

Michigan City Port Authority

2009

Rules & Regulations

Table of Contents

General Information

Assignment of Slips and Racks

Rules for the Dock

Environmental Requirements

Noises and Other Potential Disturbances

Safety and Courtesy

Boat Fueling

Insurance

Harbor Advisory Council

Regulations for Conducting Business at the Port Authority Facilities

Selling your Boat

Ordinances and Penalties Governing the Harbor

Revised: September 2008

GENERAL INFORMATION

Boating Season and Amenities

The boating season is April 1st through November 1st for Washington Park Marina and April 1st through October 25th for Trail Creek and Sprague Pointe Marinas.

In an effort to provide slip holders with an opportunity to take advantage of the early spring fishing and late fall sailing, the Port Authority boating season opens earlier and ends later than most other area marinas. Unfortunately, we must adjust the availability of some amenities to accommodate the weather. Water services may not be available until April 15th and may be turned off as early as October 15th, depending on weather conditions. Without water, shore water will not be available and the restroom and shower facilities, fish cleaning stations and fuel dock pump-out stations will be closed.

It is permissible for slip holders to arrive before the season start date and remain after the season end date if weather permits. A "Hold Harmless" agreement must be signed and additional fees will apply. Early arrivers and/or late leavers should be advised that amenities, including security, will be significantly limited. Boats must be removed at the discretion of the Harbormaster within forty-eight (48) hours of such request. The marinas close on November 30th, at which time all boats must be removed.

Slip Renewal and Fee Information

Payment renewal notices for the upcoming season are sent out in October of the previous year. A \$200 non-refundable down payment is due November 15th to reserve your slip/rack for the upcoming season. If payment is not received or post marked by November 15th, your slip/rack will be cancelled and re-assigned. One-half of the remaining balance is due on January 15th or customer will be cancelled for non-payment. The remaining balance is due on March 15th. ***Past due payments will no longer be accepted for slip/rack renewals, all fees must be paid in full prior to the start of the season.*** If slip/rack is cancelled for non-payment, customer must complete an application to be on our wait list to secure another. ***The Port Authority cannot guarantee a slip/rack can be secured for the same season.*** Overdue accounts will be assessed a 1.5% monthly late fee.

Dock Boxes

All slip holders at Washington Park, Trail Creek & Sprague Pointe Marinas are allowed use of one (1) dock box per slip. New requests for additional (or 2nd) dock boxes will no longer be approved.

Marina Access Passes

All slip holders at Washington Park and Trail Creek Marinas are issued one (1) key fob. The access cards are programmed to allow appropriate access depending on slip location. Rack customers will not be issued marina access passes because the Trail Creek Marina gate remains open during rack service hours. Slip holders are expected to retain their marina access passes from season to season, if they plan to return. Additional key fobs may be purchased up to a specified limit set by the Board of Directors.

No refunds or exchanges shall be accepted.

Parking Passes

Washington Park Marina & Trail Creek Marina slip holders will be issued two parking passes per slip. Jet-ski dock and dry sail customers will be issued one parking pass per dock or space. At the discretion of the Harbormaster, additional parking passes may be purchased. ***No refunds shall be given. Exchanges will only be made if original sticker is returned. Stickers must be affixed to the lower, drivers side of window to be valid or additional parking fees will apply.***

THE ASSIGNMENT OF SLIPS, RACKS and OTHER SPACE

Initial Assignment

Person(s) desiring a slip (rack or other space) must:

- Fill out application indicating preference
- Pay \$25 non-refundable processing fee
- Provide proof of primary residence location, upon request
- Provide proof of partnership, if applicable
- Provide proof of insurance at time of slip (rack or other space) assignment

Assignments

Slips (racks or other spaces) will be assigned in the following order on a first-come basis:

- Residents of Michigan City
- Residents of La Porte County
- Residents of Indiana
- Out-of-State Residents

Re-Assignments

The following will be allowed:

- Re-assignment to either partner when a partnership is dissolved, providing the partnership was pre-registered.
- Re-assignment to the original assignee when a partnership is dissolved, which took place after the original assignment.
- Re-assignment to a surviving member of the immediate family of the original assignee, in case of death.

The following will NOT be allowed:

- Slip, rack or other space to be sold with the boat.
- Slip, rack or other space to be assigned to the new partner in a dissolved partnership, said partnership having taken place after the date of the original assignment, unless he/she was the original assignee.
- Slip, rack or other space to be assigned to a survivor other than the assignee's immediate family.

The Port Authority reserves the right to re-assign any slip holder to any slip at any time.

Special Regulations

As the Washington Park and Trail Creek Marinas are intended especially for the use of family pleasure boating, the Port Authority reserves the right to limit the number of slips assigned to charter boats and high performance racing craft. **In addition, the Port Authority reserves the right to reject any boat owner from leasing a slip.**

Refunds

Refund of rental fees will be made on a prorated basis up to June 1st. Requests made after June 1st will not be granted and slip, rack or other space will be forfeited.

Boat Arrival and Departure

- Advise marina office at least forty-eight (48) hours prior to launching your boat, so slip will be available.
- Advise marina office prior to leaving for overnight (or longer) trips. The Port Authority reserves the right to rent your slip on an overnight basis while your slip is vacant.
- Advise marina office at least forty-eight (48) hours prior to returning from your trip, so slip will be available. If you do not advise marina office of your return, we cannot guarantee that your slip will be open.

Identification

Place your marina sticker in a highly visible place to identify your boat as a bona fide resident of the marina. Failure to display your marina sticker will result in loss of complimentary fuel dock pump-out privileges.

Sailing and Trolling in the Marina

The marina is too congested to operate sailboats without power. Please do not raise your sails until boat is out of the harbor. Trolling in the marina is also prohibited.

Dinghies, Inflatables and Personal Watercraft (PWC)

- All dinghies, inflatables and PWC used in the marina must be owned by the slip holder and registered on their annual contract.
- Dinghies, inflatables and PWC shall not be operated by persons under fifteen (15) years of age unless accompanied by an adult.
- Dinghies, inflatables and PWC shall give way to all boat traffic, moored boats and the fuel dock unless obtaining fuel.
- Dinghies, inflatables and PWC must be stored on the slip holder's boat or within the confines of the slip when not in use. If dinghies, inflatables and PWC cannot be stored on the slip holder's boat or within the confines of the slip, the slip holder must lease an EZ port dock or drystack rack.
- Dinghies, inflatables and PWC may not be stored on or under either the finger pier or main pier. Slip holders will be billed for any damage to electrical conduits, water pipes, etc. caused by dinghies, inflatables and PWC stored under piers.

Additional Boats

If you intend to alternate the use of more than one boat in your slip, you must register each boat on your annual contract.

Tying and Care of Boat

Slip holders are responsible for properly securing their boat in slip and will be held accountable for damages to the slip, piers, docks or any other part of the marina caused by an improperly secured boat. Additional cleats may be requested for a fee.

Accidents

Report ALL accidents to the marina office.
If the marina office is closed, contact security on Channel 9 of the marine radio.

RULES FOR THE DOCK

Dock Modifications

Any changes or additions to the docks (or finger piers) must have prior written approval from the Harbormaster. Any unapproved changes that need to be corrected will be billed to the slip holder.

Mooring Lines and Water Hoses

To avoid pedestrian accidents, loose hoses and mooring lines on the dock are prohibited.

Electric

One (1) outlet is included with slip fees. If 2nd outlet is utilized, an additional fee will be charged based upon length of vessel. Cables must be unplugged from the outlet box when your boat leaves the slip. Cables may not be strung across the docks for additional service. Only marine-approved cables may be used.

Washing Boats

Be careful not spray your neighbor's boat while washing your boat. Use of harsh chemicals that may harm others or the environment is prohibited.

Painting and Power Sanding Boats

Spray painting and power sanding is prohibited in the marina. Brush painting is permissible as long as the dock, pilings and your neighbor's boat is protected. Disposal of paint and/or varnish in marina trash receptacles is strictly prohibited.

Spray painting or power sanding at Trail Creek Marina must have prior written approval from the Harbormaster or Assistant Harbormaster of Operations. Any fees for moving a boat to an approved location for spray painting or power sanding are the responsibility of the boat owner.

Cooking

Use of charcoal or wood hibachis or gas type portable cooking equipment is prohibited except in specifically authorized areas that are not on docks, on boats or near flammables. Electric grills are **only** permitted on the 700 & 800 docks as they are concrete dock surfaces. They **are not** permitted on any wooden docks. Free standing grills are not permitted on your vessel. For your convenience the Port Authority provides several community shore side grills for slip holders on a first come, first serve basis.

Heaters and Lanterns

Open flame heaters and Coleman-type lanterns are prohibited.

Trash Disposal

Keep docks and finger piers free of trash. Litter must be disposed of in waste receptacles provided. Disposal of oil or other liquid waste in waste receptacles is prohibited. Fish remains must be disposed of at the fish cleaning station.

Vehicles on the Docks

No motorized means of land transportation is permitted to be operated, stored or parked within Washington Park Marina. Do not ride vehicles such as bicycles, mopeds, etc. on the docks. Handicapped transports must be approved by the Harbormaster.

Rollerblades and Skateboards

Use of rollerblades and skateboards on the docks or in any marina facility is prohibited.

Marina Property

Slip holder shall be liable for any damages to the piers, docks or any other part of the marina, caused by negligence on the part of the slip holder or the slip holder's agents, guests, licensees or invitees. Do not deface any part of the marina, including without limitation, putting names or stickers on dock boxes, carpeting on finger piers, or erecting or constructing any structures.

Personal Property

All personal property shall be stored in the slip holder's dock box or on the slip holder's boat. No personal property shall be stored on the docks or finger piers. Ice machines, refrigerators, etc. are prohibited from the docks and finger piers.

Hazardous Substances

Slip holders shall not handle, store, transport, process, dispose of or use any substance, material or waste, which poses a public health or environmental threat, or which is regulated by any federal, state, county or local government authority or quasi governmental authority in any manner which could cause a release or create a threat of release of such hazardous substances on, in or about the marina or any navigable waterway within the city limits, or which would violate or give rise to any liability under any applicable federal, state, county or local laws, statutes, orders, rules and regulations relating to the environment, public health and safety.

Oil Disposal

Use designated barrel provided at either marina for oil disposal. Only oil, not water, fuel, etc. may be disposed of in barrel. Disposal of oil in marina trash receptacles is strictly prohibited.

Fishing

Fishing off piers or boats in the marina is prohibited. Do not clean fish on boats, finger piers or docks. Use fish cleaning stations.

Gates

All gates must remain locked. Propping open a gate is strictly prohibited.

Swimming

Absolutely no swimming is allowed in the marina.

Sails

Dry and fold sails on shore, not on the docks.

Fire Hoses

Fire hoses are for emergency use only.

Dock Boxes

Batteries, paints, caustics, corrosives, fuel and the like cannot be stored in dock boxes. Expect periodic checks from Fire Inspectors. The Port Authority shall not be considered a bailee of any personal property stored in dock boxes and shall not be responsible for the security of such personal property or for any loss or damage thereto, whether or not due to theft, negligence or otherwise. A slip holder that has elected to renew their slip for the following season shall have the right to store personal property in the dock boxes after the end of the boating season provided that the slip holder makes the required deposit for the next season. Upon request from the Port Authority, the slip holder shall remove contents from the dock box. In the event that a slip holder fails to remove contents within seven (7) days after such request, the slip holder hereby agrees that the Port Authority shall have the right to remove the contents without liability of trespass. All property removed from the dock boxes by the Port Authority may be handled, removed or stored at the cost of the slip holder, and the Port Authority shall in no event be responsible for the value, preservation or safe keeping thereof. Slip holder shall pay the Port Authority for such removal and for storage charges for such property, so long as the same shall be in the Port Authority's possession or under Port Authority control.

Pets

ALL PETS MUST BE REGISTERED WITH THE OFFICE AT THE START OF THE SEASON.

Pets are permitted on marina property only.

- Pets must be kept on a leash which is to be attached to its human. **DO ALLOW PET TO CARRY ITS OWN LEASH.** Leashes must be limited to 6' in length. Retractable leashes may be lengthened in the dog walk areas.
- Pets must remain in the owner's control at all times.
- Pet owners are responsible for cleaning up pet waste in the dog walk area. Should an accident occur elsewhere, it should be cleaned up immediately.
- Pets should never be left unattended on boats, in vehicles or tied up on the marina premises.
- Pets are not permitted in any marina building.
- If more than three (3) valid complaints are received for any pet, the pet may be banned from the marina.

ENVIRONMENTAL REQUIREMENTS

Boaters are required to have sanitation systems incapable of overboard discharge. Federal and local laws make it illegal to dump plastic, oils or other trash anywhere in navigable waters. Boaters are urged to recycle waste, such as aluminum, glass, plastic and engine oil at facilities provided for this purpose. Pump-out stations for sewage are provided. Under no circumstances can pump-out stations be used for pumping oil, fuel or bilge waste. Boat bilge pumps cannot pump bilge waste other than water. Heavy fines and/or revocation of permit will ensue for environmental violations.

NOISE AND OTHER POTENTIAL DISTURBANCES

Boat Related Disturbances

Tying down potential noisemakers, such as halyards, etc. will prevent noisy rattling in the wind.

Music

Consider your neighbors and keep music volume down. Radios/stereo's must be turned off by 11:00 p.m.

Quiet Time

Boater curfew is 11:00 p.m. Be especially quiet during late night and early morning hours when your neighbors may be trying to sleep.

Fireworks

All fireworks, including sparklers, are prohibited in the marina.

Children

Small children and those who are unable to swim should wear life preservers on the docks. Running on the docks and water fights are prohibited. Children under the age of twelve (12) should not be left unattended on marina property. Unless with a parent or other responsible adult, the marina has the following curfew:

- Children under 15 – 10:00 P.M.
- Children 15 to 18 – 11:00 P.M.

Dock Parties

Written notice (forms available in marina office) must be turned in to the Port Authority office a minimum of two (2) weeks prior to any dock parties of any type are arranged. If a D.J. or band will be in attendance, a police officer MUST BE present. D.J.'s and bands must be dis-banned no later than 11:00 p.m.

Guests

Slip holders are responsible for seeing that their guests, agents, contractors, licensees and invitees abide by the marina rules.

Guest Parking

Vehicles without permits will be ticketed and/or towed at the owner's expense. Slip holders may pick up one-day guest passes at the marina office when available. Guest parking is designated by the Harbormaster and may not be available during holidays and/or special events.

SAFETY AND COURTESY

Speed Limit

The speed limit throughout the marina is 5 mph – no wake. The Washington Park ramp area is a NO WAKE zone.

Common Sense

Use common sense, good boatmanship and courtesy, observing all safety rules at all times. If you see anyone violating any of these rules or regulations, notify the marina office.

BOAT FUELING

General Fueling Information

Do not fuel your boat at any location other than the marina fuel dock. If there is ever a need to transport fuel to your boat while moored in the marina, contact the office for assistance. **Fueling at the City Dock MUST have Port Authority approval.**

The fuel dock attendant will determine the order of service. Try to fuel at a later time if the fuel dock is crowded. During regular hours while an attendant is on duty, payment may be made by cash, check or credit card. Fuel pumps are self-serve with a Visa or MasterCard after hours until 11:00 P.M. Leave the fuel dock immediately after servicing. Fueling should be handled by the captain or first mate.

For your own protection, adhere to the following United States Coast Guard Marina Fueling Safety Procedures:

- Make sure vessel is securely tied to fuel dock.
- No smoking or open flames of any type.
- Turn off all engines, electrical equipment and do not operate any switches or electronic gear.
- Close all ports (windows) and hatches (doors) prior to fueling.
- Fill all portable tanks on the dock.
- To avoid static electrical sparks, keep dispensing nozzle in contact with the fuel tank's metal fill pipe or gas containers metal side.
- Do not block open dispensing nozzle.
- Advise fuel dock attendant in the event of gas or oil spill.
- Keep fire extinguisher nearby.
- Open ports and hatches after fueling and ventilate; smell for gasoline fumes, run bilge blower for at least four (4) minutes before starting engine.
- If the engine fails to start or stalls after starting, ventilate for an additional four (4) minutes before restarting.

Fuel and/or Oil Spills

Use extreme care while topping off tanks to avoid fuel spills. Boat owner will be responsible for clean-up and other spill-related costs.

Federal statutes prohibit pumping oil from bilges. This rule will be strictly enforced.

INSURANCE

Each slip holder shall obtain and maintain in effect comprehensive general public liability insurance to include watercraft, with limits of not less than \$250,000 in the event of bodily injury or death to any number of persons or property damage in any one occurrence and \$500,000 from the aggregate of all occurrences within a policy year. A certificate of insurance shall be delivered to the marina office no later than upon mooring the boat in the marina. Each insurance policy shall provide (and any certificate evidencing the existence of such insurance policy shall certify) that such policy shall not be cancelled or amended (other than to increase the amount of coverage) unless the Port Authority has received twenty (20) days prior written notice of such cancellation or amendment from the insurer or agent. Neither the issuance of any insurance policy required hereunder nor the minimum limits specified herein with respect to each slip holders insurance coverage shall be deemed to limit or restrict in any way a slip holders liability.

HARBOR ADVISORY COUNCIL

Washington Park Marina have dock representatives on each dock that meet once a month from May through September, who advise the Harbormaster on improvements, operations and lakefront matters that affect boaters and marina users. Boaters are encouraged to get involved.

REGULATIONS FOR CONDUCTING BUSINESS AT PORT AUTHORITY FACILITIES

Charter Boats

A CHARTER BOAT IS ANY BOAT THAT CHARGES A FEE TO CUSTOMERS FOR FISHING, SAILING, SIGHTSEEING OR DIVING.

Anyone conducting a charter business from their boat within any Port Authority marina, must register with the Port Authority and provide a "Certificate of Liability Insurance", including without limitation, charter boat coverage. All charter boaters will be charged an additional fee for operating a charter boat business in the marina to be determined each season.

Commercial Businesses

Anyone conducting charter or commercial business from their boat within any Port Authority facility must register with the Port Authority on forms provided at the marina office.

A private owner wishing to sell his boat does not constitute conducting business from his boat.

Marine-Related Service Providers

All providers of marine-related services must register with the Port Authority and have on file a "Certificate of Liability Insurance" with a minimum limit of \$1,000,000 on a combined single limit basis written by a reputable and acceptable company. A "Hold Harmless" agreement must also be executed and filed with the Port Authority by such marine-related service providers.

Keep in mind that your marine-related service provider is responsible for their own trash removal. Advertising should be limited to the marina bulletin boards.

Vendors & Boat Maintenance

Vendors approved by the Harbormaster are permitted to service boats on Port Authority property.

A vendor is one who provides a product or a service for a fee.

Boat owners using vendors outside the local area have the responsibility of informing said vendors of the need to be approved by the Harbormaster.

Although the Port Authority does not prohibit employees from having a second job or performing side jobs, the secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, raise any ethics concerns, or necessitate long hours that may impact the employee's work effectiveness.

Any secondary work may not be performed while working on Port Authority time or property, or utilizing Port Authority materials or equipment.

SELLING YOUR BOAT

Notification

The marina office must be notified when a boat is sold. Under no circumstances should the slip be sold with the boat. The new owner must apply for his own slip.

Sub-Leasing

The sub-leasing of slips is prohibited. The Port Authority reserves the right to request proof of ownership. Any boat not owned by slip holder on file will have slip forfeited.

New Boats

Inform the marina office when mooring a different boat in your slip. If the new boat is larger than the current boat, advise the marina office ahead of time. The new boat may not fit in your current slip and may require a slip re-assignment, if available.

Transfer Requests

The fee for any applicant wishing to be placed on the transfer list is \$10.00. If you are notified that the Port Authority has an available slip, which meets the terms of your request, and you refuse the offer two (2) times, your name will be removed from the transfer list and you will need to re-apply as a new applicant. Once you are assigned to a new location, your transfer request is considered fulfilled. The Port Authority reserves the right to re-assign slips should the need arise.

ORDINANCES AND PENALTIES GOVERNING THE HARBOR

No Anchored Vessel to Obstruct Other Vessels

- No vessel or watercraft shall be moored or anchored in the harbor or laid up alongside any dock in such a manner as to interfere with or hinder the passage of any other vessel, craft or float.
- Penalty: Violators of the above regulation shall be fined not less than \$50 and not more than \$200 for each offense. Each and every day that a violation exists or continues shall be considered a separate violation or offense.

No Vessel to Hinder Bridge Movement

- No vessel or watercraft shall be moored, laid up, brought to stop or anchored within the harbor or waters under the jurisdiction of the Port Authority, so as to interfere with or hinder the opening, closing or operation of any bridges across any of the waters under the jurisdiction of the Port Authority.
- Penalty: Violators of the above regulation shall be fined not less than \$50 and not more than \$200 for each offense. Each and every day that a violation exists or continues shall be considered a separate violation or offense.

Holding Tanks on Boats

- Before any boat which is equipped with a water closet or toilet enters any navigable waters within the city limits, the owner of the boat shall provide the Port Authority with a written statement, signed by the owner or the duly authorized representative, that the boat is equipped with a holding tank of capacity to store waste for subsequent disposal at approved shore side facilities, incinerator or treatment system as is required by that laws of the State of Indiana, and that the boat has no thru-hull discharge from water closet or toilet, which will permit overboard discharge of waste.
- Penalty: Any owner of a boat, or his duly authorized representative, who fails to comply, shall be fined not more than \$300.

Harbor Regulations

Slip holders and their agents, contractors, licensees, invitees and guests shall comply with the City of Michigan City Harbor Regulations (Municipal Code Section 94.10 et. Seq.)

Boat Retrieval

The Harbormaster has the right to monitor water levels in the creek and gantry and to compare it to the draft specifications on deep-draft boats. When the Harbormaster determines that it will not be possible to retrieve a boat after a date he specifies, the owner will be notified. The owner will decide to have the boat removed by the date specified or to make alternative arrangements.

Compliance Orders

Slip holders and their agents, contractors, licensees, invitees and guests shall comply with the orders and directions of the Harbormaster concerning compliance with the Harbor Regulations and the rules and regulations of the Port Authority. The Harbormaster will address any issues not covered in this handbook to determine the proper course of action.

Watercraft User Fees

Each boater must pay the Port Authority watercraft user fee (Michigan City Ordinance No. 3306.) Vessels must display a watercraft user fee sticker at all times. User fees are determined as follows:

- Boats 30' and under - \$.75 per ft.
- Boats over 30' - \$1.50 per ft.

Infractions

Any infraction of the rules and regulations may subject the slip holder to Port Authority proceedings that could result in fines and/or loss of slip privileges.

Indemnification

Each slip holder for itself and on behalf of its agents, contractors, licensees, invitees and guests, hereby releases, indemnifies, protects, defends and holds harmless the Port Authority and its directors, officers, agents, elected and appointed officials and employees from and against any and all loss, damages, liabilities, claim, liens, costs and expenses, including without limitation, reasonable attorney's fees in connection with injuries to any persons or damage to or theft or misappropriation or loss of property occurring in or about the marina, or arising from the slip holders occupancy or presence in the marina, or from any activity, work or thing done, permitted or suffered by the slip holder in or about the marina, or from any breach or violation of the rules and regulations of the Port Authority or due to any other act or omission of any slip holder or their employees, guests, customers, agents, licensees or invitees. Notwithstanding the foregoing, nothing herein shall be deemed to exempt the Port Authority from liability of damages for injury to persons or damage to property caused by or resulting from the negligence or willful misconduct of the Port Authority, or its directors, officers, agents or employees.

Lawful Use

Slip holders shall not occupy or use, or permit any portion of the slip or the marina to be occupied or used for any purpose which is illegal or unlawful. Each slip holder shall comply with all federal, state, county and municipal codes, laws, ordinances, statutes, rules, regulations, orders, permits, licenses and authorizations.

Enforcement Costs

A slip holder shall pay all of the Port Authority costs, charges and expenses, including without limitation, court costs and reasonable attorney's fees incurred by the Port Authority in connection with a slip holders breach or violation of the Rules and Regulations of the Port Authority.

***If you have any questions pertaining to the M.C.P.A. Rules & Regulations,
please contact the Harbormaster at 219.872.1712.***