Moving picnic tables.
- F. Discharging hazardous or toxic materials on Port premises or surrounding waters and lands.
- G. Keeping and/or riding horses.
- H. Automobile and/or RV maintenance and repair, including changing oil, and the washing of vehicles and boats.
- I. Riding motor scooters and motor bikes, except when entering or exiting an RV park en route to an assigned space.
- J. Drying clothes and towels outside of RVs.
- K. Skirting of RVs.
- L. Use of large appliances outside of RVs (e.g., refrigerators).
- M. Decks, porches or other appurtenances added to or constructed around RVs.
- N. The placement of separate storage units within assigned spaces.
- O. The cleaning of fish, crab or other seafood.
- P. The washing of clothes or dishes in public restroom and shower areas.
- Q. The dumping of port-a-potties in restrooms.
- R. Campfires or open flames, including beach fires.
- S. The collection of driftwood.
- T. Propane tanks and tank installations other than those attached to RVs.
- U. Swimming in marinas, HOWEVER, swimming from beaches is permitted at the users own risk, and caution is advised as no lifeguards are on duty.
- V. Climbing on jetties or on rip rap installations within marinas.
- W. Smoking within any Port owned building that is used by and open to the public, or within twenty-five feet from entrances, exits, windows that open or ventilation intakes of such buildings (e.g., public restrooms, laundry facilities). [*Issued by Exec. Dir. 10/15/13*]

8.01.080 Disposal of refuse – Use of dump stations.

- A. Sites must be maintained in a clean and clutter-free manner at all times.
- B. All refuse and litter shall be placed in paper or plastic bags and deposited in receptacles furnished by the Port for that purpose.
- C. Gray and black water holding tanks shall be discharged only at dump stations furnished by the Port for that purpose. [*Issued by Exec. Dir. 10/15/13*]

8.01.090 Pets.

Pets are allowed in the Port's RV parks, subject to the regulations set forth in this section.

- A. Pets shall be under the owner's control at all times and must be restrained on a leash not more than ten (10) feet in length, or otherwise physically restrained.

- B. Except for service dogs, pets are not allowed in restroom or laundry areas.
- C. Leashed pets shall not be left unattended.
- D. Pets may not be tied to electrical or water hookups.
- E. Owners shall responsibly clean up and properly dispose of pet feces. Failure to clean up after a pet will result in a service fee of not less than \$50.00.
- F. Noisy, messy, destructive or dangerous pets will be cause for immediate eviction from Port RV parks. *[Issued by Exec. Dir. 10/15/13]*

8.01.100 Speed limit.

The speed limit in all Port RV parks is 5 miles per hour. *[Issued by Exec. Dir. 10/15/13]*

8.01.110 Safe vehicle operation – Current registration required.

- A. All vehicles shall be maneuvered and parked in a safe and orderly manner.
- B. All vehicles within Port RV parks shall have current registration tabs, be in proper running order to ensure that they cause no hazard or damage to others. *[Issued by Exec. Dir. 10/15/13]*

8.01.120 Emergency access – Removal of RVs.

- A. Areas between parked RVs shall remain open at all times for purposes of emergency access and fire protection.
- B. All RVs shall be capable of being removed from the RV parks with minimum notice. *[Issued by Exec. Dir. 10/15/13]*

8.01.130 Assumption of risk – Hold harmless.

The assumption of risk and hold harmless provisions of §§1.04.010 and 1.04.020 shall apply within all Port RV parks. *[Issued by Exec. Dir. 10/15/13]*

8.01.140 Violations – Grounds for removal.

Violations of any of the terms of this Chapter 8.01 shall constitute grounds for immediate rescission of the RV Guest License and Port Use Agreement and may result in immediate removal from Port property. *[Issued by Exec. Dir. 10/15/13]*

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Chapter 8.02
POINT HUDSON RV PARK - RESERVATIONS

Sections:

8.02.010	Point Hudson reservation procedures.
8.02.020	Cancellations – “No shows”.
8.02.030	Group reservations.
8.02.040	Point Hudson Marina Room – Reservations – Fees.

8.02.010 Point Hudson reservation procedures.

- A. Point Hudson RV Park is designated by the Port as a transient RV site.
- B. Consistent with §8.01.040, above, no guest shall be permitted to stay for more than fourteen (14) nights during the period between June 1st and September 30th, PROVIDED, HOWEVER, that stays may be extended by up to seven (7) additional days, for not more than a total of twenty-one (21) days in any thirty (30) day period. During the period between October 1st and May 31st, monthly rates may be made available on a wholly discretionary basis by prior arrangement. During this period, guests will be assigned spaces solely at the discretion of Port staff, and sites on “the Point” are not available.
- C. Advance reservations for up to two (2) weeks will be taken for RVs.
- D. A reservation fee is applicable for each advance reservation. The fee is non-refundable, and will not be applied towards the nightly rate. If an individual wishing to book a reservation is calling by phone, a credit card must be used, and the charges will be run against the card at the time of booking (i.e., the time of the call). No credit card information shall be kept on file by the Port, in conformance with the Port’s Information Security Policy.
- E. Reservation books open in January of each year. Club and group bookings will be taken from the first Tuesday of each year. Individual reservations may be made beginning the first Tuesday in February.
- F. A minimum stay of two (2) nights shall be required to reserve an RV site on those holiday weekends that are three (3) day weekends, unless used to fill an existing single-night vacancy. [*Issued by Exec. Dir. 10/15/13*]

8.02.020 Cancellations – “No shows”.

A minimum of forty-eight (48) hour notice is required in order to cancel a customer reservation at no charge. “No shows” will be billed for one (1) night’s stay, and any other reservation balance for that customer will be cancelled. [*Issued by Exec. Dir. 10/15/13*]

8.02.030 Group reservations.

- A. Group reservations open the first Tuesday in January each year. Reservations will be taken for groups for a minimum of two (2) consecutive night's stay. A group booking is defined as eight (8) or more RVs.
- B. A reservation fee will be charged on a per RV basis on the day of initial contact, consistent with the Port's tariff. The reservation fee is nonrefundable and will not be applied towards a night's stay. Once space has been requested for the estimated number of guests, a quantity of sites will be "blocked out" in the group's name, based on the number of reservations paid, and an "estimate" of the RV sizes comprising the group.
- C. A group reservation agreement packet will be emailed, faxed, or mailed to the group contact person that confirms the number of sites set aside, and outlines the requirement that a final guest list must be supplied to the Port by no later than thirty (30) days prior to the arrival date. That list must include, at a minimum, the following information:
 - 1. The group contact person's name, address and phone number;
 - 2. The size and type of RVs included in the group; and
 - 3. The dates of requested stay; and
 - 4. The site assignments.
- D. In the event that a group cancels its reservation after the final group reservation agreement is supplied to the Port, the spaces shall revert back to the reservation pool. [*Issued by Exec. Dir. 10/15/13*]

8.02.030 Point Hudson Marina Room – Reservations - Fees.

- A. The Point Hudson Marina Room shall be available for use by both Point Hudson guests and the public, subject to reservations and fees as established by the Port's tariff. A check or credit card number for the fee and any security deposit established by the Port's tariff shall be required to confirm a reservation.
- B. Following use of the room and the return of keys, Port staff shall examine the condition of the facility (i.e., its cleanliness, and whether any damage has occurred), and will refund the security deposit, if warranted. [*Issued by Exec. Dir. 10/15/13*]

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TITLE 9: RESERVED

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TITLE 10: JEFFERSON COUNTY INTERNATIONAL AIRPORT

Chapters:

- 10.01 General Provisions**
- 10.02 Airport Operation and Airport Traffic**
- 10.03 Minimum Standards for Aircraft Operators, Leases and Concessions**
- 10.04 Government Agreements**
- 10.05 Enforcement and Penalties**

**Chapter 10.01
GENERAL PROVISIONS**

Sections:

10.01.010	Airport Manager.
10.01.020	Assistant Airport Manager.
10.01.030	Rules, regulations and procedures.
10.01.040	Special events.
10.01.050	Public use.
10.01.060	Common use areas.
10.01.070	Vehicular traffic and parking.
10.01.080	Advertising.
10.01.090	Acceptance of rules by use.
10.01.100	Operators to keep rules available.
10.01.110	Construction.
10.01.120	Posting of rules.
10.01.130	Airport Layout Plan.
10.01.140	Surface water protection measures.
10.01.150	Agreements required prior to occupancy.
10.01.160	Title.

10.01.010 Airport Manager.

The Executive Director of the Port of Port Townsend is the Airport Manager. The Airport Manager shall at all times have authority to take such action as may be necessary for the handling, placing, protection and safeguarding of the public while present at the airport and to regulate vehicular traffic on the airport. The Airport Manager may suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed necessary in the interest of safety, subject to the review of such action by the Commission. [Reissued by Exec. Dir. 10/15/13; formerly JClA Rules & Regulations, Part 1, §2]

10.01.020 Airport Manager – Delegation of authority.

The Airport Manager (i.e., Port Executive Director) may delegate his/her authority to an appropriate member of Port staff (e.g., Deputy Director) for the following:

- A. The conduct of daily operations, and;
- B. Coordinating facility maintenance with the Maintenance Department.

[Reissued by Exec. Dir. 10/15/13; formerly JClA Rules & Regulations, Part 1, §3]

10.01.030 Rules, regulations and procedures.

All aeronautical activities at the airport, all operation and flying of aircraft at the Jefferson County International Airport and all business and other activities on the Airport shall be conducted in conformity with the following:

- A. These rules, regulations and procedures; and
- B. All amendments, supplements, changes and additions hereto which may hereafter be adopted by the Executive Director; and
- C. All relevant rules, regulations orders and rulings of the CAB, the FAA, and, if appropriate or effective, any other governmental agency.

All relevant rules, regulations, orders and rulings of the CAB, FAA and other government agencies are hereby made a part of these rules and incorporated herein by this reference; provided, however, that nothing herein contained shall affect or impair any existing agreements. In the event of any conflict between these rules, regulations and procedures and any law, rule, regulation or order of the CAB, the FAA, or other governmental agency exercising the same or similar jurisdiction, the latter shall prevail. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §4]*

10.01.040 Special events.

Special events such as air shows, air races, fly-ins, sky diving and all events requiring the general use of the Airport, other than normal or routine airport traffic, shall be held only upon the prior approval of the Airport Manager and on such dates, in such areas, and upon such terms and conditions as shall be specified by the Airport Manager; provided, that sufficient runway be kept open at all times for arriving and departing aircraft. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §5]*

10.01.050 Public use.

The Airport shall be open for public use at all hours of the day and night, subject to regulation or restriction due to weather, the conditions of the landing area, and as may be determined by the Airport Manager, and revocation of the right to use for violation of these rules, regulations and procedures as herein provided. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §6]*

10.01.060 Common use areas.

- A. The areas listed below shall be considered common use areas available for use, in common, by all persons flying or operating aircraft on the airport. Said areas shall be kept clear and available for aircraft traffic. Common areas shall include the following:
 - 1. All runways for landing and take-off; all runway, marker, guidance, signal and beacon lights used to guide operation aircraft;
 - 2. All apparatus or equipment for dissemination of weather and wind information, for signaling, for radio-directional finding;

3. All apparatus or equipment for radio or other electrical communication, and any other structure, equipment or mechanism having similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft;
 4. Aprons, ramps, turn-offs, taxi-ways and other areas of the Airport as the Airport Manager shall specify or designate.
- B. No fixed base operator or other person shall use any common use area for the following purposes without the prior consent or authorization of the Airport Manager:
1. The parking or storing of aircraft;
 2. The repair, servicing or gassing of aircraft; or
 3. Any purpose other than the flying and operation of aircraft.
- C. Common use areas are subject to change. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §7]*

10.01.070 Vehicular traffic and parking.

- A. County and State laws. All motor vehicles on Airport property, including access roads and parking lots, are governed by State and County traffic ordinances.
- B. Air Operations Area (AOA). The Airport Manager has the authority to deny, restrict, or cancel the right of any motor vehicle driver to operate on the AOA. AOA shall mean any area of the Airport used for landing, takeoff, or surface maneuvering of aircraft.
- C. Impoundment. The Airport Manager has the right to tow or otherwise move any motor vehicle for reasons of safety, security, abandonment, or police investigation.
- D. Runway authorization. No motor vehicles are permitted on runways except those operated by employees of the Airport, the FAA, emergency response vehicles, or other vehicles with proper flags or lights and authorization by the Airport Manager.
- E. Speed limits. Unless otherwise posted, the speed limit on all Airport roadways is twenty (20) miles per hour (mph). The speed limit for motor vehicles on all Airport apron or ramp areas is fifteen (15) miles per hour (mph).
- F. Aircraft have right-of-way. A taxiing aircraft on apron or ramp areas always has the right-of-way over non-emergency motor vehicles and pedestrians. Motor vehicle drivers are required to pass to the rear of taxiing aircraft.
- G. Proximity to aircraft. Motor vehicle operators will not maneuver closer than ten (10) feet from any aircraft, or park in such a manner as to impede the movement of aircraft. Specialized vehicles needed to service an aircraft are excluded from this rule.

- H. Designated parking. Motor vehicle drivers shall park only in designated parking areas. Long-term parking is located in the parking lot to the north of the Airport entrance road and adjacent to the Airport beacon.
- I. Motor vehicle maintenance or display. Motor vehicle drivers, owners, and agents shall not clean or repair a motor vehicle on Airport property except when specifically authorized by the Airport Manager. No person shall use Airport property to display vehicles, including, but not limited to motor homes, boats, and trailers, for sale.
- J. Long-term defined. For purposes of this Title 10, "long-term" means seven consecutive days or more.
- K. Long-term parking rates. Rates charged for long-term motor vehicle parking shall not be excessive, discriminatory or otherwise unreasonable, and shall be filed with the Airport Manager. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §8]*

10.01.080 Advertising.

No signs or other advertising shall be placed or constructed upon the Airport, or any building or structure or improvement thereon, without the prior approval of the Executive Director. No signs or advertising shall be permitted if in the Executive Director's opinion it is undesirable, unnecessary or in any way creates a safety hazard. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §9]*

10.01.090 Acceptance of rules by use.

The use of the Airport or any of its facilities in any manner shall constitute an assumption by the user of the rules, regulations and procedures set forth in this Title 10 and shall create an affirmative obligation on the part of the user to abide by and obey the same. Flight instructors shall have the duty to fully acquaint their students with these rules and shall be responsible for the conduct of students under their direction. When a student is flying solo, it shall be his responsibility to comply with all applicable rules. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §10]*

10.01.100 Operators to keep rules available.

All persons licensed to do business in, or conducting operations of any kind on, the Airport shall keep a current copy of these rules, regulations and procedures in his/her office or place of business and make the same available to all persons. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §11]*

10.01.110 Construction.

No buildings or structures shall be constructed within Airport boundaries without the prior approval of, and at the sole discretion of, the Commission. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 1, §12]*

10.01.120 Posting of rules.

The rules, regulations and procedures set forth in this Title 10 shall be posted in the office building of each fixed base operator. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 5, §1]*

10.01.130 Airport Layout Plan.

The Port may, without the knowledge, consent or approval of any fixed base operator or other person licensed to do business or use part of the Airport, make changes in the Airport Layout Plan (ALP) of the Airport and in its planning and policies in connection with the development of the Airport. The Commission reserves the power to designate as common use areas such portions of any leased area or areas used by any fixed base operator as shall be necessary for the development of the Airport or for the flow of aircraft traffic to other areas on the Airport. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 7, §1]*

10.01.140 Surface water protection measures.

Other Port policies or notices which govern the operation and use of the Airport include, but are not necessarily limited to the following:

- A. Spill Prevention Control and Countermeasure plan (SpCC) - the SPCC was developed to prevent discharges of oil into waters of the State, and to meet the requirements of Title 40, Code of Federal Regulations, Part 112; and
- B. Stormwater Pollution Prevention Plan (SWPPP) - the purpose of the SWPPP is to comply with the Washington Department of Ecology's National Pollutant Discharge Elimination System in reducing, eliminating, or preventing the pollution of storm water, through the application of Best Management Practices (BMPs), to surface waters of the State. Compliance with the Port's Environmental BMPs, which are set forth in Appendix "B", is mandatory. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 8, §1]*

10.01.150 Agreements required prior to occupancy.

The following agreements shall be executed by aircraft owners to secure tie-down space and Port owned hangar space prior to occupancy at the Airport:

- A. Tie-down Agreement;
- B. Hangar Agreement; and
- C. Portable Hangar Agreement.

The form of such agreements may be modified by the Port from time to time if deemed necessary. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 9, §1]*

10.01.160 Title.

These rules, regulations and procedures may be known and cited to as the “Jefferson County International Airport Rules,” Title 10 of the Port of Port Townsend Rules, Regulations and Procedures. [*Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 10, §1*]

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Chapter 10.02
AIRPORT OPERATION AND AIRPORT TRAFFIC

Sections:

10.02.010	General.
10.02.020	Taxiing rules.
10.02.030	Landing and take-off rules.
10.02.040	Ground rules.
10.02.050	Fire regulations.
10.02.060	Ultralight vehicles operation regulations.

10.02.010 General.

- A. All aeronautical activities at the Jefferson County International Airport, and all flying of aircraft departing from, or arriving at, the Airport, within three miles horizontally of the center of the Airport, shall be conducted in conformity with the current pertinent provisions of the Federal Aviation Regulations issued by the FAA.
- B. The Airport Manager shall at all times have authority to take such action as may be necessary to safeguard the public in attendance at the Airport.
- C. The Airport Manager may recommend that all aircraft with radio equipment contact FAA Communications prior to landing for advisory landing information. He may suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed necessary in the interest of safety. It is recommended that all radio equipped aircraft keep their radio receivers open to local FAA frequencies at all times when in the traffic pattern.
- D. Instructors shall fully acquaint their students with these rules and shall be responsible for the conduct of students under their direction during dual instructions. When the student is flying solo, is shall be his sole responsibility to observe and abide by these rules. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 2, §1]*

10.02.020 Taxiing rules.

- A. No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object.
- B. A pilot of an aircraft equipped with a functioning radio receiver shall guard the frequency of the FAA Communication Station, and Air Carriers will guard their frequency on this Airport while taxiing.

- C. No aircraft shall be taxied except at a safe and reasonable speed.
- D. No aircraft not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist.
- E. When taxiing to take-off position, the perimeter taxiway will be used; however, the main runway may be used for taxiing until taxiways are constructed.
- F. Stop aircraft clear of runway for engine check. Make sure runway is cleared of traffic before entering. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 2, §2]*

10.02.030 Landing and take-off rules.

- A. Landings and take-offs shall be made in the direction most nearly aligned with the wind, unless local conditions make landings and take-offs in any south direction inadvisable.
- B. All take-offs shall start at the end of the runways.
- C. Aircraft making touch-and-go landings shall not stop on the runway before taking off again.
- D. Prior to take off, the pilot of an aircraft equipped with a functioning radio transmitter shall communicate his or her intentions on departure. All aircraft with functioning radio transmitters shall guard the unicom frequency until more than three miles from the center of the Airport, or until the pilot deems it necessary to switch to other flight controlling frequencies.
- E. Good neighbor policy.
 - 1. Small propeller aircraft (single and twin engine under 12,500).
 - i. Approaches Runway 08 and 26: For visibility and terrain clearance, maintain all downwind legs on the south side of the airport. Maintain an altitude of 1,000 MSL on the downwind leg.
 - ii. Departure 26: No turns prior to golf course. Northern destinations, right turn; southern destinations, left turn. Avoid residential areas south.
 - iii. Departure 08: No turns prior to shoreline. Western destinations, left turn.
 - iv. Departures, go-arounds, touch-and-go. Climb runway heading to 1,000 MSL before turning. For controllable pitch aircraft, adjust pitch as soon as safety permits.
 - 2. Helicopters. Use the same approach and departure procedures as fixed wing aircraft. Please do not over fly any aircraft on the taxiway or parked aircraft.
- F. Pilots of all aircraft, when making final landings, will clear the runway as soon as possible. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 2, §3]*

10.02.040 Ground rules.

- A. Aircraft engines shall be started or warmed up only in the places designated for such purposes. At no time shall engines be turned up when hangars, shops, other buildings, or persons in the observation area, are in the path of the propeller stream.
- B. Aircraft shall not be parked except in areas designated for that purpose.
- C. All repairs to aircraft or engines, except emergency repairs, shall be made in the spaces designated for this purpose and not on the area reserved for landing, take-off, taxiing, routine parking, etc.
- D. No person or persons except airmen, duly authorized personnel, passengers going to or from aircraft, or other persons being personally conducted by airmen or airport attendants shall be permitted to enter the area within the perimeter taxiway. This does not give any person or persons so excepted the privilege of unrestricted use of the space within the perimeter taxiway. These privileges are confined to the necessary use of this space in connection with flights, inspections or routine duties.
- E. No automobile shall be driven on the landing area proper without the express permission of the Airport Manager or his designated representative.
- F. No automobile shall be parked on the Airport property except in areas designated for that purpose. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 2, §4]*

10.02.050 Fire regulations.

- A. All persons using in any way the Airport area or the facilities of the Airport area or the facilities of the Airport shall exercise the utmost care to guard against fire and injury to persons or property.
- B. No person shall smoke within fifty feet of any aircraft.
- C. All aircraft shall be positively grounded when being serviced with fuel.
- D. No aircraft shall be fueled when the engine is running.
- E. In case of crash or fire, call the fire station (911). Do not go to the scene of a crash unless you are on a fire truck, or have some fire equipment. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 2, §5]*

10.02.060 Ultralight vehicles operation regulations.

Ultralight vehicles will be operated in accordance with the provisions of Federal Aviation Regulation, FAR Part 103 and all other pertinent airport rules and regulations.

- A. General Rules. No person, FBO, group or association shall operate any ultralight on the airport without being licensed by one of the three licensing agents recognized by the FAA, which are as follows: the United States Ultralight Association (USUA); the Associated Sports Connection (ASC); and the Experimental Aviation Association (EAA).

- B. Hours of Operations. No person may operate an ultralight vehicle within the airport except between the hours of sunrise and sunset. Ultralight operations shall be conducted during VFR weather conditions which require a minimum of three (3) miles visibility and a minimum ceiling of 1000 feet AGL.
- C. Communications/UNICOM. The operator of an ultralight vehicle is encouraged to install and use a functioning VHF radio, monitor and communicate on frequency 123.0 MHz his/her intentions prior to arriving or departing the Airport.
- D. Landing and Takeoff Area. Ultralights are to operate on the runway (08/20) in use by conventionally certified aircraft and should use no more than half of the active runway when landing and taking off. When ultralight and certified aircraft are jointly using a runway, ultralight pilots must pay particular attention to safely timing operations in respect to traffic.
- E. Right-of-Way. Each person operating an ultralight vehicle shall maintain vigilance to see and avoid ultralights and all other aircraft and shall yield the right of way to all other aircraft. No person may operate an ultralight vehicle in a manner that creates a collision hazard with respect to any aircraft.
- F. Traffic Pattern and Rules. The ultralight traffic pattern shall be 510 feet MSL (400 hundred feet AGL), remain south of the runway, entering and departing the pattern at mid-field to and from the south. Ultralights will use a right-hand pattern for 08 and a left-hand pattern for 26. The airport manager shall have the right to change, alter, or adjust the ultralight traffic pattern to insure safety and minimum impact in respect to noise and to foster good relationships with persons living near the airport.
- G. Suspension of Operations. The Airport Manager may suspend or restrict any or all operations at the airport for reasons of safety or adverse weather conditions whenever such action is deemed necessary by him/her.
- H. Notice to Airmen (NOTAM). Prior to any event, Fly-in, display or demonstration which has an unusual concentration of ultralight activity a NOTAM shall be pasted with the FAA and the Unicom operator advised. Request for NOTAM by event, fly-in, display or demonstration sponsors shall be made to the airport manager a minimum of one day prior to the function.
- I. Pilot Qualifications/Ability. Ultralight operators should have in his/her possession a license issued by one of the three licensing agents recognized by the FAA, which are as follows: USUA; ASC; or EAA. Ultralight operators shall have knowledge of appropriate airspace regulations and the airport's operating guidelines as established in the Airman Information Manual. All persons, whether they are FAA certified airmen or not, are responsible for compliance with Federal Air Regulations. The ultralight operator shall be aware of wake turbulence caused by aircraft, helicopters, and wind over both natural and man-made objects on the land (i.e. trees, buildings, etc.). No student ultralight operator may solo without

first having approval from a basic flight instructor (BFI) or advanced flight instructor (AFI).

- J. Equipment Qualifications. All ultralights are suggested to be equipped with the following: a functioning VHF radio; a muffler system in proper working condition; a properly operating and accurate altimeter; and, a properly operating flashing beacon. [*Formerly JClA Rules & Regulations, Part 2, Section 6.*]

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Chapter 10.03
MINIMUM STANDARDS FOR AIRCRAFT OPERATORS, LEASES & CONCESSIONS

Sections:

10.03.010	Business activities.
10.03.020	Application.
10.03.030	Action on application.
10.03.040	Supporting documents.
10.03.050	Airport licenses and leases non-transferable.
10.03.060	Tie-down rates.
10.03.070	Collections policy.
10.03.080	Pilot-owned hangars.
10.03.090	Transient hangar policy.
10.03.100	Refuse.
10.03.110	Approval of construction.
10.03.120	Operation area.
10.03.130	Fixed base operators.
10.03.140	Waiver of Chapter 10.03, provisions.
10.03.150	Business name.
10.03.160	No duty to maintain, repair, restore or replace.
10.03.170	Commission consideration of applications.

10.03.010 Business activities.

Subject to applicable orders, certificates or permits of the CAB or the FAA, or their successors, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for revenue producing commercial, business, or aeronautical activities who has not first complied with these rules, regulations and procedures and obtained the consent and all appropriate permits and licenses for such activities from the Commission and entered into such written leases and other agreements prescribed by

the Commission, or agreed upon by the Commission and such person. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §1]*

10.03.020 Application.

Applications for leases of ground on the Airport, or for permission to carry on any commercial, business or aeronautical activity on the Airport, with the necessary permits and licenses, shall be made to the Airport Manager on forms prescribed by the Executive Director. The Airport Manager shall present the application to the Commission at its next regular meeting. The Commission may, if it deems it advisable, have a public hearing upon the application. The applicant shall submit all information and material necessary, or requested by the Commission, to establish to the satisfaction of the Commission that the applicant can qualify and will comply with these rules, regulations and procedures. The application shall be signed and submitted by every party owning an interest in the business, those who will be managing the business, every partner or a partnership, and each director and officer of a corporation. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §2]*

10.03.030 Action on application.

- A. The Commission may deny any application, if, in its opinion, it finds any one or more of the following:
1. The applicant for any reason does not meet the qualifications, standards and requirements established by these rules, regulations and procedures;
 2. The applicant's proposed operations or construction will create a safety hazard on the Airport;
 3. The granting of the application will require the Port to spend the Port's funds, or to supply labor or materials in connection with the proposed operations to an extent which or at a time when the Commission is unwilling to enter into such arrangement, or the operation will result in a financial loss to the Port;
 4. There is no appropriate, adequate or available space or building on the Airport to accommodate the entire activity of the applicant at the time of the application;
 5. The proposed operation or airport development or construction does not comply with the layout plan of the Airport;
 6. The development or use of the area requested by the applicant will result in depriving existing fixed base operators of portions of the area in which they are operating; or will result in a congestion of aircraft or buildings; or will result in unduly interfering with the operations of any present fixed base operator on the Airport through problems in connection with aircraft traffic or service, or preventing free access to the fixed base operator's area;

7. Any party applying or interested in the business has supplied the Commission with any false information or has misrepresented any material fact in his/her application or in supporting documents; or has failed to make full disclosure on his/her application or in supporting documents;
 8. Any party applying, or interested in the business has a record of violating these rules, regulations and procedures, or the rules and regulations of any other Airport, or the Civil Air Regulations, the Federal Aviation Regulations or any other rules and regulations applicable to the Jefferson County International Airport;
 9. Any party applying, or interested in the business has defaulted in the performance of any lease or other agreement with the Port of Port Townsend;
 10. Any party applying, or interested in the business has a credit report which contains derogatory information and does not appear to be a person of satisfactory business responsibility and reputation;
 11. The applicant does not appear to have, or have access to the finances necessary to conduct the proposed operation for a minimum period of six months;
 12. Any party applying, or interested in the business has been convicted of any crime or violation of any county ordinance of such a nature that it indicates to the Commission that the applicant would not be a desirable operator on the Airport; or
 13. The protection of the health, welfare, safety or morals of the inhabitants of Jefferson County requires that the application be denied.
- B. Nothing contained herein shall be construed to prohibit the Commission from granting or denying, for any reason it deems sufficient, an application to do business on the Airport for the purpose of selling, furnishing or establishing non-aviation products and supplies or any service or business of a non-aeronautical nature, or the application by a person for an area on the Airport for the personal non-profit use of such person. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §3]*

10.03.040 Supporting documents.

The following information shall be submitted for all applications for leases of ground on the Airport, or for permission to carry on any commercial, business or aeronautical activity on the Airport:

- A. A current financial statement prepared or certified by a Certified public Accountant.
- B. A written listing of the assets owned or being purchased which will be used in the business on the Airport.

- C. A current credit report covering all areas in which the applicant has done business during the past ten years.
- D. A written authorization for the FAA and the CAB, and all aviation or aeronautic commissions, administrators, or departments of all states in which the applicant has engaged in aviation business to supply the Port of Port Townsend with all information in their files relating to the applicant or his operation. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §4]*

10.03.050 Airport licenses and leases non-transferable.

No right, privilege, permit or license to do business on Jefferson County International Airport, or any lease of any area of the Airport shall be assigned, sold or otherwise transferred or conveyed in whole or in part without the prior consent of the Commission. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §5]*

10.03.060 Tie-down rates.

Rates charged for hangar space, T-hangar rentals, tie-downs, and service charges in connection with aircraft shall not be excessive, discriminatory or otherwise unreasonable, and shall be filed with the Airport Manager. Transient and home-owned aircraft using parking facilities of the Airport, not under-lease to fixed base operators, shall be charged in accordance with rates on file with the Assistant Airport Manager. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §6]*

10.03.070 Collections policy.

Should there be delinquencies in any payments by any person for tie-down, hangar, or lease agreements, the Port shall follow the procedures set forth in the following Resolutions and Minutes:

- A. Late charges and Accounting Treatment: Resolution No. 104-92;
- B. Collection policy: Minutes of April 8, 1992; and
- C. Airport Rental Use and Collection of Charges: Resolution No. 156-95. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §7]*

10.03.080 Pilot-owned hangars.

The following provisions shall apply to all pilot-owned hangars at the Airport:

- A. When the pilot leaves, the hangar shall also be removed unless it is sold.
- B. Hangars shall be placed on the pad.
- C. There shall be no power or water supplied at this time. If, in the future, these facilities are feasible, then the utilities would be supplied for all pilot owned hangars and all would share the increased cost.

- D. The basic amount of land rental shall be the same as the tie downs and shall be adjusted with any tie down increase or decrease.
- E. The "securiTee" brand of hangar is recommended and any other brand shall be submitted to the Commission for prior approval. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §8]*

10.03.090 Transient hangar policy.

- A. The Port of Port Townsend retains the right to temporarily assign another aircraft to any hangar that is vacant for more than sixty days, or upon the request of the hangar tenant. The primary tenant shall maintain the full rights reserved providing he/she pays the hangar rent on a current basis. The Port will assess the subtenant a monthly fee equal to the percentage consistent with the Port's long-term transient policy.
- B. A transient shall be assigned on a first come first served basis from the hangar waiting list.
- C. When a person becomes eligible for a hangar and does not own an aircraft, he/she will have 365 days from the notice date to obtain an aircraft. If the party has not obtained an airplane within the time limit, he/she will be placed at the bottom of the waiting list.
- D. If a person wishes to relinquish his/her hangar, he/she may go on the top of the waiting list by paying the waiting list fee.
- E. Hangar tenancy is solely based upon the name of the person signing the hangar agreement. The hangar is not transferable in the event the aircraft is sold, even to a partner.
- F. The name of the person on the aircraft registration certificate shall be used to establish legitimacy of the aircraft occupying the hangar. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, Section 9]*

10.03.100 Refuse.

No person shall throw, dump or deposit any waste, refuse or garbage on the Airport. All waste, refuse or garbage shall be placed and kept in closed garbage cans or containers and all areas adjoining garbage cans and containers shall be kept in a safe, neat, clean and orderly manner at all times and in such a manner as to minimize any hazards. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §10]*

10.03.110 Approval of construction.

No buildings, structures, tie-downs, ramps, paving, taxi areas, or any other improvement or addition on the Airport shall be placed or constructed on the Airport, or altered or removed without the prior approval of the Commission. In the event of any construction,

the Commission may, in its sole discretion, require an appropriate bond to guarantee the completion of the construction in accordance with the Commission approved plans. [Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §11]

10.03.120 Operation area.

No person authorized to operate on or conduct business activities on the Airport shall conduct any of its business or activities in any area except those specified by the Commission, or the Airport Manager, and the lease. [Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §12]

10.03.130 Fixed base operators.

A. No person shall use the Airport as fixed base operator until such person has applied for and received from the Commission a fixed base operator's license and has met the qualifications, standards and requirements of these rules, regulations and procedures. A fixed base operator shall be a person who carries on one or more of the following services for profit on the Jefferson County International Airport:

1. Aircraft sales;
2. Parts and accessories sales;
3. Charter operations, which include, without limitation, passenger or "air-taxi", freight or delivery, photography, aerial survey, etc.;
4. Aircraft rental;
5. Flight instruction and ground schools;
6. Maintenance services, which shall include services in one or more of the following:
 - i. Airframe overhaul and repair;
 - ii. Engine overhaul and repair;
 - iii. Radio and electrical shop;
 - iv. Instrument shop;
 - v. Aircraft interior work; and
 - vi. Refinishing and painting.
7. Line services which shall include one or more of the following services:
 - i. Supplying fuel, oil and other fluids;
 - ii. De-icing fluid; and
 - iii. Interior cleaning.
8. Aircraft storage, inside and/or outside.

B. In order to qualify for a fixed base operator's authorization, the fixed base operator shall, in addition to meeting all other requirements and qualifications set out in these rules, regulations and procedures, meet the following minimum standards:

1. Office and Outside Area. A fixed base operator shall provide the office required by these rules and shall lease from the Port on the Airport an area of sufficient size to carry on the activities as enumerated in subsection A, above.
 2. Charter Operations. A fixed base operator must own a least one aircraft based on the Jefferson County International Airport which is so equipped and maintained as to comply with applicable rules and regulations of the CAB and the FAA.
 3. Aircraft Rentals. A fixed base operator shall own at least one aircraft based on the Jefferson County International Airport available for rental and which is so equipped and maintained as to comply with applicable rules and regulations the CAB and the FAA.
 4. Flight Instruction and Ground School. A fixed base operator shall maintain classrooms and instructional materials and aids necessary for the conduct of ground school. Shall also own and have based upon the airport one or more airplanes suitable for flight instruction.
 5. Maintenance Services. A fixed base operator shall provide a shop building of sufficient size to accommodate at least one twin engine aircraft. In addition he/she shall equip the shop with such tools, machinery, equipment parts and supplies normally necessary to conduct a full time business operation in connection with the maintenance service being offered. Such shop shall be staffed by mechanic and personnel who are qualified and competent and who hold any and all certificates necessary from the CAB or FAA.
 6. Line services. A fixed base operator shall provide and maintain all necessary fueling facilities and an adequate supply of gasoline(s), oils, fluids, etc. and provide service during normal business hours. No fuel shall be delivered into any aircraft unless the fuel has first been placed in a suitable and approved filtration tank.
 7. Aircraft Storage. A fixed base operator shall maintain outside tie-downs to accommodate the normal traffic desiring such facilities.
- C. Each fixed base operator shall, upon being authorized by the Commission, and as the construction of any required physical facilities permit, immediately commence and conduct on a full-time basis all business activities and services authorized.
- D. Each fixed base operator shall provide and maintain an office which shall be staffed and open to the public during the normal business hours of each normal business day which shall be the operator's office or place of business in the Airport and shall provide therein at least a waiting room with appropriate furnishings, separate restrooms for men and women and a public telephone. These facilities and office shall be kept in a neat, clean and orderly condition and properly painted. Only one office shall be required of each fixed base operator. No fixed base operator, or its employees, agents, officers or other persons connected with

the business shall use the office area or other facilities of any other fixed base operator without the consent of said fixed base operator.

- E. The fixed base operator and all personnel and employees shall be competent and shall hold all current, valid certificates, permits, licenses or other authorities required by the CAB and the FAA, including any required FAA Air Taxi permits and Public Service Commission certificates. Fixed base operators shall not utilize any pilot in any aircraft operation who does not hold valid and current certificates from the CAB and FAA necessary for him to conduct such activities.
- F. Each fixed base operator approved shall enter into an agreement with the Port which includes an agreement on the part of the fixed base operator to accept, be bound by, comply with and conduct his/her business operations in accordance with these rules, regulations and procedures and to agree that his/her license and authority to carry on business on the Jefferson County International Airport shall be subject to the terms and conditions set out in these rules, regulations and procedures and the revocation or termination thereof is herein provided.
- G. Unless otherwise agreed to by the Commission, the fixed base operator shall, at his own expense, provide, construct, install, equip and maintain all utilities, building, structures, ramps, tie-down areas, taxiways, fences and all other facilities and improvements, requested or approved by the Commission as being advisable and necessary for the fixed base operator to carry on the activities or services authorize by the Commission. The Commission may in its discretion, provide Port assistance in the development of the operation area.
- H. The fixed base operator shall promptly pay when due, all charges for sewer, water, power, telephone service and all other utilities and services supplied to his/her operation on the Airport, all wages or salaries and all rentals, fees and payments payable to the Port.
- I. Plans and specifications for all construction shall be submitted to the Commission for its approval within 90 days after approval of the application and construction thereon shall commence within 90 days after approval of the plans and specifications by the Commission. All construction shall be completed by the fixed base operator within one year from the date of the Commission approval of the plans and specifications. These times may be extended by the Commission upon good cause shown by the fixed base operator. All construction shall comply with all applicable building codes and ordinances.
- J. Airport areas on which fixed base operator facilities, if any, are to be constructed or operated shall be specified by the Commission or the Airport Manager in accordance with these rules and the Airport Layout Plan of the Jefferson County International Airport.
- K. Unless otherwise provided by the Commission, all operations of the fixed base operator shall be conducted on one area of sufficient size to accommodate all services allowing for future growth and as contemplated by the Commission,

Airport Manager or the applicant, at the time of application, to the extent however, that space is available on the Airport. The fixed base operator shall carry on his/her business operations strictly within the area assigned him/her by the Commission or the Airport Manager and his operations shall not in any way interfere with the operations of other fixed base operators, agencies or other businesses operating on the Airport; the use of the Airport by the general public; or with any common use areas. The fixed base operator shall not use any common use areas except as authorized by these rules or the Airport Manager.

- L. For a fixed base operator to qualify for a license he must have available sufficient operating funds to conduct the proposed business for a period of a least six (6) months.
- M. A fixed base operator shall cooperate with the Airport Manager in operation, management and control of the Airport and shall do all things reasonable to advance or promote the Jefferson County International Airport and aeronautical activities thereon and to develop the Airport into an attractive, efficient and modern Airport.
- N. All complaints against any fixed base operator for violation of these rules shall be made in writing, signed by the party submitting the complaint and shall specify dates, times and witnesses, if any.
- O. The fixed base operator agrees to indemnify, defend, and save the Port of Port Townsend and its authorized agents, officers, representatives and employees harmless from and against any and all actions, penalties, liability, claims, demands, damages, or loss resulting from claims or court actions, whether civil, criminal or in equity, and arising directly or indirectly out of acts or omissions of the fixed base operator, his/her (its) agents, employees, servants, guests or business visitors.
- P. To guarantee performance of subsection "O", above, the fixed base operator shall secure public liability and property damage insurance on which the Port of Port Townsend shall be named as joint assured with the fixed base operator. Such policies of insurance shall be maintained in full force and effect during all terms of existing leases, agreements or business licenses or renewals or extensions thereof. Such policies shall be for not less than \$1,000,000 combined single limit for each occurrence and shall be placed with a reputable company approved by the Port of Port Townsend. Copies of all such policies of insurance shall be delivered to the Port of Port Townsend and shall be held for the benefit of the parties as their respective interests may appear. The amount of said insurance shall not be deemed a limitation on the fixed base operator's liability to the Port and if the Port of Port Townsend or any of its authorized agents, officers, representative or employees becomes liable for an amount in excess of the insurance, the fixed base operator will save and hold them harmless for the whole thereof.

- Q. The fixed base operator shall furnish all services authorized or licensed by the Commission on a fair, equal, and not unjustly discriminatory base to all users thereof and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service; provided, that the fixed base operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.
- R. The Commission shall have the right in its discretion to terminate any lease or other agreement authorizing the fixed base operator to conduct any services or business on the Airport and to revoke a fixed base operator's license, authority or permit to do business upon the Jefferson County International Airport for any cause or reason provided in these rules, or by law and in addition thereto, upon the happening of any one or more of the following:
1. A filing of a petition voluntarily or involuntarily, for adjudication of the fixed base operator as a bankrupt.
 2. The making by the fixed base operator any general assignment for the benefit of creditors.
 3. The abandonment or discontinuance of any permitted operation at the Airport by the fixed base operator or the failure to conduct them on a full time basis without the prior approval of the Commission.
 4. Except for payment of rents, charges, fees and other payments to be paid to the Port, the failure of the fixed base operator to remedy any default or breach of violations by him, or his personnel in keeping, observing, performing, and complying with, Chapters 10.01 and 10.03 of this Title, covenants and conditions in any lease or agreement entered into pursuant hereto on the part of the fixed base operator to be performed, kept or preserved, within thirty (30) days from the date written notice from the Airport Manager has been mailed or delivered to the place of business of the fixed base operator at the Jefferson County International Airport;
 5. The failure to promptly pay to the Port, when due, all rents, charges, fees and other payments which are payable to the Port by the operator;
 - i. Violates any of the rules of this Chapter 10.03; or
 - ii. Engages in unsafe or abnormal or reckless practices in the operation of an aircraft on or in the vicinity of the Jefferson County International Airport, which creates a hazard to the safety of other airport users, other aircraft, or the general public, or endangers property, or which could, if any emergency developed foreseeable result in causing personal injuries or death to a person or damage to property; or
 - iii. Causes personal injury to or the death of a person, or property damage involving in excess of \$500 for repairs or loss; or
 - iv. Operates the business of the fixed base operator in such a fashion as to create a safety hazard on the Airport to other Airport users, aircraft or

property on the Airport, the general public on the Airport, or any pilots, students or passengers.

6. Any party applying for a fixed base operator's license, or who is interested in the business, supplied the Commission with any false information or misrepresented any material fact to the Commission in the application, supporting documents, or in statements to or before the Commission; or failed to make full disclosure to the Commission in the application, the supporting documents or in statements to or before the Commission.

In the event of such termination, the fixed base operator shall forthwith peaceably vacate the Airport and surrender possession of the premises to the Port and cease and desist all business operations on the Airport. Should the Operator fail to make such surrender, the Port of Port Townsend shall have the right at once and without further notice to the fixed base operator to enter and take full possession of the space occupied by the fixed base operator on the Airport by force or otherwise, and with or without legal process to expel, oust and remove any and all parties and any and all goods and chattels not belonging to the Port of Port Townsend that may be found within or upon the same at the expense of the Operator and without being liable to prosecution or to any claim for damages therefor. Upon such termination by the Port of Port Townsend, all rights, powers and privileges of the fixed base operator hereunder shall cease, and the fixed base operator shall immediately vacate any space occupied by it under the agreement or any lease or leases and shall make no claim of any kind whatsoever against the Port of Port Townsend, its agents or representatives by reason of such termination or any act incident thereto.

- S. In addition to all other rights and remedies provided in these rules, the Port of Port Townsend shall have any and all other remedies at law or in equity, including the equitable remedy of injunction, to enforce these rules, regulations and procedures.
- T. Subject to the terms of any written agreement or lease, the Commission, in its discretion, may permit the fixed base operator to remove from the Airport any buildings or structures thereon owned or constructed thereon by the operator.
- U. To the extent necessary to protect the rights and interests of the Port of Port Townsend or to investigate compliance with the terms of these rules, regulations and procedures, the Airport Manager, any member of the Commission, the Port Engineer, the Port Attorney and any other agent of the Port of Port Townsend, shall have the right to inspect at all reasonable times all Airport premises together with all structures or improvements, and all aircraft, equipment and all licenses and registrations.
- V. Each fixed base operator shall be responsible for the removal of snow and ice from all his leased areas and areas in which he is authorize to operate, and shall keep his leased areas and areas in which he is authorized to operate free and clear

of all weeds, rocks, debris and other material which could cause damage to aircraft, building, persons or automobiles as the result of aircraft engine operation. The Port may, at the request of the Operator and in the discretion of the Airport Manager assist the fixed base operator in the snow, ice and weed removal, provided such Operator shall assume the liability of the Port's actions in this regard and shall indemnify and hold the Port, its officers, agents and employees harmless from all liability in connection with all things done by the Port pursuant hereto and in connection with such snow, ice and weed removal.

- W. The fixed base operator shall park and store the aircraft used in his operations and his customers' aircraft on his assigned area only, unless he arranges for such parking with another fixed base operator, or the Airport Manager.

[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §13, 1-23]

10.03.140 Waiver of Chapter 10.03, provisions.

The Executive Director may in his/her discretion, waive all or any portion of Chapter 10.03 of these Rules, Regulations and Procedures for the benefit of any commercial airline, any Government or Governmental Agency or Department or person performing non-profit public service to the aircraft industry, or performing air search and rescue operations, or performing fire prevention or fire-fighting operations. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §14]*

10.03.150 Business name.

No person shall conduct business operations on the Airport under a business name the same as or deceptively similar to the business name of any other fixed base operator previously established on the Airport. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §15]*

10.03.160 No duty to maintain, repair, restore or replace.

Nothing contained in these Rules, Regulations and Procedures shall be construed as requiring the Port to maintain, repair, restore or replace any structure, improvement or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the Port. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 3, §16]*

10.03.170 Commission consideration of applications.

The Commission will consider an application by an individual for a permit, on a year to year basis, to perform in one of the following functions when not connected with a fixed base operator:

- A. Flight instructor;
- B. Ground School Instructor;
- C. Aircraft Mechanic;

- D. Avionics or other specialized technicians; or
- E. Agricultural applicator pilot. [*Reissued by Exec. Dir. 10/15/13; formerly JCI Rules & Regulations, Part 3, §17*]

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Chapter 10.04
GOVERNMENT AGREEMENTS

Sections:

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| 10.04.010 | War and national emergency. |
| 10.04.020 | Permission subordinate to agreements with the United States. |

10.04.010 War and national emergency.

During time of war or national emergency the Port shall have the right to lease the Airport, or the landing area, or any part thereof to the United States Government for military or naval use, and, any license or authority granted under these rules and any lease and agreement executed pursuant hereto shall be subject to such Government lease and the provisions of the Government lease shall control insofar as they are inconsistent with the said operators agreement, lease or authority. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 6, §1]*

10.04.020 Permissions subordinate to agreements with the United States.

Any license, authority, lease or agreement entered into pursuant to these regulations shall be subject and subordinate to the provisions of any existing or future agreement between the Port of port Townsend and the United States, relative to the operation or the maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport. *[Reissued by Exec. Dir. 10/15/13; formerly JCIA Rules & Regulations, Part 6, §2]*

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