

RULES AND REGULATIONS GOVERNING THE USE OF CAPE MARINA FACILITIES

GENERAL RULES AND REGULATIONS:

A. JURISDICTION:

- When a vessel enters the Marina complex, she immediately comes under the jurisdiction of Marina Management. Boat Owners are responsible for securing their own vessels to protect their own boats, the docks, and neighboring boats and (if so directed) shall correct any conditions that the Dockmaster indicates are contrary to Marina requirements or procedures.

B. VESSEL CONDITION:

- Only vessels in good condition and under their own power will be admitted to berthing areas.
- Upon discovery, Boat Owners are required to notify the Marina Dockmaster's office if their vessel is inoperable. The Boat Owner must immediately take action to remedy the issue in a timely manner or be removed from any berthing area. Marina Management has sole discretion in the time allotted for repairs.
- Vessels in poor condition are generally not admitted to the Marina Yard facilities without the authorization of Marina Management. Additionally, the Marina reserves the right to request a "Good Faith" deposit if the Boat Owner can demonstrate the financial ability and wherewithal to make necessary repairs.
- The Marina Dockmaster's office may request surveys or current pictures as a condition before accepting a contract or scheduling service.
- The Marina reserves the right to refuse service up to and upon arrival.

C. INSPECTIONS:

- Vessels within the Marina Complex are subject to periodic inspection to ensure compliance with the vessel condition rule at the behest of marina management. Customers are given reasonable notice but no more than two weeks' time to comply with any inspection requests.

D. EMERGENCY ACTION DURING ABSENCE:

- In the event of an emergency during the Owner's absence (i.e., breakdown of bilge pumps, leaks, bad lines, etc.), the Dockmaster is authorized but not obligated to make necessary repairs which will be charged to the boat and her Owner. The Marina is authorized (but not obligated) to alter, change or modify any dock lines or other arrangements to prevent potential damage to other vessels or property or to cause mooring lines to conform to Marina minimum standards, which may be charged to the boat, and her Owner. The Marina shall not be liable for any damage or injury from said repairs or alterations.
- All Boat Owners must provide the Marina Dockmaster's office with a set of keys, if available, or instructions on how to start their berthed vessel in the event Marina personnel need to move the vessel out of danger.

E. MARINA PARKING:

- The Marina reserves the right to limit and govern parking space in the Marina parking area and parking areas designated by the Canaveral Port Authority as parking dedicated to the Marina.
- Use of the Marina parking area to store trailers, R.V.s, or boats on trailers, or any use of the Marina parking area to avoid Marina storage costs, is prohibited.
- All parking spaces, unless otherwise marked, are considered temporary parking spaces and are not assigned to any specific customer. All E.V. Parking spaces are temporary and have instructional signage that must be adhered to.
- Customers may not use Marina parking areas for the sole purpose of long-term storage of vehicles.
- Customers may not use Marina parking areas for commercial uses such as car rental or sharing.

F. VENDOR POLICY & CONFLICTS OF INTERESTS:

- Outside/Off-Site Independent or Third-Party Contractors: EMPLOYEES OF BUSINESS INTERESTS NOT ASSOCIATED WITH CAPE MARINA THAT ENGAGE IN ANY BUSINESS THAT MAY BE DEEMED BY MARINA MANAGEMENT AS A CONFLICT OF INTEREST ARE NOT PERMITTED TO PERFORM WORK FOR HIRE ON ANY VESSEL IN THE MARINA COMPLEX WITHOUT WRITTEN PERMISSION FROM THE COMPANY. ALL SUCH PERSONS ARE REQUIRED TO LOG IN AND OUT AT THE DOCKMASTER'S OFFICE DAILY.

- All such outside labor is subject to rules and regulations as specified by the Marina. Because of increasingly complex insurance, environmental and other issues, the Marina reserves the right to charge a fee to certain outside contractors or to exclude them altogether at its sole discretion.

G. BUSINESS OPERATIONS & ADVERTISEMENTS:

- Advertising, soliciting, or "For Sale" signs shall not be permitted on any vessel in the Marina, nor shall the vessel or Marina address be used for any business purpose without written permission from the Dockmaster.
- Businesses that intend to operate within the Marina complex must receive written permission from Marina management. Businesses must maintain adequate insurance at the appropriate level requested by Marina management and maintain good business practices and customer relations to ensure the Marina is not negatively associated with or impacted.

MARINA REGULATIONS AND DOCKMASTER RULES:

A. DEFINING A STORAGE DAY & CHECKOUT:

- A Dockage/Storage Day starts at 6 A.M. Any vessel docked before 6 A.M. will be charged dockage for the previous night. Checkout time shall be 2 P.M. Any vessel that occupies a berth or yard space after 2 P.M. will be charged dockage/storage for the following night.
- Guests checking out of the Marina shall report to the Dockmaster's office and settle their account before leaving. It would be appreciated if all boat owners would leave a forwarding address to permit prompt handling in the event telephone calls or mail is received for them. All personal property must be removed from dock boxes when dockage rental is concluded.

B. LIVEBOARD DETERMINATION:

- Cape Marina Live-a-board status is determined by meeting one of the following:
 - Living aboard the vessel or staying aboard in the slip for eight days or more in one month.
 - Delivery of any First Class Mail. I.E., Statements, Voter Registration, Letters, or any mail outside 3rd Class Mail (Junk Mail).
 - Card access outside business hours month after month for more than eight days
 - A Marina DockMaster determines, with sufficient cause, that one is using Cape Marina and their slip for residency.
- Boat Owners who depart the Marina or cease living aboard will have 30 days to determine which senders from whom they will need to change their address. Afterward, mail received shall be returned to the sender.

C. DOCUMENT REQUESTS:

- The Dockmaster's office must collect specific documents to meet contractual and clerical duties. Customers are required to comply with all document requests in a timely manner.
- The Marina requires that all vessels be registered or documented with their proper regulatory authorities and that Marina receive an up-to-date copy of all documents (I.E., Florida Boat Registration, US Coast Guard Documentation) before arrival and any time after updated documents are received by the Boat Owner.
- Customers who refuse to provide documents or place an undue burden on the Dockmaster staff by requiring them to follow up on requests constantly may be cause for review of breach of contract and removal from the Marina.

D. INSURANCE REQUIREMENTS:

- The Marina requires all non-transient vessels entering the Marina complex to be insured to a minimum aggregate of policies equaling \$1,000,000 of Protection and Indemnity (P&I) Insurance.
- These insurance requirements are not to be construed with other Boat insurance offerings; a "Liability Only" policy is entirely acceptable and is often cheaper for boats with no lien holders. Additionally, a customer can obtain an umbrella personal liability policy that supplements their policy to meet the aggregate limits requested.
- The Marina shall be listed as additionally insured on all policies, and the customer shall inform their insurer that the Marina requires notice by mail or electronic mail of any policy renewal, cancelation, or modification.
- If the Marina discovers a vessel owner has not renewed or has lapses in the renewal of any required insurance policy, the Marina may immediately deem the Owner in breach of contract for violating the Rules and Regulations set herein.

E. GENERAL DECORUM & NOISE:

- **GOOD JUDGEMENT** – all customers and their guests are expected to use good judgment in their actions and have respect for their neighbors. The Marina reserves the right to prohibit any activity that we determine may be harmful or disruptive, in the Marina's sole and absolute discretion.
- **ZERO TOLERANCE** - Any action that might injure another person or property in the Marina or harm the reputation of the Marina shall be cause for immediate removal from the Marina of the vessel in question.
- **SIGNS** – all signs posted in the Marina are considered rules and regulations under the terms of this document.
- **NOISE** - shall always be kept to a minimum. Patrons shall use discretion in operating engines, generators, radio, and television sets, so as not to create a nuisance or disturbance.
- **SUPERVISION OF MINORS** - The Marina requires all minors under thirteen to be supervised by a parent/guardian while on the grounds. All children should be equipped with the appropriate safety equipment while on docks. Parents are responsible for ensuring minors under their care are not disturbing the peaceful decorum of the Marina. Children are not permitted to run, roughhouse, climb on objects, or do anything that creates a disturbance to Marina guests or anything that could present a danger to themselves or others.
- **MARKING OF BICYCLES** - All bicycles stored on the property are required to be marked with a name and phone number or be at risk of being tagged for disposal.

F. CLEAR AND SAFE DOCKS:

- Neither Owners nor crew shall store supplies, materials, accessories, or debris on walkways, nor shall they construct thereon any lockers, chests, cabinets, or similar structures, except with written approval of the Dockmaster. The Boat owner may be charged a fee for the removal of and disposal of any offending and unauthorized debris or structure.
- Any use of electrical cords shall be done so with safety in mind. Electrical cords may not cross walkways and must be in good physical condition to ensure proper grounding. Any safety devices, such as caps or covers, must be in good condition. Electrical cords must be de-energized when not in use and stored on the belonging vessel.
- Painting, scraping, or repairing of gear shall not be permitted on the docks or finger piers. The extent of repairing of gear shall not be permitted on the docks or finger piers.
- The extent of repairs or maintenance permitted on boats docked shall be at the sole discretion of Marina Management.

G. BASIN USE AND IN/OUT REGULATIONS:

- Vessels placed in the basin must depart promptly to keep the area clear for launches and retrievals. Vessels that remain in the basin and holding slips without the authorization of the Dockmaster's office will be charged an appropriate rate for the use of the floating dock and be liable for damages resulting from the Marina being unable to use the space.
- The Marina may heavily restrict In/Out Customer use of berthing areas seven days before and seven days after a recognized holiday or event such as a fishing tournament or any dates of peak demand. Furthermore, The Marina does not allow customers to sub-lease, paid or free, their wet slips to other customers. All Customers must check in and gain approval with the DockMaster before going into any slip and are subject to dockage costs.

H. EXTENDED CRUISING:

- Boats leaving for an extended cruise will notify the Dockmaster's office of expected departure and return dates.
- The Marina reserves the right to rent all docks or storage when vacant.
- Transients will move for boats on monthly or annual contracts which have given the required notice of return or for boats on advance reservations.

I. RULES OF ROAD:

- The Rules of the Road and Navigation Laws of the United States apply to all vessels in or approaching the Marina.

J. SOLID WASTE:

- Solid waste shall not be thrown overboard. Garbage shall be deposited in containers supplied for that purpose. Notify the Dockmaster of anything that will not fit in these cans, and appropriate measure action will be taken. No person shall discharge oil, spirits, inflammable liquid, or bilges into the Marina.
- **CHARCOAL OR OPEN FIRES WILL NOT BE PERMITTED ON THE DOCKS OR ON ANY BOAT MOORED TO A DOCK.**

K. SWIMMING & FISHING:

- Swimming, diving, or fishing are prohibited from the docks or finger piers.
- Boat Owners may not dive their own vessel; only authorized diving vendors who must meet all the vendor and business-related requirements are allowed to dive.
- Fishing within the facility is only allowed in designated areas marked.

L. LAUNDRY:

- Laundry shall not be hung on boats, docks, or finger piers in the Marina. Laundry facilities are available in the Marina.

M. PETS

- Pets shall be leashed at all times within the confines of the Marina and toileted on grass areas other than the Waterfront. Pets are permitted as long as they do not disturb other guests or the peaceful decorum of the Marina complex. Owners shall be strictly liable for any injury or damage caused by their pets.
- Only service animals are permitted in the Marina Store and Marina Offices.

N. AMENITIES & OFFERS

- The Marina may suspend written or unwritten amenities indefinitely without notice.
- Any future offers of "free" storage will be promotional only and subject to written terms and conditions and may be terminated at any time.

O. PACKAGES

- Marina management has determined that the Marina Dockmaster's Office would be placed under an undue burden to receive, sort, and store for an indefinite amount of time an ever-increasing amount of customer packages. The expansion of online shopping thru retailers has only made this worse. The Marina has never been obligated to manage customer packages or mail.
- Boat Owners are to have packages shipped to a local post office or package handler such as UPS and not the Marina unless authorized by the Marina DockMaster. Packages received for which no arrangements were made will be refused or stored at cost.

P. ACCESS CARDS & MARINA IDS

- The Primary Boat Owner is issued a Marina I.D. or equivalent I.D. access card upon becoming a customer.
- The first Marina ID card is valid only for the primary Boat Owner whose name & picture matches the card's bearer. Additional cards are available for a nominal fee and are issued to a limited set of authorized users, typically the Boat Owner's immediate family or business associates.
- Improper use of a Marina ID card, such as lending or selling the card to an unauthorized individual, is reasonable cause to restrict access privileges or further deem a breach of these rules and regulations.
- Marina personnel may request any person within the Marina complex's card-restricted areas to present their Marina I.D. for inspection. Card-restricted areas include any location within the Marina complex that requires a key or areas designated for Marina Boat Owners only, such as the Pool/Cabanna area, the yard, and the docks.

DO IT YOURSELF (ACTIVE) YARD RULES & MARINA SERVICE REGULATIONS:

A. GENERAL OVERVIEW:

- In an effort to provide a safe area for boat owners engaging in work on or repair of their own boats in dry storage at Cape Marina, the following rules and regulations are provided for your protection. Your cooperation will be appreciated.

B. GENERAL REGULATIONS:

- **BLOCKING SAFETY** - BLOCKING, CHOCKING, OR SHORING OF BOATS SHALL NOT BE MOVED, ALTERED, CHANGED, OR LOOSENED IN ANY WAY. Dockmaster's office shall be notified immediately of any loose or damaged blocking. No work of any kind shall be done on any boat, nor shall any boat be boarded that is shored up with loose or damaged or altered blocking.
- **DRAINAGE AND CARE** - All boats stored in the work area shall be provided with a drain to prevent collection of water in the boat during storage. The Owner shall be responsible for assuring that such drains are closed prior to launch.

- **EMERGENCY REPAIRS** - In the event of an emergency during the Owner's absence (i.e., gasoline leakage or situations that might cause damage to other boats or property), Marina operators are authorized to make necessary repairs as economically as possible which will be charged to the Owner.
- **CLEAN BOAT YARD** - Persons using the yard work area shall exercise caution to prevent fire, damage, or dirtying of other boats in the Marina. In particular:
 - i. Flammable materials shall not be stored except in approved containers.
 - ii. Highly flammable materials such as gasoline or acetone shall not be used in the vicinity of sparks or open flame.
 - iii. A fire extinguisher will be kept readily available wherever flame-producing devices or flammable materials are in use.
 - iv. No spray painting is permitted in the yard.
 - v. No sandblasting is permitted in the yard.
 - vi. All hand sanding must have a material collection method.
- **POLLUANTS POLICY** - Gasoline, oils, solvents, chemicals, toxic materials, and similar substances shall not be drained onto the ground in the Marina premises. Neither shall any of these materials or used oil filters be placed in refuse containers or dumpsters. DISPOSAL OF HAZARDOUS MATERIALS OR POLLUTANTS ON THE GROUND OR IN THE COUNTY LANDFILL IS A VIOLATION OF EPA REGULATIONS. IT MAY SUBJECT YOU TO SEVERE FINES AND HEAVY CLEANUP COSTS. Arrangements may be made with the Dockmaster to dispose of such materials for a nominal fee.
- **SOLID WASTE** - Refuse shall not be discarded on the Marina premises except in containers supplied for that purpose. Owners are responsible for assuring that debris from boat repair is cleaned up on a daily basis and for a general cleanup of the work area in the vicinity of their boat before the boat is launched. Arrangements may be made with the Dockmaster's office to remove debris too large for containers. A FEE MAY BE ASSESSED FOR THE CLEANUP OF THE WORK AREA OR FOR THE DISPOSAL OF LARGE AMOUNTS OF DEBRIS.
- **"IN OVER YOUR HEAD"** - Major repair work, such as engine or I/O overhauls, or major hull repairs shall not be permitted without written permission from the Dockmaster's office.
- **FUELING** - Fueling of boats is not permitted except in designated fueling areas, using proper equipment.

C. ACCESS RULES & GATE REGULATIONS:

- For the protection of boats in the storage area, the yard will be locked during times other than the regular Marina business hours. ONLY BOAT OWNERS OR CAPTAINS AND THOSE IN THEIR COMPANY WILL BE PERMITTED INTO THE STORAGE AREA AT ANY TIME.
- A swing arm that allows one car per key entry. The Marina is not responsible for damage to tailgating vehicles or large trailers that fail to check in. You will pay an average of \$1000 or more to replace broken arms!
- The Marina heavily enforces a no tailgating policy. If you still manage to tailgate, you may be asked to leave for the day. No Exceptions!
- Key cards are required to both Enter and Exit the Active Yard. Both sides are equipped with Video Intercoms for emergencies/logistics.
- Boat Owners are responsible for their vendors and guests who cause damage to the Marina gate system.

HEAVY WEATHER RULES & HURRICAN EVACUATIONS:

A. GENERAL OVERVIEW:

- **Port Canaveral is not a suitable refuge for either hurricanes or tropical storms.** Port Canaveral is a port of significant national and regional importance and efforts must be taken to mitigate damage which may be caused by severe weather. All Port Canaveral waterway tenants and users must comply with storm preparation directives and evacuation orders given by Canaveral Port Authority, the U.S. Coast Guard, Brevard County Sheriff's Office, and Canaveral Fire Rescue.
- **Recreational and commercial vessels less than 500 gross tons are ineligible to apply to remain in Port and shall be removed from the waters of the Port,** prior to setting Hurricane Condition ZULU by the U.S. Coast Guard, at the expense of the vessel owner or operator.
- The CPA may issue penalties to vessel owners or operators for violations of this Rule in an amount not to exceed the amount prescribed in subsection 313.22(3), Florida Statutes.

- Governor Ron DeSantis signed into law House Bill 223, the "**Marine Evacuation Bill**" which went into effect on July 1st, 2021. Specifically with respect to Port Canaveral marinas, the Marina Evacuation Bill:
 - Prohibits vessels under 500 gross tons from remaining in the waters of a marina upon the issuance of a hurricane watch;
 - Requires vessel owners to promptly remove their vessels from the waters of a marina upon issuance of an evacuation order by Port Canaveral;
 - Requires the marina owner, operator, employee or agent, if reasonable, to remove or cause to be removed such vessel, once Port Condition Yankee is set, if the vessel owner has failed to do so;
 - Provides certain liability protections to marina owners for damage to vessels from a hurricane and as a result of removing the vessel from the waterway;
 - Allows marina owners to charge the vessel owner a reasonable fee for vessel removal; and Authorizes the Port Authority to fine the vessel owner or operator in an amount not exceeding three times the cost associated with removing the vessel from the waterway.

B. CAPE MARINA HEAVY WEATHER REGULATIONS:

- In accordance with Canaveral Port Authority regulations, all dockage areas in Port Canaveral will be cleared of all vessels in the event that an evacuation of Port Canaveral is anticipated or ordered by the Canaveral Port Authority or the U.S. Coast guard Captain of the Port due to hurricane, security or other conditions.
- Marina Management may order an evacuation of the docks **BEFORE THIS TIME** or at any other time should conditions, in Marina Management's judgment, indicate and warrant an evacuation.
- All Boat Owners docked at Cape Marina must provide a feasible and well-prepared Hurricane Evacuation Plan with a contingency (backup) plan. Hurricane Evacuation Plans are subject to scrutiny by Marina DockMaster and Marina Management. The Marina may request an updated or revised plan once a year, typically before the start of hurricane season.
- It is the sole responsibility of the Boat Owner to apprise himself of weather conditions and the status of potential evacuation directives at Port Canaveral.
- The Boat Owner should make advance arrangements for haul-out and dry storage at another marina facility or, alternatively, the safe anchorage of the boat outside of Port Canaveral in advance of evacuation time.
- Boats that are unattended or for which no prior arrangements have been made will be removed from their dockage area, hauled out of the water, and stored in Marina's yard (depending upon space available, or elsewhere if needed) at the sole risk and expense of the Boat and Owner, all at the special emergency condition and towing, haul-out and storage rates, which are available in the Dockmaster's office.
- Ground anchors are provided in some yard locations for storms or hurricanes. Boat Owners are responsible for assuring that their boats are adequately secured to prevent falling in the event of severe storms, which might occur at any time during the year.

C. MUTUAL UNDERSTANDING

- Marina Employees (like our guests) have families and homes which must be secured and/or evacuated as well. As a result, and to complete the securing of the Marina and removal of its floating docks in a timely fashion, the Marina reserves the right to proceed with clearing its docks well in advance of any actual evacuation order or closure of Port Canaveral. Do not expect the Marina to be able to wait for or accommodate last-minute directions or requests for services. Traditionally, in any evacuation, the last vessel removed from the waters of Port Canaveral is our Harbor Pilots' boat. It is hauled at this Marina and remains in the sling so that it can be the first vessel returned to the water in order to help sweep the harbor and channels for obstructions prior to the return of commercial shipping, our cruise ships, and governmental vessels.

Violation of the above Rules and Regulations or any subsequent modification of them as may be posted in the future by the Marina, or any action by any boat owner, crew, or guests that might injure another person, cause damage to property or harm Cape Marina shall be cause for immediate suspension of Marina privileges and enforcement of the Marina's rights against the involved parties and/or maritime lien against the boat in question. Marina Management is the final authority for the determination of any violations.