

EXHIBIT A
OPEN WATER MARINA RULES AND REGULATIONS

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1. Introduction

a. Purpose

The purpose of the rules and regulations contained herein is to promote the safe and efficient operation of the City's Open Water Marina.

b. Application

These rules and regulations shall apply to all users of the City's Open Water Marina.

c. Authority of the Harbormaster

The City Manager has delegated to the Harbormaster or designee the responsibility for the enforcement of these rules and regulations.

All users of the City's Open Water Marina shall comply with the directions of the Harbormaster or designee with regard to compliance with the rules and regulations adopted herein.

d. Enforcement

Violators of these rules and regulations shall be subject to administrative action that may include, but is not limited to, cancellation of moorage agreement, impoundment of vessel, and/or referral to the City of Bainbridge Island Police Department.

Members of the general public who violate these rules and regulations will be asked to leave the marina. Violations of civil and/or criminal statutes will be reported to the City of Bainbridge Island Police Department.

e. Applicable Statutes

Users of the City's Open Water Marina shall be subject to all applicable municipal, county, state, and federal laws and regulations.

2. Security, Safety, Department

a. Tenant/User Responsibility

All tenants and users of the Open Water Marina are responsible for the safe and lawful conduct of themselves, their dependents, and guests. The Harbormaster may take action necessary to ensure the safe and lawful conduct of marina tenants and users.

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b. Safety Equipment

Users are to familiarize themselves with the location of safety systems and equipment in the area of their moorage. All vessels are required to meet USCG safety equipment regulations. This includes fire extinguishers with enclosed fuel tanks and life rings for vessels over 16 feet.

c. Vessel Tie-Up

Vessel owners are required to keep an adequately sized line in good condition securing their vessel to the linear moorage system and buoys.

d. Security

The Tenant should report to the Harbormaster any incidents of security or possible or potential damage to vessels, linear moorage, or to other parts of the marina facilities. This includes unauthorized persons on linear moorage or buoys, possible theft, suspicious behavior, unsafe practices, or any other incidents that threaten the safety and security of the open water marina community.

e. Housekeeping

All tenants are responsible for the appearance and cleanliness of their assigned moorage area. Any items located on deck must be secured to the vessel.

Oily rags, open paint containers, or other items that may constitute a fire or environmental hazard are prohibited on decks.

f. Tenant Dinghies

Dinghies may be in the water, on a not-to-interfere basis, and in general tenants may tie up one dinghy to the City dock without charge or registration. Tenants are asked to be respectful of the need to maintain public access, and to minimize extended use of the City dock, particularly during times when there is a higher volume of public activity. During the months of May – August, and as needed throughout the year, the Harbormaster may determine that tenant dinghies at the City dock interfere with other activities and may ask that tenant dinghies be consolidated on a single cleat or removed from the City dock. Tenants are expected to comply with the Harbormaster's request in these situations.

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g. Vessels in Danger of Sinking

The Harbormaster may arrange to have any vessel pumped out that, in the opinion of the Harbormaster, is in danger of sinking, and the costs thereof may be charged to the vessel owner. The City shall incur no liability in reference to the above action. While the City shall make a reasonable effort to limit loss to vessel and equipment as well as contact the owner of vessels in danger of sinking, the City shall not accept the vessel for storage and shall not incur any liability in the event of sinking or damage resulting therefrom.

Boat or vessel owners shall be responsible for clean-up costs and environmental damage caused as a result of oil/fuel discharge from sinking or sunk boats or vessels.

3. Special Items

a. Pets

All pets must be kept on a leash, or otherwise physically restrained, when not on the boat. Pet owners are responsible for picking up and properly disposing of pet waste. Noise or other disturbance by pets will not be tolerated.

b. Right of Inspection

The City reserves the right to inspect any of the leased or rented premises at any time and any vessel with twenty-four (24) hours' advance notice to owner.

c. Emergency Access

In the case of an emergency or to prevent casualty or a potential hazard, a vessel owner shall allow the Harbormaster or designee free access at any time to owner's vessel or tackle for inspection, firefighting, mooring, or moving of the vessel.

d. Washington State Registration

All vessels permanently moored in the marina must display proof of current Washington state vessel registration as prescribed by Washington state law.

e. Fireworks

Fireworks and their use are not permitted in any area of the Open Water Marina including all public access areas.

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4. General Terms

a. Noise and Behavior

Excessive noise and behavior that may create a nuisance or disturb other tenants will not be allowed. Air-cooled generators will not be allowed.

b. Seaworthiness

Vessels moored in the City's Open Water Marina must be seaworthy. To this end:

- i. Vessels moored in the Open Water Marina may not have openings above the waterline that cannot be secured to the sea. This rule may be relaxed, at the discretion of the Harbormaster, during periods of maintenance as allowed by these rules.
- ii. All vessels moored in the marina must be seaworthy, and able to get underway at any time on their own power including sail power for immediate cruising in local waters.

c. Rafting

Seaworthy guest vessels may raft to a tenant's vessel for a period not to exceed forty-eight (48) hours, provided the guest registers with the Harbormaster upon arrival.

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WASTE MANAGEMENT PLAN AND BEST MANAGEMENT PRACTICES

The City is committed to preserving and enhancing the environment through proper management of activities at the City's Open Water Marina. In accordance with Washington State Department of Ecology guidelines, United State Coast Guard regulations, and the Federal Clean Water Act, the City has established these Best Management Practices to further the goal of safekeeping our harbors and the marine environment. See also, Exhibit C, *Best Management Practices (BMPs) for Pollution Prevention, Open Water Moorage and Anchorage Area*.

1. Bilge Water Management and Fueling Practices

- a. The discharge of contaminated bilge water is illegal. Do not discharge bilge water that is contaminated with oil, detergents, antifreeze, or bilge cleaners. The fine for discharging oil from your bilge can be as high as \$20,000 per day per violation. Use oil absorbent bilge pads or pillows in your vessel's bilge to soak up oil and fuel. In an emergency, contact the Harbormaster for assistance.
- b. Prevent oil contamination of bilge water. Do not drain oil into the bilge. Fit a tray underneath the engine to collect drips. Put a couple of pads in the pan to make cleanup easier. Keep the bilge area as dry as possible. Fix all fuel and oil leaks in a timely fashion.
- c. Do not use detergents or soaps on fuel, oil, or bilge water that is otherwise contaminated. While enzyme-based bilge cleaners are generally safe to use, it may take some time before the oil sheen is gone. It is best to remove contaminated water and dispose of it appropriately at on-shore facilities. The discharge of emulsified oil is a violation of state law. Use absorbent pads.
- d. In Washington state, boats that are over 26' in length are required to display an "Oil Discharge is Prohibited" placard near the bilge pump switch (placards are available at most marine supply stores).

2. Gray Water Management

Boaters are required to minimize the generation of gray water onboard and to utilize shoreside facilities. Use sink screens or strainers and dispose of strained waste in the garbage. Limit the use of soap and detergent for washing dishes. Use small amounts of phosphate-free and biodegradable soaps, if cleaners are used. No visible suds or discoloration of the water are permitted. Otherwise, use alternatives such as baking soda or vinegar as all-purpose cleaners. Contain discharge from onboard showers and dispose of it at the pump station. Discharge of laundry water is prohibited. Laundry facilities are available in downtown Winslow. Remember that there is no legal discharge of any soaps, detergent, or cleaners into our waters. For further gray water management opportunities, owners and guests are encouraged to:

- a. Contain all gray water and use self pump-out stations located at the City dock;

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- b. Use shoreside sanitation facilities located in Waterfront Park;
- c. Use shoreside shower facilities;
- d. Utilize a pump-out service and complete pump-out logs or keep a record of your vessel pump-out services (see Harbormaster office for references).

3. Sewage Management

The discharge of sewage within the Open Water Marina, including treated sewage, is prohibited. The City requires each Tenant to regularly pump out their vessel. If a boat has no holding tank, the Tenant is required to dispose of such waste from the vessel upland as described in these Best Management Practices. The City will identify and document the type of Marine Sanitation Device (“MSD”) for each vessel in the Open Water Marina. Based on the MSD, the City will require the appropriate method of disposal. Boats without holding tanks will be required to wire shut or lock their Y-valves. The Harbormaster must regularly inspect those vessels that have wired valves. For Tenants using the City pump, the Tenant must dispose of waste at least once weekly and document disposal by recording pump readings before and after pumping and signing the pump log. Physical inspection of wired or locked valves will be accomplished by the Harbormaster physically boarding the vessel and inspecting the locked valve, or by the use of fluorescent dye tablets placed in heads by the Harbormaster on a weekly basis. The Harbormaster shall document the date, time, vessel number, and method of disposal and keep such information in an organized, orderly manner that clearly documents sewage disposal for each vessel. This information shall be available upon request by the Washington State Department of Natural Resources and/or the Kitsap County Health District.

If a sewage pump-out service is contracted, the Harbormaster shall be at the City dock during the time the pump-out boat is in the Open Water Marina. The City shall get a receipt directly from the pump-out service documenting which boats have been pumped out, and documenting the date, time, vessel number, and method of disposal. This information shall also be kept in an organized, orderly manner that clearly documents sewage disposal for each vessel. This information shall be available upon request by the Washington State Department of Natural Resources and/or the Kitsap County Health District. Owners are required to:

- a. Contain all black water (sewage).
- b. Use self pump-out stations located at the City dock or utilize a pump-out service (see Harbormaster office for references).
- c. Complete pump-out logs or keep a record of your vessel pump-out services.

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4. Garbage Management Plan

The City requires Tenants of the Open Water Marina to dispose of their garbage upland. The City shall post signs designating garbage dumping locations.

5. Hazardous Chemicals, Cleaners, and Waste

- a. Hazardous or flammable chemicals or materials shall not be stored on the City dock.
- b. Disposal of used oil, antifreeze, paints, solvents, varnishes, fluorescent light bulbs, and/or automotive batteries into the garbage is prohibited. These materials are not to be discharged into the sanitary sewage or into marine waters. DO NOT dispose of these wastes in the garbage dumpsters, and DO NOT leave these wastes on the City dock. Contact Bainbridge Disposal for further information on how and where to properly dispose of all hazardous material.

6. Waste Oil

Do not dispose of any waste oil or used filters in the garbage dumpsters. Contact Bainbridge Disposal for further information.

7. Spill Prevention and Response

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

8. Boat Repair Activity

- a. Painting, scraping, and refinishing of boats, when in the water, is limited to minor touch ups and minor repairs. Such work is defined by the Washington State Department of Ecology as being limited to the vessel's superstructure, deck, and hull above the waterline and must not exceed 25% of the vessel's surface above the waterline. Extensive repair work must occur in a commercial, permitted, boatyard.

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- b. Any minor repair, painting, scraping, and refinishing must employ a containment barrier which prevents debris from entering the water and/or docks. All paint mixing must be done with the can(s) placed inside secondary containment that will catch spillage. Paint cans used in the dock area shall be as small as feasible, but in no case larger than one-gallon in size.
- c. Do not work from a float or small boat alongside of your boat.
- d. Boat repair or storage of equipment or supplies is not allowed on the City dock or in Waterfront Park.
- e. Boat hulls painted with sloughing or ablative anti-fouling paints and tin compounds (soluble “soft paints”) shall not be scrubbed or cleaned in the Open Water Marina by divers or with underwater scrubbing devices. Approved haul-out facilities or boatyards must be used for cleaning of boat hulls with these coatings. Mechanical devices or scrapers, or any process that removes paint underwater, may not be used. If your vessel is not painted with a sloughing or ablative paint, hull cleaning is not prohibited by the Washington State Department of Ecology (“DOE”), however, during the cleaning process, any turbidity, oil sheen, or discoloration that is discharged into the receiving water is a violation of DOE standards, including as set in chapter 90.48 RCW, and is prohibited. The potential for pollution in violation of Washington state law has lead the City to strongly recommend that all hull cleaning be conducted in a permitted boatyard where contaminants are treated and disposed of properly.
- f. Divers are not allowed to leave any sort of material in the water including film, debris, or zinc.
- g. Contractors must dispose of their own waste off site. The Open Water Marina is not permitted to handle hazardous wastes generated by commercial operators or maintenance contractors.
- h. These policies apply to Tenants, vendors, and employees.

9. Boat Cleaning

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

10. Boat Launch

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

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11. Important Phone Numbers

Emergency Response

Fire/Police 911

Harbormaster

(206) 780-3733

Oil Spills

National Response Center (800) 424-8802

Washington State Spill Hotline (800) 645-7911

Hazardous Waste Management

Bainbridge Disposal (206) 842-4882

Olympic View Transfer Station (360) 674-2297

Kitsap County Health District (360) 337-5235

Kitsap County Public Works (360) 337-5777

Washington Department of Ecology 1-800-RECYCLE

EXHIBIT C
BEST MANAGEMENT PRACTICES (BMPs) FOR POLLUTION PREVENTION

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**BEST MANAGEMENT PRACTICES (BMPs) FOR POLLUTION PREVENTION
 OPEN WATER MOORAGE AND ANCHORAGE AREA**

<i>Deck</i>
<ul style="list-style-type: none"> • <i>Wash often with water only.</i>
<ul style="list-style-type: none"> • <i>Use "green" products.</i>
<ul style="list-style-type: none"> • <i>Spot clean only with harsher products.</i>
<ul style="list-style-type: none"> • <i>Require "scupper stoppers" when cleaning.</i>
<ul style="list-style-type: none"> • <i>Prohibit overboard discharge from decks.</i>
<i>Galley</i>
<ul style="list-style-type: none"> • <i>Use sink strainers.</i>
<ul style="list-style-type: none"> • <i>Scrape plates into trash receptacles prior to washing.</i>
<ul style="list-style-type: none"> • <i>Discourage garbage disposal use.</i>
<ul style="list-style-type: none"> • <i>Use "green" products.</i>
<ul style="list-style-type: none"> • <i>Encourage upland facility use.</i>
<ul style="list-style-type: none"> • <i>Discourage or minimize in-port use of sink.</i>
<i>Shower</i>
<ul style="list-style-type: none"> • <i>Encourage automatic shut-off valves</i>
<ul style="list-style-type: none"> • <i>Educate on "sea-showers."</i>
<ul style="list-style-type: none"> • <i>Use drain-strainers.</i>
<ul style="list-style-type: none"> • <i>Encourage "green" products.</i>
<ul style="list-style-type: none"> • <i>Encourage use of clean showers at upland facility.</i>
<i>Laundry</i>
<ul style="list-style-type: none"> • <i>Encourage upland facility use.</i>
<ul style="list-style-type: none"> • <i>Post names and locations of laundries.</i>
<ul style="list-style-type: none"> • <i>Encourage "green" products.</i>
<ul style="list-style-type: none"> • <i>Prohibit on-board laundry.</i>

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