

MARATHON YACHT CLUB - PORT AND DOCK RULES

(Revised 05/01/08)

PORT CAPTAIN: The Chairman of the **PORT** Committee shall be known as the **PORT CAPTAIN** and will have full authority over any and all activities dealing with the operation, maintenance, and management of the MYC Port and Docks, as prescribed by the MYC By-laws.

POLICY: MYC will maintain and operate a port, including docks, primarily for the benefit of the MYC members. Florida Council of Yacht Clubs members shall be accommodated to the extent of availability of slips not required by MYC members. The MYC port, and its docks, shall be operated in keeping with the following rules:

PRICES:

FCYC =Florida Council of Yacht Clubs. ARYC=American Register of Yacht Clubs. Any other nonmember guests at our docks must be by pre-arrangement with the Port Captain on a space available basis and at the ARYC rate. Nonmember guests may use a credit card to settle payment with MYC, but the host member remains responsible for any such payments owed by nonmember guests. Nonmember guests boats may only be present while the host members themselves are present, not just the members boat.

FREE DAYS- FCYC and MYC members are entitled to free dockage one time per each 30 days on the first day of a short term stay. This reciprocal arrangement does not include non-voting or non-boating members of a visiting club, or Yachts here on a 30 day rate. For billing purpose, Day #1, is the day following the free day, (see below).

LENGTH OF BOAT: The boat's documented or registered length will be used when computing dockage charges. For second boats and dinghies longer than the beam of your vessel, see Port Captain for dockage arrangements.

**MYC DOCK RATES – Minimum length for Billing of 35ft.
(Except slip # 21 & #22, which are 25ft minimum length)**

Dock rates and utility rates will be approved by the Board of Governors and posted in the MYC office and are subject to change without notice.

The following dockage rates are effective May 1, 2008

Winter Season: November 1 thru April 30

Summer Season: May 1 thru Oct 31

Slip holder dockage charges/month:

Winter Season - \$10.00/ft + \$20.00 'utility' charge + \$25.00 cable charge (if used) + metered power charges.

Summer Season - \$7.50/ft + \$20.00 'utility' charge + \$25.00 cable charged (if used) + metered power charges.

Un-Occupied Slip Holder Summer Charges - \$3.00/ft unoccupied dock charge to guarantee a slip for the following winter season. A Slip holder must vacate his slip for a minimum of 30 days to be eligible for the \$3.00 per foot rate.

FCYC Long Term Summer Monthly Rate: \$15.00 / ft/month with a 30 day minimum eligibility. Utilities will be metered.

Metered electric: Monthly rated charged Club per KW

Self Service Pump Out available at each dock at no charge.

WIFI charges will be \$5.00 per day for transient boaters. Charges will be \$20.00 per month for permanent and seasonal MYC boaters.

NOTES:

1 - A slip holder must pay for a minimum of six months winter season dockage at the \$10.00/ft rate even if boat is not at the dock.

2 - A slip holder occupying a dock for an entire month during the summer season will pay the \$7.50/ft summer rate charge + \$20.00 'utility' charge + \$25.00 cable charge (if used) + metered power charges.

3 - If a slip holder occupies a dock for a portion of a month during the summer season, a pro rated dock charge will be used based on the \$7.50/ft rate. The \$20.00 'utility' charge + \$25.00 cable charge (if used) + the metered power charge for the days used will be billed.

4 - If a slip holder occupies a dock for a portion of a month during the winter season, a pro rated dock charge will be used based on the \$10.00/ft rate. The \$20.00 'utility' charge + \$25.00 cable charge (if used) + the metered power charge for the days used will be billed.

5 - Anyone who chooses to not guarantee their slip for the coming season by paying the unoccupied slip charge of \$3.00/ft/month may take their chances that the slip will be available upon their return. However, there will be no first right of refusal, and the slip will be rented to any MYC member wishing to do so, and paying the slip charges outlined above.

ARYC DOCKAGE RATE (EFFICTIVE March 1, 2006)

Effective March 1, 2006, the **American Register of Yacht Clubs (ARYC)** dockage rate will be \$2.00/ft of boat length.

All rates subject to change without notice. - ALL prices subject to 7.5% FL sales tax

RESERVATIONS - CANCELLATION NOTICE AND PENALTY:

- A. Short term reservation (for under 30 days), *48hrs notice required. Penalty: 1 day dockage charge.
- B. Long term reservation (30 days or over) *30 days notice required. Penalty \$100.00.
- C. ARYC and nonmember guests will be required to present a credit card or prepayment in order to make a reservation.
- D. A no show on the first day of a slip reservation without a previous notice or phone call to the office or Port Captain will result in an immediate cancellation of the reservation and the slip may be rented out on an as needed basis. The member whose reservation was cancelled may still obtain a slip on an "as available" basis.

NOTE: call our Port Captain or our staff Dock Reservationist for exceptions (weather, breakdown, etc.) for cancellation without penalty.

RESERVATION ASSIGNMENTS:

Pre season Reservation requests are held and prioritized for assignment and distribution as follows:

1. Existing slip occupants who have occupied the slip for the past 12 months will have priority to retain the same slip.
2. MYC members requesting long term (30 days or more), oldest request first.
3. MYC members other than above, oldest request first
4. Visiting Yachtsmen (FCYC or ARYC), only if space available.
5. Members who have been "no shows" for reservations on two consecutive occasions (did not show up on the first day of the reservation and did not call nor provide other advance notice) shall be moved to the bottom of the priority list in making future slip assignments for a period of two years, at which time they will regain the assignment priority as listed above if they remained in compliance with the cancellation policy during this period.
6. When a vacancy occurs for dockage, a member who accepts a slip will be charged the higher of the boat size or the

slip size. Slips 17-22 will be on a case-by-case basis due to the difficult access and piling locations.

Short Term reservation requests by members:

7. MYC members requesting short term dockage, including their once every 30 days complimentary dockage, shall make their request for dockage at least 48 hours in advance, and best efforts will be made to accommodate all such requests. It is the policy of the club to maintain at least 3 short term slips for MYC members, but there is no guarantee that such slips will not be occupied by other MYC members nor that the size of available slips can accommodate the members boat. Best efforts will be made to accommodate member boats regardless of advance notice.
8. All slips, including transient, are available to MYC members during (1) Blessing of the Fleet and (2) Lighting of the Fleet. Members shall similarly make their requests for such dockage at least 48 hours in advance.

MEMBER ONLY PRESEASON SLIP ASSIGNMENTS

SUMMER SEASON IS: May 1 thru October 31. Slips for the summer assigned and mailed March 25. After 3/25 slips are on a Space Available basis as calls come in.

WINTER SEASON IS: November 1 thru April 30. Slips for the winter assigned and mailed August 1st. After 8/1, slips are on a space available basis.

REQUEST FOR A SLIP RESERVATION: may be entered at the MYC office up to 12 months prior to the assignment date (3/25 or 8/1) of the season for which space is wanted. Non-members can not request reservations more than two (2) months prior. Request for permanent dockage will have preference over seasonal on the waiting list.

DEPOSITS: MYC reserves the right to require, at its discretion, a deposit before assigning a slip. An advance deposit of the first month's slip rental, according to the length of the boat, will be required for all seasonal and new annual slip requests in order to guarantee the slip reservation. The member will be invoiced for this amount at the time that notice is given of the

approved request, and payment must be made within 30 days of the invoice date in order to guarantee the slip. If payment is not made within 30 days of the invoice date then the slip may be reassigned to another member according to the priority system outlined in the Port Rules. After having made the advance payment for the slip reservation, the member may cancel the reservation at any time 30 days or more prior to the scheduled arrival date and receive a full refund of the advance deposit. If members are delayed in arrival from the scheduled arrival date no prorated refund of the advance deposit will be made. If members are more than 30 days late in arrival they should notify the office of their revised arrival date, and they may retain their slip reservation provided that the monthly slip fee is paid in advance the 1st of each month.

PAYMENTS: Cash, Approved Club Account (FCYC/MYC), Personal Check on a domestic (USA) bank only, national credit card for which MYC has acceptability banking arrangements (check in office).

A. Short term stays: payable on departure.

B. Long term stays: 30 days (monthly) are due and payable in advance on the arrival date of the reservation, and each 30 days, in advance, thereafter

C. Meter readings must be paid at the end of the first thirty days, and at the end of each 30 days or upon departure, whichever comes first.

LIEN AND COLLECTIONS: Tying up at MYC docks requires a signed written agreement. Tying up to our docks without an executed agreement shall constitute an agreement per-se. It is understood that under either form of agreement, The Marathon Yacht Club shall have a lien against the vessel, her appurtenance and contents, for unpaid sum due under this agreement. The boat owner and the vessel shall have an additional liability for all costs and expenses incurred in the collection of said sums, including reasonable attorney's fees, for all services incident to said collection, whether in judicial proceedings and appeals there from or otherwise. In consideration of using dock space, boat owner agrees to indemnify and hold harmless, Marathon Yacht Club against any loss, cost suit, or claim arising out of use of dock space or handling of the boat in connection therewith.

RULES AND REGULATIONS FOR MEMBERS AND GUESTS OF MYC CONCERNING THE USE OF MYC PROPERTY, BASIN, SLIPS, DOCKS, AND WALKWAYS

In order to provide an inviting atmosphere for boat owners docking at MYC, the following rules and regulations are provided:

1. The rules and navigation laws of the United States apply to all vessels in, or approaching, the MYC Marina.
2. In the event of an emergency in the owners absence (including, but not limited to: breakdown of bilge pump, leaks, bad lines, etc.) the MYC management is authorized to make, or arrange for, repairs and charge the boat owner for all incurred expense.
3. Visitors should report to the management on arrival to make financial arrangements for their stay. Guests checking out must settle their account before departure.
4. Noise shall be kept to a minimum at all times. Guests shall use discretion in operating engines, radios, generators, and TV sets, so as not to create a nuisance or disturbance to fellow boaters.
5. The extent of repairs and maintenance at dockside is at the discretion of MYC management. Major repairs are not allowed at the marina.
6. Boat owners shall not store supplies, accessories or debris on the docks or walkways. Hoses and electrical wires should not cross the walkways. Charcoal fires, or open gas grills, are not permitted at the docks.
7. Pets are permitted only at the discretion of the management and then must be accompanied by the owner and on a

leash at all times when on MYC property. No pet litter overboard. All "mistakes" by your pet, on MYC property, must be cleaned up immediately. On MYC property, the pet walk is the grassy area in the rear parking lot. The front courtyard is not to be used as a pet walk area.

8. Refuse, fish remains, and garbage of any kind are not to be thrown overboard. Wrap and place it in the containers provided. No oil may be discharged into the marina. Major spills must be reported to MYC for immediate clean up. No pumping of heads into the marina waters. Legal pump out service is available at your dock. For this service, contact the MYC office.
9. Laundering and drying of laundry, is prohibited on boats or docks in our marina. A modern coin-operated laundry is provided.
10. Vessels departing and leaving electric, or TV, cables are reminded to be sure they are disconnected at the shore outlet as well as from the vessel to preclude potentially lethal consequences should live cable fall into the water. Boater is liable for all damages.
11. Parking of vehicles will be in those areas designated by MYC management.
12. A boater who leaves his/her vessel for an extended period is asked to give the office manager the name of a local person who is available and can be called to enter and deal with any problems on the boat. A locked key box for boater's keys is maintained in the office and all longer-term boaters are required to leave a key with the office, and to complete a disclaimer form.
13. Only the Port Captain, or the Staff Dock Reservationist in our office, is authorized to enter reservations in the dockage schedule. This authority may be delegated by the Port Captain when required.

14. Boaters who have space reserved during the Lighting and/or Blessing of the Fleet must either participate by decorating their vessels accordingly or leave to make space for other members who ask to participate.
15. Marathon Yacht Club reserves the right to amend or change or delete Rules and Regulations from time to time.
16. NO TRANSFER OF FUEL IS PERMITTED IN OUR MARINA except fuel for dinghies, hand carried in Coast Guard approved containers not over 3 gallon capacity. NO TRUCK DELIVERIES. Our office will be glad to direct you to a nearby marina for fuel.
17. All vessels using the MYC marina are required to have Pollution Liability Insurance and evidence of pollution coverage may be requested by the Port Captain or Staff Reservationist.
18. No member or guest may operate a charter or commercial boat operation, nor allow their boat in the marina to be used for such purpose at any time while docked here at MYC.
19. There will be no lobster diving in the marina unless it is during special club events.

NOTICE: These rules are posted at the Marathon Yacht Club and the boat owner agrees to comply as fully as though they were set forth in a dockage agreement. Should a violation of these posted rules and regulations occur, any rental agreement shall terminate immediately and MYC may remove the vessel from its dock space at the owner's expense and risk and retake possession of the dock space.

In the event any portion of an agreement written per the above rules should be found to be in violation of any United States, or Florida law, said portion, and that portion only, shall be deemed null and void, and the balance of the agreement shall remain in effect and in force.

WEATHER EMERGENCIES

Boat owners are responsible for damage to dock structures, pilings, and utility hook-ups in the event of an emergency and MYC reserves the right to move boats to other mooring places. Because of the Northerly orientation of the entrance to the MYC marina, boaters are warned that the MYC marina is not a satisfactory refuge from hurricanes or northerlies that may sweep in from the Florida Bay. For your safety, we highly recommend that boaters seek a more protected harbor whenever a serious weather emergency is predicted.

DISCLAIMER OF LIABILITY:

All owners use the slips and docks solely at their own risk, in the condition in which they are from time to time and have sole responsibility for tying up and securing their boats. Members of the Club Staff or Club members may help but are not responsible for handling mooring lines or maintaining any watch to ensure that boats are safely tied.

