

ISLAND MARINA BOAT SLIP OWNERS ASSOCIATION

RULES AND REGULATIONS

In order to maintain an inviting atmosphere at Island Marina and to assure maintenance of water quality at the Marina as required by environmental permits issued to the Marina, the following rules and regulations are in effect and constitute a part of and are deemed incorporated into the Dockage Agreement. Compliance at all times with the following rules and regulations is required. *These Rules and Regulations have been modified where shown in italics in response to the FDEP comments within Consent Order OGC No. 10-1463-11-SL entered on 7/29/2010.*

1. When a vessel enters the Marina, the Vessel Owner ("Vessel Owner"), crew and guests shall comply with the terms of the Rules and Regulations, the Mooring Rules, The Declaration of the Association and the Bylaws of the Association as amended from time to time to include the terms of the Dockage Agreements and the Submerged Land Lease ("Association Documents"). If applicable, it is the ultimate responsibility of the related Slip Owner to ensure the Vessel Owner or his/her/its' crew and invitees comply with the terms of the Association Documents.

2. Check In – Upon the new arrival of a vessel or upon the signing of a Dockage Agreement, the Harbormaster (or his/her designee) shall inform the Vessel Owner of their responsibilities regarding use of the slip and shall advise the Vessel Owner that the outboard mooring pilings are the waterward extent of the Marina and that no part of the Vessel Owner's vessel may extend beyond the outboard mooring pilings. The Harbormaster shall go over the Terms of the Dockage Agreement and shall explain the conditions, including the navigation conditions and restrictions in and around the Marina and Wiggins Pass. The Association shall make available to the Vessel Owner upon request, a document reflecting the navigational channel from the Marina to Wiggins Pass. The Harbormaster, upon directing the Vessel Owner to the assigned slip, shall inspect the vessel to determine the type of operation and condition of various overboard discharge systems, including, but not limited to bilges, showers, galleys, heads, and holding tanks.

3. The vessel Owner is prohibited from and shall not allow any part of the vessel to extend waterward of the permitted slip length. *Conformance to position will be based upon the Survey and the current Slip 1 thru 79 BOAT INFORMATION TAG permanent mounted attached to each dock box. The boat shall not be positioned within the slip a distance waterward of the floating dock greater than that stated on the tag.*

4. Upon initial mooring at the Marina and at appropriate subsequent intervals, as determined by the Harbormaster, the Vessel Owner shall provide the Harbormaster a mechanics' certification that the engines are properly tuned, or will allow the Harbormaster access to inspect the vessel to determine that the engines are properly tuned so as to release into the water as little oil and grease as practical, given the size, type, and age of the engine. Vessels with improperly tuned engines, as determined by the Harbormaster, shall not be permitted to moor at the Marina.

5. Sewage Pumpout – Upon determination of the type of system on board, the Harbormaster shall proceed to; a) pump out any self contained holding tank, assuring that it is sealed from discharge overboard; b) seal any head (toilet) with a direct discharge overboard, in a fashion preventing its use; c) remove any portable holding tank to a secured upland location; and d) provide the Vessel Owner with key/combination to upland sanitary facilities (OPTIONAL). The Harbormaster shall ensure that discharges shall be properly directed for treatment.

6. Documentation – The Harbormaster shall enter into the daily log the name of the vessel, name of the Vessel Owner, and type of sanitary facilities on board. If a holding tank is pumped out, an approximate amount shall be documented.

7. Bilges – Pumping of bilges in the Marina is prohibited. Pumping of bilges introduces oils, greases, detergents and related deleterious substances into the Marina basin that degrade water quality. Owners of vessels moored at the Marina for more than two consecutive days or seven days in any 30-day period, must install and maintain within the vessel bilge, absorbent pads capable of absorbing oil and grease but not water. Vessel owners shall replace such absorbent pads at intervals recommended by the manufacturer or at more frequent intervals as determined by the Harbormaster after inspection. The Vessel Owner shall be responsible for disposing of the absorbent pads in a manner consistent with state or federal regulations. Vessels planning to moor at the Marina for more than two consecutive days or seven days in any 30-day period shall be prohibited from mooring without absorbent pads.

If requested by the Vessel Owner, or in the event of a recognized emergency situation, in the Vessel Owner's absence, the Harbormaster shall provide, at the Vessel Owner's expense, equipment capable of pumping bilges into a container for transfer to a suitable upland disposal site. Only in the event of an emergency, for example the breach of a hull, failure of a thru hull fitting, or similar event, shall pumping of bilges be allowed. Emergency pumping does not alleviate the State requirements for water quality or any subsequent enforcement action as result of pumping. The Vessel Owner shall be financially responsible for the remediation of adverse water quality impacts. Absorbent material and a containment boom are available at the Marina to contain discharges of fuel or other pollutants.

ISLAND MARINA BOAT SLIP OWNERS ASSOCIATION

RULES AND REGULATIONS

8. **Galleys/Showers – The Vessel Owner has an obligation to maintain water quality within the Marina. The Vessel Owner should utilize biodegradable detergents when possible, avoid overboard discharges and prevent discharge of oils, greases, food products, or other wastes associated with use of a galley or shower or other source.**
9. **Residency – No transient or permanent liveaboard shall be allowed to use the Marina. Liveaboards shall be defined as those vessels with habitants docked at the facility for two (2) consecutive days or seven (7) days in a thirty (30) day period. No overnight sleeping or staying on any vessels shall be allowed at the Marina unless such vessels contain a federally approved holding tank for galley, head, or similar waste, and on board discharges be directed to those facilities. The Harbormaster will, at the Vessel Owner’s request and expense, pump those tanks out prior to the vessel departing and make an appropriate entry made into the daily log.**
10. **Omitted on purpose to retain rule # sequence - - - transferred original language to rule # 31.**
11. **Omitted on purpose to retain rule # sequence - - - transferred original language to rule # 30.**
12. **Only vessels in good condition, and under their own power, shall be admitted to berthing areas. In the event of an emergency during the Vessel Owner’s absence, e.g. breakdown of the bilge pump, leak, bad lines, the Association is authorized to make necessary repairs as economically as possible which will be charged to the Vessel Owner.**
13. **Pets shall be leashed within the confines of the Marina and toileted on grass areas. Pets are permitted only if they do not disturb guests.**
14. **Boats leaving for an extended cruise will notify the Harbormaster of the approximate duration and destination.**
15. **The rules of the road and the navigational laws of the United States apply to all vessels entering and leaving the Marina.**
16. **Refuse or garbage shall not be thrown overboard. All refuse or garbage shall be deposited in can (garbins) or other receptacles supplied for that purpose *and recycle items placed within the recycle bins*. Vessel Owner shall notify the Association of anything that will not fit in these cans and the Association shall dispose of same.**
17. **Charcoal or gas fires will not be permitted on the dock. Storage or placement of fuel/oil containers, flammable substances or hazardous materials on the docks or in dock boxes is strictly prohibited.**
18. **Noise shall be kept to a minimum at all times. Vessel Owners shall use discretion in operating engines, generators, radios and television sets, so as not to create a nuisance or disturbance. The use of mechanical tool (buffers, sanders, etc.) outside of the boat is prohibited. All boats must have under-water exhaust in operation.**
19. **Advertising or soliciting shall not be permitted on any vessel within the Marina. Neither the vessel nor Island Marina, its name, address or phone number shall be used for business purposes by Owners. Commercial vessels (For Sale, charter or hire, etc.) are not permitted in the Marina.**
20. **Fishing, swimming, diving, jumping, roller-skating, skateboarding, casting, or gigging shall not be permitted from the docks, finger piers, or from vessels at the dock. No fish cleaning shall be permitted within the Marina.**
21. **Vessel or Slip Owners shall not store supplies, materials, accessories or debris on walkway, docks or finger piers and shall not construct or place thereon any lockers, boat lifts, cabinets, or similar structures, except with written approval from the Association. Painting, scraping or repairing of gear or of the vessel shall not be permitted on the walkways, docks or finger piers. The extent of repairs and maintenance, which shall be permitted, shall be at the sole discretion of the Association.**
22. **Subleasing of slips, transfer of a vessel between slips, or from one slip to another slip shall not be allowed, except upon prior written approval of the Association. The Vessel Owner agrees that in case of an emergency, the Association may move the vessel from its’ assigned mooring space to any other mooring space without prior notice or approval. Vessels may be moved to another slip upon a (30) thirty-day notice to make room for special events at Island Marina.**
23. **Laundry shall not be hung on boats, walkways, docks or finger piers in the Marina, nor shall “for sale” or “for hire” signs be placed on vessels.**
24. **Vessel Owners checking out of the Marina shall report to the Harbormaster’s office and settle their account prior to leaving. It is suggested that all Vessel and Slip Owners will leave a forwarding address in order to permit prompt handling in the event telephone calls or mail is received for them. However, in any event the Association assumes no responsibility whatsoever for forwarding mail or messages. All personal property must be removed from dock boxes when dockage is terminated. The Association assumes no responsibility for any personal property that may be remaining.**
25. **The Association reserves the right to limit and govern parking in the Marina Area.**

ISLAND MARINA BOAT SLIP OWNERS ASSOCIATION

RULES AND REGULATIONS

26. Motorcycles and bicycles shall not be ridden on any dock or pier and shall be stored on the boat or in the parking lot. Dinghies must be berthed within the slip assigned to the boat and in such a manner as not to interfere with the adjoining slip.

27. All vessels moored at this Marina shall be registered or titled unless exempt by Florida Statutes Chapters 327 and/or 328.

28. All lines, rigging and halyards will be secured by the Vessel Owner in order to eliminate noise. Slotted masts must have noise protection devices.

29. If the Owner's vessel contains a sanitation device aboard, it must comply with the most advanced state of the art requirements of applicable governmental laws and regulations concerning the installation and use of such device. The sanitation device must be properly functioning at all times while the vessel is at its berth. No discharge of sanitation effluent or dumping overboard shall be allowed at the Marina.

30. Violations - The *FDEP or the* Association reserves the right to identify any offender causing a violation of any governmental approval, rule, regulation of law, including but not limited to, water quality standards within and adjacent to the Marina, and to name said offender in any enforcement action taken by any governmental authority with jurisdiction or a proprietary interest in or over the Marina or activities conducted at the Marina.

Violation of any of the Rules and Regulations and Mooring Rules as amended from time to time, or disorder, or indecorous conduct by the Vessel or Slip Owner, that may injure a person, cause damage to property or to the environment or harm the reputation of the Marina shall be cause for immediate termination of the Dockage Agreement and removal from the Marina of the Vessel.

31 Remedies and Notification – The Harbormaster shall monitor all Vessel and Slip Owners using the Marina to ensure compliance with these Rules and Regulations, the Mooring Rules and the Dockage Agreement. Upon observation of non-compliance concerning Rule Nos. 3, 4, 7, 8, 16, 17 or 29 or other environmental compliance requirements, regulatory approval, rule, regulation or law, the Harbormaster may serve a written “Caution” statement to the Vessel and Slip Owner, informing him of the infraction. A second infraction may result in a written “Warning” notice, informing the Vessel and Slip Owner of the second infraction. A third infraction will result in the immediate termination of the Dockage Agreement, and the Vessel Owner will be given one hour to remove the vessel from the Marina. Infractions do not have to be identical, and separate notices of violations of these Rules and Regulations, the Mooring Rules and the Dockage Agreement are cumulative. All Caution, Warning and Termination Notices will be documented in the Daily Log, including the reason for the infraction. Copies of such Notices resulting from violations will be forwarded to the Department of Environmental Protections, Fort Myers office.

In lieu of issuing such notices, the Association reserves the right to terminate the lease and cause the immediate removal from the Marina of the vessel as authorized by the Dockage Agreement.

32. Mooring Rules – The rules entitled “MOORING RULES” are incorporated herein by reference.

33. When any vessel is moored, the stern or bow of the vessel shall not be in contact with any part of the docks. The “spring line” must prevent any part of the stern or bow of the vessel from touching or bumping any part of the docks. See Rule # 2 of the MOORING RULES for a detailed description of the rule and the remedies adopted for enforcement.

34. Following the adoption of the Mooring Rules by the Board on April 17, 2003 requires that all subsequent Vessel Owners after July 1, 2003, must enter into a Dockage Agreement with the Association for any vessel that is to be moored in a designated slip at this Marina and a member of the Board of Directors must approve that agreement. See Rule # 3 of the MOORING RULES for a detailed description of the rule and the remedies adopted for enforcement.

35. Any vessel with a bow, anchor or any other portion thereof that extends into the Association common dock space must have that bow, anchor or portion thereof covered with a brightly colored cushioned protective device to aid in the safety of persons utilizing the docks. See Rule # 4 of the MOORING RULES for a detailed description of the rule and the remedies adopted for enforcement.

36. *Compliance with the Marina Operation and Management Plan (MOMP) is a requirement of tenancy will be enforced along with the requirements of a Clean Marina Designation for the vessels and parties maintaining vessels.*

**KEEP OUR WATERWAYS CLEAN – WATCH FOR THE MANATEE
NO WAKE PLEASE!**

NOTICE: THESE RULES AND REGULATIONS ARE PART OF YOUR DOCKAGE AGREEMENT

THESE RULES AND REGULATIONS WERE AMMENDED PER FDEP COMMENTS WITHIN CONSENT ORDER OGC NO. 10-1463-11-SL ENTERED ON 7/29/10 and (ON 9/28/10 FOR PARAGRAPH 3 & 36) BY THE ASSOCIATION'S BOARD OF DIRECTORS