



## HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS

June 2014

---

### **Definitions:**

**Within these Regulations the following Definitions apply:**

- “HCWA” means the Hubbards Community Waterfront Association
- “HCWA Board” means the Board of Directors of the Hubbards Community Waterfront Association.
- “Marina” refers to a series of floating docks and attachments owned by the HCWA and seasonally attached to the property of the HCWA. The use of the term “Marina” shall be for HCWA reference and documents only and does not convey meaning or definition under any Municipal, Provincial or Federal requirements
- “Berth Lease Holder(s)” means a member or members of the HCWA who have completed the HCWA’s Application to Lease Berth and the Application has been accepted and approved by the Board of the HCWA. The Berth Lease Holder shall pay all applicable fees and is in good standing in regard to both the By Laws and these Regulations.
- MMC “Marina Management Committee” -means a committee of the HCWA Board and members that is established in accordance with Section 11 of the By-Laws, to assist in the management, operation and maintenance of the Marina.

### **General**

1. The HCWA Marina and facilities are the property of HCWA.
2. The use of the Marina shall be for the use and enjoyment of HCWA members, guests and visiting boaters.
3. Marina Berth Holders must be members of the HCWA.
4. These facilities shall not be used for commercial purposes by members or guests of the HCWA unless otherwise approved by the HCWA Board



## HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS

June 2014

---

5. Members and guests of the Marina shall be considerate and respectful of other members, guests, visiting boat owners, and property owners adjacent to HCWA property.

6. The use of on-head or toilets on boats while at the Marina is only permitted with operable holding tanks. These holding tanks cannot be discharged alongside. The HCWA reserves the right to require dye tablet use where deemed necessary.

7. Use of the Marina is subject to and conditional upon members waiving liability to the HCWA

### **Marina Use Requirements**

8. Adequate fenders and docking lines shall be used to prevent damage to other boats and the Marina.

9. No lines shall be placed across the Marina trunk or fingers. Halyards should be tied at all times while boats are docked

10. No boat shall be secured so that its bowsprit or any other part overhangs or otherwise obstructs any part of the Marina.

11. No tender or other obstruction is to be left on any part of the Marina.

12. Use of naked flame, including barbecues, is not permitted on the fingers or trunks of the Marina system.

13. Boats must not be sailed into or near the Marina berth but rather under the control of a motor or oars.

### **Berth Lease Holder**

14. Berth Lease Holders will be invoiced for annual fees on or about April 1<sup>st</sup> of each year with payment due by May 15<sup>th</sup>. Failure to pay by May 15<sup>th</sup> may result in the



## HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS

June 2014

---

privilege to use the Marina being temporarily suspended or terminated following a process as outlined in the HWCA Policy on Payment of Fees.

15. Without first advising the MMC a member shall not sublet or lend their assigned berth.

16. The MMC reserves the right to allocate any Marina berth on a temporary basis, if the boat to which it is ordinarily allocated is absent.

17. Personal liability insurance (\$500,000 minimum) is required by all Berth Lease Holders occupying a Marina berth. Proof of insurance shall be submitted with the Application to Lease Berth and thereafter annually submitted with fee payment.

18. Seasonal berth occupancy will begin on June 1<sup>st</sup>, earlier occupancy can not be guaranteed. Boats must vacate the Marina no later than October 31 unless notified otherwise by the MMC

### **Assignment of Marina Berths**

19. A member must make application to the MMC to become a Marina Berth Holder. The MMC will review the application and make a recommendation to the Board of the HCWA. Once the application is approved by the HCWA, the placement of boats at the Marina facilities is the responsibility of the MMC.

20. The size of the member's boat will be taken into consideration when allocating Marina space. Boats shall not exceed 30 ft. in length on inner fingers and 35 ft. in length on outer fingers. The MMC may consider issues of non conformance with length requirements given acceptable tonnage and wind age. Should it be necessary to bypass a member due to the size of their boat, they shall retain their place at the top of the waiting list until a suitable Marina berth becomes available.

21. Notwithstanding Section 15, a member shall be permitted only one Marina berth. A member owning a second boat may purchase daily rental space only after it has been established that all the other members on the waiting list have been given an opportunity to occupy such space.



## **HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS**

June 2014

---

22. The MMC may consider the rental of two concurrent berths to accommodate a vessel of such size that two spaces are required. The Marina Berth Holder is required to pay the full fee for both berths.

23. Marina facility privileges shall continue from year to year except as noted in Section 51. Fees shall be as determined by the Board of the HCWA and be reviewed annually. The MMC must change the location of a member's berth as required to suit operational needs such as vessel size accommodation.

24. A Marina berth may be assigned to members who are co-owners of boats or two members may wish to occupy a berth jointly. All parties must be members of the HCWA and be named on the Marina Berth Application and the MMC must be advised of any changes.

### **Marina Fees**

25. HCWA retains the right to forgo deposits on Marina berths to allow for rental of berth spaces. (Deleted with approval at AGM)

26. The fees for berth spaces will be set by the HCWA Board in accordance with Section 14. The HCWA Board may also allow for multi years rate setting. (See HCWA Fee Structure Document).

27. Should a berth space be occupied late as in mid season or vacated prior to October 31, there will be no rebate or reduction in the annual Marina fee.

### **Short Term Marina Berth Rentals**

28. Berth space rentals are payable in advance. See HCWA Fee Structure Document.

29. On the last day of a daily rental, boats must vacate assigned berthing spaces by 1600 Hrs.

30. Members who have outstanding daily berthing rental fees will not be permitted further rentals.



## **HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS**

June 2014

---

31. Marina rentals are for a maximum of two weeks at a time but upon approval of the MMC may be extended subject to availability of space. When moved off because of time, the member's name will be moved to the bottom of a Marina Rental Wait List. (This is a separate list from the Marina Waiting List.)

32. A member who is not a Marina Berth Holder and who has a special need to rent a berth temporarily should make specific application to the MMC, and provide the necessary details.

33. A fine, to be established by the Board of HCWA (at least equal to the cost of removal), may be levied when a boat has to be moved from the Marina for safety reasons or for any infraction of Regulations. The boat may not be returned to the Marina until the cause of the removal has been rectified and the fine is paid.

34. (Annual) Fees, See HCWA Fee Structure Document.

### **Release of Marina Berth**

35. A Marina berth is assigned to a member, not to a boat, therefore, when a boat is sold or ownership changes, it must be removed from the Marina and the MMC advised.

36. A member who ceases to be a boat owner may retain a Marina berth provided they remain a member in good standing with dues and Marina fees paid.

37. Notification of intent to give up a berth must be received by the MMC by Jan 31; failure to comply will commit the Marina Berth Holder to the annual fee until such time that the berth is assigned again.

### **Marina Waiting List**

38. A Marina Waiting List for berths requested on an annual rental basis shall be maintained by the MMC. This list shall be subject to such terms and conditions as are from time to time determined and recommended by the MMC to the Board of the HWCA for approval. These terms and conditions and Section 19, shall be used to allocate all



## **HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS**

June 2014

---

available Marina berths. Members must request in writing to the MMC to have their names added to the list. The MMC will make a copy of the Marina Waiting List available to the HWCA Board and the membership at all times.

39. A short-term waiting list shall also be maintained in offering daily rental space. Members are responsible for ensuring that they can be contacted promptly. The MMC is under no obligation to search for a member who cannot be easily reached by telephone.

40. When a Marina berth becomes available and the member at the top of the Marina Waiting List does not wish to occupy it at that time, their new position on the waiting list will be determined by the MMC.

41. Initial placement on the Marina Waiting List is governed by the date the application for membership is received and the applicable fee is paid in the case of new members or upon notification by a member whose membership fees are current.

42. Any member falling in arrears with respect to dues will have their name removed from the Marina Waiting List. Once payment is received, the name will be added to the bottom of the list. This process will be carried out in accordance with the HWCA By - Laws and the HCWA Policy on Payment of Fees.

### **Marina Common User Space**

43. The Association has limited common user space and dock facilities. Therefore it is imperative that all members and visitors are conscious of the need for control of the common user areas in order that these facilities provide the maximum benefit for all.

44. The common user space is that docking area designated along the westerly face of the public launchway and may change from time to time as deemed appropriate by the HCWA.

45. The common user space and docks are provided for the use of boat owning members and visitors for such purposes as taking on or removing supplies from their boats.

46. Boats shall not be left unattended during the day. Boat owners are required to limit docking time at the common use space to 30 minutes. Any boat left unattended for more



## **HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS**

June 2014

---

than 30 minutes at the common user space or docks may be assessed the daily Marina rental fee.

47. Member's boats, which are normally moored, may be docked at the common user space and docks overnight when returning to the Marina after dark. Boats must be returned to the mooring before 10:00 Hrs. the following day. Any boat left unattended at the common user space or docks beyond 10:00 Hrs. the following day will be assessed the daily Marina rental fee.

### **Marina Maintenance**

48. The MMC is responsible for the maintenance of all Marina trunks and fingers subject to funds being made available by the Board of the HWCA. The MMC must submit a priority list and cost regarding necessary maintenance to the HWCA Board immediately after Fall Dock landing or at any other time necessary and the HWCA will release funds in an amount as deemed appropriate by the Board. Receipts and invoices must be returned to the treasurer immediately upon purchase of materials or services.

49. No member shall be permitted to alter his/her designated berth by the addition of equipment (permanent fenders, cleats, stakes to hold lines, etc.) without the written consent of HCWA.

50. Fingers and trunks are not to be used as a painting table without the use of protective plastic between the item being painted and the finger or trunk. The Marina Berth Holder is responsible to pay for damage to the Marina system caused by any other unauthorized activity.

### **Marina Berth Holder Concerns or Conflicts**

51. Marina Berth Holders should provide in writing any concerns or conflicts that they may have to the MMC for resolution. Should the MMC be unable to provide resolution, the Marina Berth Holder must bring the concern forward to the HCWA Board for consideration. The Board may convene a Conflict Resolution Committee composed as per Section 11.2.03 of the By-Laws of the HWCA to address the situation and make a



## **HUBBARDS COMMUNITY WATERFRONT ASSOCIATION MARINA REGULATIONS**

June 2014

---

final recommendation regarding the issue. Decisions of the Board are final and will be communicated in writing.

52. (1) Marina Berth Holders may have their privileges revoked where in the opinion of the Board of the HCWA, the Marina Berth Holder has knowingly and consistently failed to abide by these Regulations.

(2) Whereby a Marina Berth Holder's privileges are revoked, deposit and or rental Fees, if applicable, will be reimbursed as calculated by the HCWA pro rated to use.