



RULES AND REGULATIONS OF THE SAN FRANCISCO MARINA SMALL CRAFT HARBOR

SECTION 1 - DEFINITIONS

Whenever any of the words hereinafter defined are used in the Rules and Regulations, they shall be construed to mean the following:

"San Francisco Marina Small Craft Harbor" shall include both the East Basin and West Basin, and entrances thereto, and hereafter referred to as "Marina".

"Marina Manager" shall mean the Marina Manager of the San Francisco Marina Small Craft Harbor.

"General Manager" shall mean the General Manager, Recreation and Park Department of the City and County of San Francisco.

"Berthholder" or "Owner" shall mean the owner of the vessel named in the Berthing Agreement.

"Charter Vessel" shall mean any vessel carrying passengers for hire.

SECTION 2 - MARINA MANAGER: AUTHORITY

The Marina Manager, acting under the orders and supervision of the General Manager, subject to the approval of the San Francisco Recreation and Park Commission, shall have full authority in the interpretation and enforcement of all Rules and Regulations pertaining to the Marina, and all orders given in the performance of his/her duties shall be obeyed.

Every boat entering the Marina shall immediately become subject to the authority and direction of the Marina Manager.

Every boat shall be berthed in the space assigned by the Marina Manager.

SECTION 3 - BERTHING

- A. There are two classes of berth rentals in the Marina: permanent and transient.
1. Permanent rentals are made to owners desiring to berth their boats for a period one month or longer.
 2. Transient rentals, as available, are assigned to owners desiring to berth their boats for less than one month.
- B. Applications for berths in the Marina shall be made to the Marina Manager on the form furnished by him/her. Berth assignments will be made according to the Waiting List Procedures adopted by the San Francisco Recreation and Park Commission unless the provisions of paragraph D of this section are invoked.

- C. Each boat shall be berthed in the space assigned by the Marina Manager. No exchanges of berths between boat owners will be permitted without the prior approval of the Marina Manager.
- D. An Owner, upon a bona fide sale of the boat berthed therein, with the prior approval of the Marina Manager and the payment of the transfer fee, may assign the berth to the buyer of the boat; conversely, he/she may, upon approval of the Marina Manager, retain this same berth assignment for another boat owned by him/her provided the latter boat is within the classification of the berthing space assigned.
- E. Any sale, purchase or exchange of boats occupying permanent berths in the Marina must immediately be reported to the Marina Manager.
- F. The holder of a permanent berth assignment who desires to temporarily vacate his/her berth for a period of six (6) months or less may, subject to the prior approval of the Marina Manager, sublet said berth to another boat owner provided the vessel is within the classification of the berth. The original Berthholder assigned, in such instances, shall continue to be responsible for the payment of the berthage fee, and any taxes incident thereto, including possessory interest tax. The Berthing Agreement shall continue in the name of the original Berthholder. At the expiration of the sublet period, the Berthholder and sublessee must relinquish the berth if the Berthholder does not return a vessel owned by him/her to said berth.
- G. The berth assignment of any Berthholder, who occupies his/her assigned berth, with his/her own boat, for a total of less than six (6) in any twelve (12) month period shall be cancelled. The only exception to this rule shall be an extended absence for a bona fide reason of which the Marina Manager has been informed in writing prior to the absence thereof. The Marina Manager may acquire reasonable proof of the continued ownership and location of the vessel from time to time during the absence from the Marina.
- H. The holder of a permanent assignment of a specific size has no right to a larger berth in the event he/she purchases a larger boat, and must apply for the assignment of an appropriate berth.
- I. Berthing of a boat, the size of which is greater than that of the berth assigned to the Berthholder, is not permitted.
- J. The Marina Manager shall have the authority to move, or relocate in the Marina, any boat berthed therein, that is in violation of any rules and regulations and has failed to cure such violation within ten (10) calendar days following written notice from the Marina Manager of the nature of the violation and demand to cure, or if such relocation is required for the safety and protection of persons or property, or is appropriate in order to obtain optimum utilization of facilities available. Owner also appoints the Marina as his/her agent for designating a place of storage and safekeeping at his/her expense in the event that the Marina does not want to store the boat described above on its own premises. Under the provisions of this contract, Owner shall also reimburse the Marina for the cost of removal and transportation to and from said storage facility. Owner hereby grants the Marina permission to board the vessel for said purpose.

- K. Unauthorized berth occupancy is prohibited and the Marina Manager is authorized to move or secure the boat until berthage has been assigned and fees have been paid.

SECTION 4 - BERTHING CHARGES

- A. All charges and fees shall be made in accordance with the schedule adopted by the Recreation and Park Department.
- B. If a berth is assigned effective the first day of a month, then the full month's rental is charged. If the initial period is less than a full month, the charge will be on a pro rata basis.
- C. The first month's rental plus an additional security deposit of one month's rental shall be made upon assignment of a berth. At the time of the release of the assigned facilities, such deposit shall be applied against any unpaid rentals or other charges owing to the Recreation and Park Department, and the balance of the deposit shall be refunded if the required notice has been given.
- D. A full month's berthing charge shall be made for occupancy of a berth for all of a portion of the final month of occupancy. There shall be no prorating of the rent for the final month.

SECTION 5 - NON-PAYMENT OF CHARGES

- A. Any berth assignment, the fees for which are fifty (50) days delinquent shall be cancelled, and the berth shall be vacated.
- B. No person shall remove or cause to be removed from the Marina any vessel upon which charges for berthing or any other proper charges, are delinquent, without paying all such delinquent charges.
- C. In accordance with the provisions of Division 3, Chapter 2, of the Harbors and Navigation Code of the State of California, the charges for berthing fees or charges for services are liens upon a vessel, and when these are delinquent fifty (50) days or more, an action may be brought against the Owner or Berthholder to enforce payment of the lien by the Marina Manager, and the vessel with all its appurtenances and furnishings may be attached as security for the satisfaction of any judgment that may be recovered in the action.

If the attachment is not discharged, and the judgment is recovered, and an execution is issued thereon, the vessel and all of its appurtenances and furnishings may be sold at public auction and the proceeds applied in accordance with the above provisions of the Harbor and Navigational Code.

- D. Berth fees are due and payable within fifteen (15) calendar days of the due date. Any Berthholder whose berth rent payment is delinquent on three (3) or more occasions

within a three (3) year period shall be designated a "Habitual Late Payer". The Marina Manager shall have the option to terminate the berthing agreement of any "Habitual Late Payer" on the occasion of any subsequent delinquencies of berth rent.

SECTION 6 - RELEASE OF ASSIGNED FACILITIES

The Marina Manager shall be notified in writing of the exact date of release of an assigned berth. This notice must be given at least fifteen days in advance of the effective date of release. Charges will continue until such written notice is received.

SECTION 7 - DISPOSING OF REFUSE

- A. No person shall throw, discharge or deposit from any vessel or from the shore or float any refuse matter of any kind whatsoever into or upon the waters of the harbor, or in, on or upon the banks, walls, sidewalks, or beaches of any waters within the boundaries of the Marina area.
- B. No person shall dump or discharge oil, spirits, inflammable liquid or contaminated bilge water into the Marina.
- C. All garbage must be deposited in receptacles furnished by the Recreation and Park Department for that purpose, or removed from the Marina area.

SECTION 8 - HAZARDOUS OBSTRUCTION PROHIBITED: BOARDING PLATFORMS

- A. Floats, gangways, top of lockers and dock shall be kept clear at all times, of skiffs, tenders, miscellaneous gear, debris or other hazardous obstructions.
- B. Any condition aboard or around any boat, float, or gang plank caused by the Berthholder, which, in the opinion of the Marina Manager constitutes a fire hazard, health menace, or danger to public safety, shall be corrected or removed immediately to the satisfaction of the Marina Manager. In the event of the refusal of the Owner to remedy forthwith the aforesaid condition, the Marina Manager or General Manager shall effect such correction or remove and may cancel the berth assignment of the Berthholder.
- C. Boarding platforms or ladders on floats shall be permitted, subject to the prior approval of the Marina Manager, provided that any platform used for boarding shall not be over eighteen (18) inches in width and not over three (3) feet high, and shall be of lightweight construction. The platform shall not be used as a storage locker.
- D. No person shall build or place in or about the Marina, any structures, such as walkways, gangplanks, float fingers, rubbing piles, dock boxes, etc. without prior written approval of the Marina Manager.
- E. Dock boxes (gear lockers) must conform to the following specifications: be triangular in shape, no larger than 36" x 36" x 42" in height, of fiberglass or plywood construction with nonferrous hardware. Only one box per berth is permitted. Any dock boxes that do not conform to the foregoing specifications shall be removed from the Marina. Location of dock boxes shall be subject to the approval of the Marina Manager.

SECTION 9 - USE OF WATER AND ELECTRICITY

- A. Charges for water and electricity under normal usage are included in berthing fees.
- B. Continued use of water is prohibited except in the case of emergency. The existence and nature of the emergency shall be reported immediately to the Marina Manager.
- C. Excessive use of electricity for heating, cooling, and other purposes is prohibited. If the Marina Manager is of the opinion that there is excessive use of electricity by Berthholder, he/she may attach a meter to the outlet for measuring actual consumption. Electrical consumption in excess of 264 kilowatt hours in any month shall be charged to the Berthholder and added to the monthly berthing fee.

SECTION 10 - MAINTENANCE OF FACILITIES

Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth, provided all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks. All materials used in such repair or maintenance work must also be kept within confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted in the Marina.

SECTION 11 - PUMPING AND LABOR CHARGES

If in the opinion of the Marina Manager, a boat is in danger of sinking he may pump out water from the vessel and cost of this emergency service shall be charged to the Berthholder, in accordance with the fee schedule established by the Recreation and Park Commission.

SECTION 12 - UNNECESSARY DISTURBANCE

The Owner of the vessel is responsible for the conduct and action of his/her crew and guests and any unnecessary noise. Violation of this rule shall be cause for removal of the vessel from the Marina and cancellation of the berth assigned by the Marina Manager.

SECTION 13 - VESSEL TRAFFIC WITHIN THE MARINA

- A. All vessels approaching or within the Marina must be operated in a safe and prudent manner and in no event shall the entrance to the Marina be blocked by boating activities.
- B. The speed of any vessel within the Marina shall not exceed five (5) miles per hour, except under emergency conditions.
- C. No vessel shall be operated in the Marina except for the purpose of entering or leaving a berth and necessary maneuvering in connection therewith.

SECTION 14- SWIMMING IN MARINA PROHIBITED

No person may swim, bathe, or wade in any portion of the Marina; with the exception of entering the water to clean or maintain the bottom of a vessel.

SECTION 15 - LIVING ABOARD VESSELS

No person may live aboard any vessel berthed in the Marina. This prohibition against living aboard vessel shall not prevent the use of vessels in the Marina for eating and sleeping purposes for a period not to exceed seventy-two (72) hours in any seven (7) day period provided, however, that the Owner or operator of the vessel so notify the Marina Manager. Such use shall be subject to the requirements and limitations of Section 16, following.

SECTION 16 - SEWAGE AND SANITARY FACILITIES

- A. It is unlawful for any person to discharge sewage in the waters of the Marina.
- B. No person shall operate or berth in the Marina any vessel equipped with a toilet unless such toilet is sealed or otherwise rendered inoperable or designed so that no human excreta can be discharged into the water of the Marina.

SECTION 17 - MINORS IN MARINA

No person under the age of sixteen (16) years may go, remain, or be upon any of the gangway, floats or vessels in the Marina, unless such person is accompanied by an adult.

SECTION 18 - FISHING IN THE MARINA PROHIBITED

- A. Fishing and crabbing, and the cleaning of fish on gangplanks, boats and floats is strictly prohibited within the Marina.
- B. All fish caught outside the Marina must be disposed of within twenty-four (24) hours from the time of catching. No person shall throw fish overboard at the dock or from a vessel within the Marina.

SECTION 19 - CHARTER VESSELS

All Charter Vessels must obtain a permit from the Marina Manager prior to the use of any Marina facilities for the purpose of boarding or discharging passengers. Upon obtaining the permit, such vessels must use the area designated by the Marina Manager, must schedule their activities with the Marina Office, and pay fees established by the Recreation and Park Commission.

SECTION 20 - SOLICITATION, ADVERTISING AND SIGNS

- A. Solicitation of patronage in the Marina without a permit is prohibited.
- B. No person shall row, propel, navigate or maintain any vessel or float in the Marina for the purpose of advertising, without first having received a permit for such purposes from the Recreation and Park Department.
- C. No signs of any kind of description shall be posted anywhere in the Marina without receiving prior approval from the Marina Manager.

SECTION 21 - MAINTENANCE AND CARE IN BERTHING, ANCHORING OR MOORING VESSELS

- A. All vessels shall be berthed and secured with proper care and equipment, and such berthing or equipment shall be maintained at all times in seaworthy condition as so determined by the Marina Manager.
- B. In the event that vessels are not maintained or secured properly, the Marina Manager may supply lines and fittings, or may care for the vessel in such a manner as to prevent damage to the vessel, docks or floats. A charge for this service and for any lines, fittings and materials shall be made, and payment shall be made in accordance with the fee schedule. Any lines, fittings and materials used and supplied by the Marina Manager to protect vessels are not returnable.
- C. No person shall bring into or berth within the Marina any vessel of any kind whatsoever which is so unseaworthy or in such badly deteriorated condition that it may cause damage to docks, floats or other vessels of which may become a menace to navigation, except in cases of extreme emergency in which case the owner will be liable for any damage caused by such vessel.

The Marina Manager shall be the sole judge as to the seaworthiness of the vessel, for the purposes of this section.

- D. In the event a vessel or other craft is wrecked or sunk within the Marina, it shall be the Owner's responsibility to mark its position and provide for the raising and disposition of such vessel or craft and assume all liability for damage to Marina property or other vessels in the Marina.
- E. Small tenders and row boats are permitted to be moored, if kept by and for the use of the Berthholder and berthed within the limits of the berth assigned.

SECTION 22 - COMPLIANCE WITH FEDERAL, STATE AND LOCAL RULES AND REGULATIONS

All persons using the Marina shall comply with all of the Rules and Regulations adopted by the United States of America, State of California, and local agencies with regards to water safety requirements, operation and maintenance of boats. The Marina Manager is authorized to enforce all said Rules and Regulations and to deny use of the facilities at said Marina for violation of said Rules and Regulations.

SECTION 23 - VIOLATION OF RULES AND REGULATIONS

- A. An applicant for a berth assignment agrees by his signature on the application form, to comply with these Rules and Regulations.
- B. The Marina Manager shall have the right to deny the use of the Marina and to cancel the berth assignment and require removal of any owner, who in the opinion of the Marina Manager, fails to comply with the Rules and Regulations of the San Francisco Marina Small Craft Harbor.

SECTION 24 - REGISTRATION AND NUMBERING: FURNISHING INFORMATION TO THE MARINA MANAGER

- A. Every undocumented vessel entering the Marina must be registered and numbered as provided by the laws of the State of California, or the State in which it is registered.
- B. The owners of vessels entering the Marina shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Marina Manager.

SECTION 25 - ACCIDENT REPORTS

A duplicate copy of any report of any accident occurring in the Marina shall immediately be filed with the Marina Manager.

SECTION 26 - CONTINUOUS USAGE

All Berthholders shall use their vessels on a regular basis and with sufficient notice may be required to demonstrate to the satisfaction of the Marina Manager that the vessel is capable of navigating under its own power.

RESOLUTION NO. 16172

RESOLVED, that this Commission does hereby approve the revised Rules and Regulations for the San Francisco Marina Small Craft Harbor; and

FURTHER RESOLVED, that the General Manager or his designate is hereby authorized to terminate the lease or permit for any berth in the Marina if there is any default or violation of said Rules and Regulations, following the service of official notice to the Berthholder involved.