

HOUT BAY YACHT CLUB

MOORING REGULATIONS

Rev 4: October 2011

1.0 **DEFINITIONS**

- 1.1 CLUB shall mean the Hout Bay Yacht Club.
- 1.2 MARINA shall mean the walk-on marina structure and the access bridge.
- 1.3 MARINA SUB-COMMITTEE shall mean the committee elected to run the Marina by the MOORING RIGHT HOLDERS.
- 1.4 MOORING RIGHT HOLDERS shall mean persons that have signed the MOORING RIGHT AGREEMENT.
- 1.5 MOORING RIGHT AGREEMENT shall mean the legal document signed by all MOORING RIGHT HOLDERS giving them rights over a designated mooring.
- 1.6 MARINA MANAGER shall mean a person tasked by the MARINA SUB-COMMITTEE to manage the MARINA on a day-to-day basis.
- 1.7 MARINA STAFF shall mean any employee of the MARINA.
- 1.8 MEMBER shall mean a member of the CLUB according to its Constitution.
- 1.9 MOORING REGULATIONS shall mean this document in its entirety.
- 1.10 GUEST VESSEL shall mean any vessel moored on the MARINA not owned by a MOORING RIGHT HOLDER.
- 1.11 STAY ABOARD shall mean any person staying overnight on a vessel moored on the MARINA.
- 1.12 GUEST shall mean a person signed in the CLUB's visitors book by a MEMBER.

2.0 GENERAL PRINCIPLES

- 2.1 These MOORING REGULATIONS shall be consistent with the MOORING RIGHT AGREEMENT. In the case of any inconsistencies, the MOORING RIGHT AGREEMENT shall take precedence.
- 2.2 These MOORING REGULATIONS set down rules to be followed by all MEMBERS and visitors in all aspects of the usage of the MARINA.
- 2.3 The primary intention of these MOORING REGULATIONS is to ensure the right of every MEMBER and GUEST to take advantage of the MARINA, at the same time respecting the equal rights of all.
- 2.4 The rules set out in this document are based on the principle that the MARINA can only be used for the purposes to which it has been conceived, designed and built, i.e. as a place to moor pleasure vessels belonging to MEMBERS of the CLUB. It is not intended or equipped as a place of permanent dwelling. It is not intended to be used a shipyard where heavy work may damage other vessels or the MARINA. Thus it must be understood that whilst uses other than the main one may be tolerated to some degree, this will be only allowed with the express authorization of the MARINA OFFICER or the MARINA MANAGER.
- 2.5 It should be clearly understood that the MARINA is a private facility not open to the general public. In order to make use of the MARINA, the owner or skipper of all vessels must be MEMBERS of the CLUB.

3.0 RIGHT OF ADMISSION

- 3.1 All arriving vessels must register with the MARINA MANAGER within twenty-four hours of mooring at the MARINA. In the event that the MARINA MANAGER is not on duty then the time of arrival must be recorded in the arrivals register in the Guard Room.
- 3.2 Persons who are not MEMBERS shall not be admitted on the MARINA and are trespassing if they go through the MARINA gate. The following exceptions may be allowed:
 - 3.2.1 Guest Vessel. Non-members arriving on a vessel from the sea and staying less than 72 hours may do so provided that they sign the Visitors Book located at the gate room as a Guest Vessel.
 - 3.2.2 Members of a club enjoying reciprocity with the CLUB must sign the Visitors Book located at the gate room.
 - 3.2.3 Visitors to MEMBERS must sign the Visitors book located at the gate room.

4.0 SAFETY

- 4.1 Canisters containing diesel fuel are allowed through the gate in unlimited quantities. The maximum allowed for gasoline (petrol) is 25 litres.
- 4.2 In principle, the maximum Length Overall (LOA) of any vessel allowed on the MARINA is 16.5 metres (54 feet). Vessel longer than this may be allowed at the discretion of the MARINA SUB-COMMITTEE.
- 4.3 No vessel may occupy a mooring if that vessel's beam exceeds the beam restriction of that mooring unless authorized in writing by the MARINA MANAGER.
- 4.4 No vessel may occupy a mooring if the overall length of the vessel is greater than 1.5 times the length of the finger, unless it has received written authorization signed by the Marina Manager and fully complies with all requirements detailed therein.
- 4.5 All skippers of vessels arriving/departing from the MARINA must sign in/out in the book located in the gate room for this purpose.
- 4.6 The skipper of any vessel leaving the MARINA must be in possession of the following documents:
 - 4.6.1 A valid Skipper's Ticket appropriate for the voyage envisaged and issued either by South African Sailing or by an authority recognised by them.
 - 4.6.2 A valid Certificate of Fitness (COF) for the vessel issued either by SAMSA or by an authority recognised by them.

5.0 USE OF MOORINGS

- 5.1 The use and allocation of moorings is as stipulated in the MOORING RIGHT AGREEMENT.
- 5.2 The owner/skipper of a yacht occupying a mooring shall give notice to the MARINA MANAGER at least twenty-four (24) hours before vacating the mooring for any period exceeding three (3) days and such notice shall include the intended date that occupation will be retaken.
- 5.3 Prior to departure of a vessel from the MARINA, the owner/skipper shall have paid all monies due to the MARINA.

6.0 MOORING REQUIREMENTS

- 6.1 The MARINA is subject to frequent South Easterly and infrequent Easterly gales with wind speeds exceeding 100 knots. Skippers shall ensure that the vessel under their control is securely tied to the MARINA and has at least two fenders in place per side.

- 6.2 The MINIMUM required mooring line requirements is as indicated in Annexure A.

NB: This diagram indicates the MINIMUM mooring line requirements. It is the sole responsibility of the Owner/Skipper of a vessel to ensure that it is securely moored.

- 6.3 Any vessel deemed to be inadequately secured to the MARINA may have additional lines and/or fenders attached by the MARINA STAFF. This action shall in no way alter the fact that the skipper/owner is solely responsible for the secure mooring of his vessel. All associated costs as determined by the MARINA SUB-COMMITTEE shall be the responsibility of the vessel owner.

7.0 RULES OF BEHAVIOUR

- 7.1 The overriding rule is that the persons on the MARINA are to behave in a manner that respects the rights of others, without exception.
- 7.2 Loud music, noisy and/or drunken behaviour or violence in any form will not be tolerated.
- 7.3 MEMBERS/Skippers shall be held responsible for the conduct of all non-members recorded as crew or visitors to that specific vessel.

8.0 HOUSEKEEPING

- 8.1 The MARINA walkways (main spines) must be kept clear at all times.
- 8.2 An un-obstructed path shall be maintained on the fingers at all times, i.e. dinghies must not block the finger.
- 8.3 No extraneous objects stored on the fingers will be tolerated. This includes, amongst others, bicycles, construction materials, power tools, outboard motors, fuel cans, etc.
- 8.4 No heavy construction work may be done on the MARINA. Such work shall immediately be stopped when instructed to do so by the MARINA MANAGER.
- 8.5 External fibre glassing, spray painting, spot welding or any other work that could potentially damaged other vessels or pollute the harbour water is not permitted.
- 8.6 Light maintenance work may be allowed at the discretion of the MARINA MANAGER but must be restricted to the vessel or finger only.
- 8.7 Assembling or dismantling of engines on the fingers or walkways is not allowed.

- 8.8 It is recognized that the drying of clothes aboard vessels is necessary from time to time. However, the washing and drying of laundry shall be done in such a manner so as not to offend any MARINA occupiers, harbour neighbours or businesses, or to reflect badly on the MARINA in any way. Therefore, laundry shall be done on a low-key basis and hung no higher than the top lifeline or guardrail. NO LAUNDRY shall be visible over weekends or on public holidays.

9.0 ELECTRICITY

- 9.1 There are electrical boxes distributed along the marina spines. However there are not sufficient outlets for every mooring and supplies are allocated on a first come, first served basis. Standard supply is 10amps, 230volts, 50 Hz.
- 9.2 The electrical sockets are the 3 pin round type with a 6 o'clock earth.
- 9.3 The electrical boxes are kept locked and the MARINA MANAGER must be contacted for access and applicable tariffs.
- 9.4 Electrical cables between the socket and a vessel shall be supplied by the vessel's owner/representative and must be continuous with NO joints. The MARINA MANAGER will disconnect any cable found with joints.
- 9.5 Cables must be neatly run either parallel to, or at right angles to the spines and shall be secured with cable straps (or similar) to keep them in place, The MARINA MANAGER will disconnect untidy cables.
- 9.6 Should the MARINA MANAGER, for non-compliance with Clauses 9.4 and/or 9.5 above, disconnect a cable feeding a vessel, then that vessel's owner/representative shall have no recourse to the MARINA SUB-COMMITTEE for any subsequent damage or loss.

10.0 STAYING ABOARD

The CLUB has a lease over the waterspace on which the MARINA is located. So as not to be in contravention of this lease, certain restrictions apply to persons staying overnight on a vessel.

These are summarized as follows:

- 10.1 No person may permanently live aboard a vessel
- 10.2 Persons overnighing for less than three (3) days in any seven (7) day period may do so without written application. However, the MARINA MANAGER must be notified in advance of this intention.
- 10.3 Cruising yachtspersons (foreign registered yachts or yachts whose last port of call was outside a 50 nm radius of Hout Bay) may be allowed, on written application to the MARINA SUB-COMMITTEE, to stay aboard under the following terms:

10.3.1 Initially for up to three months.

10.3.2 Permission may be granted for further three month periods by the MARINA SUB-COMMITTEE upon written application at least seven days before the end of each period.

10.4 Persons spending holidays aboard a vessel may be allowed, on written application to the MARINA SUB-COMMITTEE, to stay aboard for up to three (3) months.

10.5 Any person who stays overnight on a vessel without the permission of the MARINA SUB-COMMITTEE shall, on written notification, immediately either move ashore or the vessel must be removed from MARINA.

11.0 PETS

Pets are not encouraged on the MARINA but may be tolerated under the following conditions:

11.1 Pets belonging to MEMBERS may be allowed provided that they are kept on board at all times and are walked to and from the gate on a leash, or carried. Non-members and Guest Vessels are not allowed to keep pets on the MARINA.

11.2 Pet owners shall be held responsible for any fouling of the MARINA and/or vessels caused by their pets and shall clean up immediately by washing down the affected area with water.

11.3 Pet owners shall be held responsible for any damage of whatsoever nature caused by their pet.

12.0 CHARGES

12.1 General

Charges will not be levied against GUEST VESSELS for the first 24 hours of their stay.

Thereafter the following charges are applicable to a GUEST VESSEL renting a mooring from the HBYC MARINA:

.1 A refundable DEPOSIT, equal to one month's rental based on the size and position of the mooring.

.2 The applicable rental for either a full calendar month or for a lesser period.

.3 Harbour Dues

.4 Temporary Club Membership Fee

.5 Optional electrical connection fee.

The applicable charges for the above facilities are obtainable from the MARINA OFFICE.

12.2 No vessel shall be permitted to remain on the MARINA unless that vessel has been issued an approved berth by the MARINA MANAGER, who shall not give such approval until full payment of the charges as per Clauses 12.1 to 12.5 above and have been paid in full and must have signed the Marina Rental Agreement.

12.3 All vessels who remain on the MARINA beyond the free 24 hours and who have not been issued with an approved berth, shall be regarded as illegally occupying that MOORING and will be moved to the harbour wall at the owner's risk.

13.0 ENFORCEMENT

All persons and vessels on the MARINA are subject to these MOORING REGULATIONS which govern the day-to-day operation of the MARINA. Any decision taken by the MARINA SUB-COMMITTEE in the exercise of its powers under the MOORING REGULATIONS is binding upon all persons entering or occupying a mooring on the MARINA.

13.1 The CLUB, through the MARINA SUB-COMMITTEE, MARINA OFFICER, the MARINA MANAGER and the MARINA STAFF, shall enforce compliance of these MOORING REGULATIONS at all times and with no exception.

13.2 The CLUB, as the leaseholder over the water space in which the MARINA is located has empowered the MARINA OFFICER with full control over the MARINA.

13.3 The following procedure shall be followed regarding any violation of the MOORING REGULATIONS:

13.3.1 The MARINA OFFICER, MARINA MANAGER, any member of the MARINA SUB-COMMITTEE or MARINA STAFF shall first give verbal notice of contravention to the offending individual. Unless the contravention is considered to be of serious nature, offenders will be given 24 hours to rectify the issue. Serious contraventions must be dealt with immediately.

13.3.2 Should the above contravention not be rectified within the time limit specified, then the MARINA MANAGER will give written notice to the offender. This notice shall stipulate the time allowed to rectify the situation.

13.3.3 Should the offender fail to rectify the contravention stipulated in Clause 13.3.2 above, then the matter will be reported to the MARINA OFFICER for further action.

- 13.4 The MARINA OFFICER has the power to provide or withdraw MARINA privileges of any single non-member and/or guest vessel at his total discretion. This power may be delegated to the MARINA MANAGER.

Once MARINA privileges are withdrawn, the effected vessel shall be removed from the MARINA within 48 hours.

- 13.5 Any person aggrieved by the decision of the MARINA OFFICER shall be entitled to have the matter referred to the MARINA SUB-COMMITTEE.
- 13.6 Violations of any of the MOORING REGULATIONS may result in the MEMBER being called before the MARINA SUB-COMMITTEE to answer for his actions. The MARINA SUB-COMMITTEE may, at its discretion, refer the matter to the General Committee of the CLUB for further action.
- 13.7 Any MEMBER aggrieved by a decision of the MARINA SUB-COMMITTEE shall be entitled to have the matter reviewed by the General Committee of the CLUB who may rescind the decision of the MARINA SUB-COMMITTEE or refer the matter back to them for further consideration in the light of any views expressed by the General Committee.