

**ATTACHMENT B
DANA WEST MARINA
RULES AND REGULATIONS**

These Rules and Regulations are an attachment to and incorporated in the License. These Rules and Regulations are for the benefit of all those who maintain a boat at the Marina. Licensees are required to notify the County or Manager of any unsafe or hazardous conditions that come to their attention. A breach of any of these Rules and Regulations shall constitute a breach of the License and shall permit County to exercise all rights and remedies permitted at law or in equity to remedy said breach, including, but not limited to, a termination of the License.

1. **Water/Power Lines.** Water, telephone, cable or power lines shall not cross main headwalks and be in good/safe condition.
2. **Safe Mooring.** All boats shall be moored in a safe manner.
3. **Vessel Inspections.** The County reserves the right to inspect all boats to determine if they are properly identified and equipped for safe operation in accordance with Coast Guard Regulations and other applicable regulations. The County may, at their discretion require a current inspection by the U.S. Coast Guard.
4. **Seaworthiness.** All vessels must be able to actively navigate seas or open waters (seaworthy). Houseboats and other unseaworthy vessels are prohibited in the Marina.
5. **Fishing/Swimming.** Fishing or swimming within Marina, including fishing from boats within the Marina shall not be permitted.
6. **Bicycles/Skates, Etc.** No person shall roller skate, roller blade, skateboard, ride bicycles, go-peds (or other motorized or non-motorized scooter, skateboard, mini-bike or similar type device) or motorcycles on the docks or gangways located at the Marina.
7. **Projections Beyond End of Berth.** The maximum distance by which any boat (including all extensions such as swim steps, booms, bait tanks, etc.) may project beyond the end of the berth into the waterway shall be 3 feet unless otherwise permitted in writing. No part of the boat shall extend over the main headwalk. All boats shall be tied with bow toward headwalk so boarding will be done on starboard (right) side. All Slips must be occupied by an appropriate size Vessel.
8. **Electrical Connections.** In accordance with the Orange County Fire Code No. 419, all connections made to the Marina receptacles shall be grounded and U.L. approved. Wiring must be of adequate size for the power provided. Electrical shore-power connections must be marine grade and be in good, safe condition. Electrical cords may not be affixed or secured to the docks or be allowed to hang into the harbor.
9. **Children.** Children under 12 years are not permitted on docks without the immediate presence of their parents or other responsible adults. Non-swimmers or toddlers are requested to wear life jackets when on the docks or boat decks.
10. **Notification of Unsafe Conditions.** Licensee and all other license holders of the Marina, their guests and invitees shall promptly notify County or Manager of any unsafe or hazardous condition that comes to their attention.

11. **Hazardous Activities/Barbecues.** All high-risk fire hazards, i.e., refueling boats at dock side, storing flammable or hazardous material in dock boxes, welding, etc. is strictly prohibited. Barbecues are strictly prohibited on all dock areas.
12. **Discharges from Vessels/Disposal of Liquids.** No license holder of the Marina shall throw, discharge or deposit from any vessel, dock or premises any refuse matter, oil, spirits, inflammable liquid, oily bilges in the harbor. All such matter shall be deposited in appropriately-marked containers within the Marina. Orange County Ordinance No. 2073 provides it is unlawful to throw, discharge or deposit from any vessel or float any refuse, oily bilge fluids, inflammable liquids and other contaminants into water or upon the premises. Vessels with automatic bilge pumps will be maintained in such a manner as to prevent the discharge of contaminants overboard. Waste oil disposal tanks, pump out stations and trash receptacles are provided for the convenience of vessel owners.
13. **Use of Chlorinators.** Use of boat toilets not equipped with chlorinators or storage devices approved by the Orange County Health Department shall not be permitted within the Marina. The County reserves the right to inspect all boats for installation and operation of such devices.
14. **Laundry.** There shall be no laundering or drying of clothes on deck or rigging at the Marina. Washers and dryers are available at the restroom facilities near the slips.
15. **Noise.** Except for entering or leaving the Slip, main engines, power-generation equipment, or other noise-making machinery shall not be operated between the hours of 7:00 p.m. and 9:00 a.m. Unnecessary operation of engines in the Slip shall not be permitted.
16. **Engine Operation.** Engines may not be operated in gear while boats are secured to dock.
17. **Speed Limit.** The maximum speed limit within Dana Point Harbor shall be 5 mph (no wake permitted). The maximum speed limit within all Marina parking lots shall be 5 mph and all unsafe driving is strictly prohibited.
18. **Improper Vessel Handling.** Improper or unsafe boat handling shall be just cause for immediate termination of the Licensee's License Agreement. Licensee shall immediately report to the County any and all vessel or vehicle accidents / damage occurring at Marina.
19. **Use of Docks/Floats.** The use of docks/floats to store or place supplies, materials, accessories, or gear of any kind shall not be permitted within the Marina except in any lockers provided by the County. Licensee further agrees that the County in its exclusive discretion may remove, impound and/or dispose of any such improperly stored items in which case the County assumes no responsibility or liability.
20. **Boarding Steps.** Any steps used for ingress to and egress from a Vessel shall not be wider than one-half ($\frac{1}{2}$) of the width of the finger to which the Vessel is moored, and no more than five feet in length. The steps must be of a light weight construction and approved in advance by the Manager. The steps may not be used as a storage locker. Dock steps are to be placed on the starboard side of the vessel.
21. **Vessel Repairs.** Apart from work accomplished wholly below decks, no rebuilding, hull painting, sander use, spray gun use, welding, overhauls or other vessel maintenance or refurbishment efforts are permitted while in the Marina. However, minor maintenance and

bright work may be permitted. The types and extent of maintenance which will be permitted are within the sole discretion of the County and Licensee should contact the Marina Manager with questions. Any damage caused to the premises by the Licensee shall be repaired by the County, at the expense of Licensee.

22. **Damage to County Property.** Each license holder in the Marina will be held responsible for any damage to the Marina and/or structures caused by a license holder, his or her guests, agents and/or employees. Licensee shall immediately notify County of any and all damages caused to County property.
23. **Repair of Damages Caused by Licensee.** Any damage to the Slip, Marina or Harbor by any license holder or his or her guests, agents and/or employees may, at the County's option, be repaired or corrected solely by County at the expense of said license holder.
24. **Offensive or Harmful Conduct.** Disorder, depredations or indecorous conduct by any license holder or his or her guests, agents and/or employees that might injure a person, disturb other license holders, cause damage to the Marina or the Harbor or harm the reputation of the County shall be just cause for immediate termination of this License.
25. **Solicitations.** It is unlawful for any unauthorized person to solicit or advertise business or offer for sale goods, wares, merchandise or services, or solicit orders for such sales on the premises of the Marina, including but not limited to the docks, buildings or parking or vehicles and vessels within the Marina.
26. **Signs.** Unauthorized signs or banners are prohibited aboard any boat in the Marina or upon the Marina premises. Each licensee is authorized one "vessel for sale" sign aboard the Vessel, no greater than 18" by 24".
27. **Commercial Use of Vessel.** Use of any Vessel moored at the Marina for commercial purposes is not permitted without the prior written approval of the County.
28. **Small Boat Storage.** A "small boat" is defined as a sabot, inflatable, dinghy, jet skis or similar vessel with a LOA of 10 feet or less, or a canoe or kayak with a LOA of 15 feet or less. A small boat may be stored on the Vessel or within the Slip water space. Dinghies and kayaks may be launched from Marina docks provided the Licensee of such vessel(s) is entitled as a party to a current and valid License AND the small boat weighs less than 100 pounds. Jet skis, personal watercraft and vessels weighing in excess of 100 pounds shall not be launched from Marina docks at any time. Vessels with an LOA greater than 10 feet or kayaks with an LOA greater than 15 feet do not qualify as a Small Boat under this rule and cannot be stored in a Slip without the prior written permission of County.
29. **Amendment of Rules/Statutes/Regulations.** The Harbor Ordinances, County Rules and Regulations set forth herein and as they maybe amended from time to time and all other laws, rules, statutes and regulations established by regulatory bodies having jurisdiction, including the County of Orange, State of California and the United States of America shall form a part of the License as though printed herein.
30. **Television Antennas.** Aerial television antennas are not permitted on Vessels moored in the Marina. A single satellite dish or marine television antenna (less than 30") is permitted on a Vessel moored in the Marina.

31. **No Mooring at Marina Without Valid License.** No Vessel may be moored at Marina unless a current License is in effect between the owner of said vessel and the County. Licensee is prohibited from storing more than one vessel in a Slip unless vessel qualifies as a “small boat” under rule 28, or has obtained prior written approval of the County.
32. **Use of Approved Equipment/Alterations to Docks & Premises.** All equipment, used on docks by Marina Licensee (dock wheels, boarding ladders, etc.) must be approved by County. Licensee may not install additional dock lockers, fenders, bumpers, rub rails, rollers or in any way make alterations to the dock, dock box or fingers. Boat slip liners and boat lifts are prohibited. All installations on the floats shall be installed by Manager’s staff at the cost of the Licensee and shall be approved by the County on an individual basis.
33. **Parking.** No vehicle may remain on the parking lots provided by the County for Licensee’s use or other parts of the Marina for a period exceeding 72 hours unless prior written approval is obtained from the Manager. All types of trailers, RVs and vehicles longer than 23’ are prohibited in the Marina parking lots without the prior written approval of the Manager. Failure to comply with these parking rules may result in the towing of vehicles, at their owner(s) sole expense and risk. Neither the County nor its respective officers, agents or employees shall be liable to Licensee or Licensee’s guests, employees, or agents for any loss of, or damage of any kind to any motor vehicles or other personal property in or on the buildings, parking lots, or other portions of the Marina. All changes to parking regulations will be posted on the bulletin board outside the Marina Manager’s office. The washing of any vehicle, vessel or apparatus is prohibited in the Marina’s parking lots.
34. **Maintenance of Slip and Surrounding Environs.** Licensee agrees to maintain the Slip, the walks, floats, ramps, gangways and docks in, about and surrounding the Slip in a neat, clean and unobstructed condition at all times. Should it become necessary for the County to maintain the area in said condition, it will be done at Licensee’s expense.
35. **Disposal of Refuse:** The Licensee shall not deposit into any garbage can or other receptacle located on Marina property any of the following: (1) paint, varnish, thinner, non-edible oil or other flammable or hazardous materials; (2) vessel parts, including but not limited to engine machinery parts, interior parts, fastenings or upholstery; or (3) any item weighing in excess of 20 pounds. For the location of household hazardous waste disposal sites, contact the Manager.
36. **Pets:** Orange County Ordinance No. 4-1-70 provides that all pets shall be on a leash not longer than 6 feet, at all times and under the direct control of an adult. Should any pet become a nuisance at the Marina, Manager may require said pet to be removed from the Marina. Animals are not permitted in the restrooms. Dogs without licenses will be considered a violation of this License and grounds for termination. Animal droppings are required to immediately be cleaned up.
37. **Hose - Nozzles.** Automatic shut-off nozzles must be attached to hoses in order to conserve water. Water hoses shall not be left running in a manner that waste water.
38. **Vessel Maintenance / Contractors.** Apart from minor maintenance and bright work , no work involving the Vessel may be accomplished while at the dock or otherwise on Marina property. The determination of what constitutes minor maintenance and bright work will be at the sole and absolute discretion of the Manager. Prohibited work includes, but is not limited to,

painting, heavy sanding, use of paint remover, spray guns, welding or the burning of paint on the topsides or above the decks. Contractors hired by Licensee to work on the Vessel must be registered with the Manager prior to the commencement of such work, and each such contractor must maintain and provide proof of liability insurance in an amount of at least \$1 million. Licensee further agrees to comply with all applicable rules, regulations, orders, statutes and laws of the County, the State of California and/or all other governmental entities with jurisdiction over the Harbor or the Marina. Access will not be provided to un-registered contractors.

39. **Flammable Materials and Use of Dock Boxes.** Neither Licensee nor anyone acting on his/her behalf shall burn paint or use flammable materials without the prior written consent of the County. Licensee agrees not to store any flammable or hazardous materials in the dock box locker. The County assumes no responsibility for the protection or safety of Licensee's possessions, including but not limited to, belongings kept by Licensee in a dock box.
40. **Fish Cleaning.** No fish cleaning is permitted within the Harbor.
41. **Storage in Parking Lot.** The Marina's parking lot is for the use of Licensee and authorized visitors. Licensee shall not store in the Marina's parking lots any vehicle, trailer, camper or anything else without the prior express written approval of the Manager.
42. **Articles Left in Storage Locker.** The County is not responsible for any article remaining in Licensee's storage locker once Licensee has moved his/her Vessel or abandoned his/her Vessel. Licensee further agrees that the County, in its exclusive discretion, may remove and dispose of any such articles left behind in which case all proceeds derived from such disposal, if any, shall become the sole property of the County.
43. **Noise and Conduct.** Licensee shall not make or allow any disturbing noises on the docks or anywhere on the premises, with particular emphasis between the hours of 7:00 p.m. and 9:00 a.m., either by Licensee or his/her family or guests, nor shall Licensee permit such persons to engage in any conduct which will interfere with the rights, comforts or convenience of others. The activities and conduct of Licensee and/or Licensee's family while on Marina premises must be reasonable at all times. Licensee assumes full responsibility for his/her guests' conduct and agrees to be held jointly and severally liable for all consequences of his/her guests actions or misconduct.
44. **Storage of Equipment.** Licensee shall not store or leave any items on the floats, docks, fingers, landings or landside areas of the Marina, including plants, bicycles, dinghies and other items. Bicycles must be stored on the Vessel. Dinghies may only be stored on the Vessel or in an authorized storage space provided by the County. The County strongly urges Licensee secure all items, as the County shall not be held liable for the loss or theft of any personal belongings.
45. **Dinghy Storage.** County may but is not required to provide storage for dinghies and/or kayaks. If County elects to do so Licensee is not assured he/she will be provided storage space. If dinghy storage space is provided Licensee agrees to tender the then current dinghy storage fee no later than the first day of each month, together with other fees due. Dinghies with an LOA greater than 10 feet or a kayak with an LOA of 15 feet may not be stored in the Slip without the express prior approval of the Manager.

46. **Halyard Noise.** Halyards shall be tied off to eliminate noise. Dock lines shall be maintained in a safe, unchafed, manner and shall be of adequate size for the Vessel.
47. **Transfer of Interest in Vessel.** Should Licensee sell or otherwise transfer interest in Vessel, Licensee may upon written approval of Manager, continue renting the Slip provided Licensee obtains a new vessel of size appropriate for the Slip within 90 days. Failure to do so will result in termination of this License.
48. **Change of Ownership.** Licensee shall notify Manager in writing within five (5) days of any change of ownership of Vessel resulting from a gift, sale, withdrawal, addition or substitution of partners, the sale or transfer of stock or change of directors or officers in a closely held corporation owning the vessel. Licensee must maintain a minimum of 20% interest in Vessel and an interest in Vessel equal to or greater than that of all other parties.
49. **False Information.** Providing false information or documentation to Manager or County to obtain or maintain a Slip in Marina shall be considered grounds for immediate termination of this license.
50. **Registration and Insurance.** Licensee shall provide Manager a copy of current vessel registration from the CA DMV or vessel documentation from US DOT. Registration or documentation must list all vessel owners and Marina tenants of record. Before locating a vessel in Marina, Licensee shall provide Marina proof of current vessel insurance for \$300,000 single limit liability. Failure to provide current vessel registration / documentation and current vessel insurance for the entire term of the license may result in termination of the license.
51. **Parking Gates/Guest Access.** Access to each Marina parking lot is controlled by assigned marina parking permits. Licensee understands and agrees that the failure of Licensee or of any of Licensee's family, guests, agents, contractors or employees to follow posted parking instructions will result in severe tire damage. County will not be liable for any damages sustained entering, exiting or using Marina parking parking lots. County is not responsible for providing access to guests of Licensee. It is recommended that Licensee make arrangements to meet guests at a specific time or provide guests a means to contact Licensee.
52. **Maintenance Best Management Practices.** Licensee and Licensee's contractors must adhere to the following procedures. Failure to follow these policies /procedures will result in immediate termination of the Licensee's License:

Policies.

1. All contractors, independent contractors and self-employed boat workers hired by Licensee must show proof of insurance in the amount of \$1 million naming Dana West Marina and the County of Orange as additionally insured parties, and register with and receive prior approval from the Marina before beginning work on the Marina's premises.
2. Licensees may undertake basic boat projects as needed to maintain their vessel's safety, appearance and utility. The extent of such repairs and projects allowed in the marina shall be at the sole discretion of the Manager.
3. New or substantial work must be approved by the County prior to undertaking the project.
4. All Licensees are reminded that the Marina is a recreational area and not a boat yard or repair facility. Owners are required to protect water quality at all times

5. Owners are encouraged to use environmentally friendly cleaning products. Products should be phosphate free and be biodegradable. Avoid cleaners that contain lye, sodium hydrochloride, chlorine, or petroleum distillates.
6. Owners are encouraged to use non-toxic and legal paints.

Engines and Bilges.

1. Owners must use absorbent bilge pads to soak up oil and fuel.
2. Do not discharge bilge water if there is a sheen to it.
3. Recycle oil and fuel products properly.
4. Dispose of absorbent pads and filters properly.
5. Do not dispose of any fuel, paint, oil, absorbent pads/rags, batteries, engine parts, or other contaminated materials into the Marina's trash dumpster.
6. Use caution when fueling to avoid spills and potential hazardous situations. Fueling at dockside is prohibited. Avoid overfilling fuel tanks.
7. Keep engines properly maintained for efficient fuel consumption and clean exhaust.
8. The use of detergents and/or emulsifiers of fuel spills in the water is prohibited.
9. Use oil absorbent pads while fueling to catch any drips or spills.
10. Routinely check engines for leaks and use drip pans or absorbent pads under engines.
11. Report all spills to the marina office immediately (949)496-6137.

Painting and Varnishing.

1. Limit the amount of open solvents or paints on the docks to one (1) gallon at a time.
2. Always mix paints and epoxy over a tarp.
3. Always use pan or drop cloth.
4. Use up remaining bits of paint by spreading it on an old board.
5. Spray painting or spraying of varnishes is prohibited in the marina.
6. Do not dispose of any paint, oil, varnish, absorbent pads/rags or other contaminated material into the Marina's trash cans or dumpsters. Paints, solvents and other hazardous materials must be disposed of legally at a household hazardous waste station (714)834-6752 or other appropriate disposal facility.

Surface Preparation.

1. Use biodegradable soaps, cleaners and teak cleaners approved for ocean waters.
2. Liberally use tarps to capture all scrapings, debris and drips. No material may enter the water.
3. Use vacuum power sanders, vacuum all dust and debris. No material may enter the water.

Sewage

1. Untreated sewage must never be discharged into the harbor waters.
2. Store sewage in holding tanks and dispose of sewage properly at pump-out stations.
3. Never discharge Type I sewage while moored in the Marina.
4. Use shore-side restrooms whenever possible, rather than toilets aboard vessels.

Solid Waste Disposal.

1. Dispose of all garbage in proper shore-side dumpsters.
2. Let empty cans dry thoroughly before disposing of them into trash dumpsters.

3. Please recycle green, brown and clear glass, newspapers and aluminum products.

Chemical Storage.

1. Purchase only the amount of chemicals/paints you need for a project.
2. Review storage of paints, varnishes, solvents, and chemicals every six months. Properly dispose of old or unnecessary products.
3. Do not store more than two gallons (total) of these products on your Vessel.
4. Never store any of these products in a dock locker.

Hull Maintenance

1. The use of non-toxic and legal hull paints is recommended.
2. Make sure that paints are applied properly and in accordance to manufacturer's recommendations.
3. Wait 90 days after painting the hull before underwater cleaning.
4. Schedule regular hull cleaning & maintenance to eliminate the need for hard scrubbing. Soft scrubbing reduces environmental impact and extends the life of your hull paint.
5. Choose a qualified hull cleaning company using Best Management Practices.
6. Power scrubbers and pressure washers are prohibited at the Marina.

**Contact the Marina Manager's Office for Recycling Locations,
Pump-Out Locations, and
Commercial Pump-Out Services**

APPLICABLE LAWS CONCERNING WATER POLLUTION

HARBORS, BEACHES AND PARKS DISTRICT

Orange County Code

Article II. Harbor Sanitation

Sec. 2-2-163. Toilets and Refuse

- (a) No person shall discharge, or permit or allow any other person on a vessel under his control or command to discharge any human or animal excreta from any head, toilet or similar facility or otherwise from a vessel into the waters of a harbor.
- (b) No person shall throw, discharge, deposit or leave or cause, suffer or permit to be thrown, discharged, deposited or left, either from the shore or from any pier or vessel or from any factory or elsewhere, any refuse matter of any description in the navigable waters of a harbor. (Code 1961, 22.111)

Sec. 2-2-167. Discharge of Flammable Material

No person shall pump or discharge from any vessel or tank into the waters of a harbor, oil, spirits or flammable liquid, or deposit any rubbish, refuse matter or articles of any offensive character therein or upon any pier or street leading to such facility. (Code 1961, 22.115)

Sec. 2-2-168. Dead animals.

No person shall throw, place or leave any dead animal or putrefying matter into or in the waters of a harbor, on or along the shore thereof. (Code 1961, 22.116)

Sec. 2-2-169. Vessel wastes

- (a) No person shall own or operate a vessel equipped with any head (toilet) or receptacle from human body wastes in the waters of a harbor unless:
 - (1) Said vessel is also equipped with a holding tank designed to retain all human body wastes deposited in said head or receptacle until such time as said sewage can be discharged otherwise in accordance with law; or
 - (2) Said head or receptacle is connected directly to a sanitary sewer system; or
 - (3) Said head or receptacle is connected to an on-board sewage treatment system which produces an effluent meeting such standards as may be approved by the County Health Officer for discharge into the waters of a harbor.
- (b) The effective date of this section shall be January 1, 1974. (Code 1961, 22.117)

FISH AND GAME CODE

Chapter 2. Pollution.

Article 1. General.

Water Pollution; Prohibited Materials

Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it pass into the waters of this state any of the following:

- (1) Any petroleum, acid, coal or oil, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous material or substance.
- (2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, or mill of any kind.
- (3) Any sawdust, shavings, slabs or edgings.
- (4) Any factory refuse, lime, or slag.
- (5) Any cocculus indicus.
- (6) Any substance or material deleterious to fish, plant life, or bird life.

This section does not apply to the discharge or release that is expressly authorized pursuant to, and alliance with, the terms and conditions of waste discharge requirement pursuant to Section 13263 of Water Code or a waiver issued pursuant to subdivision (a) of Section 13269 of the Water Code issued

FISH AND GAME CODE

5652. Refuse Disposal into Waters: Exceptions

It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

The abandonment of and motor vehicle in any matter that violates this section shall constitute a rebuttal presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a stream bank by the property owner or tenant for the purpose of preventing erosion of the stream bank.

HARBORS AND NAVIGATION CODE

Section 133. Discharging fuel oil from vessel in harbor; definitions

Except in case of emergency imperiling life or property, or unavoidable accident, collision, or

stranding, or as otherwise permitted by law, it is unlawful and constitutes a misdemeanor for any person to discharge, or suffer the discharge of oil by any methods, means, or manner, into or upon the navigable waters of the State from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil in excess of that necessary for its lubricating requirements, and such as may be required under the laws and prescribed rules and regulations of the United States and this State.

As used in this section, the term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse, and the term, "navigable waters of the State," means all portions of the sea within the territorial jurisdiction of the State, and all inland waters navigable in fact in which the tide ebbs and flows.

SAMPLE