

MARINA RULES AND REGULATIONS (Approved by the Board on 9-19-10)

For the purposes of the following Rules and Regulations, "Marina" shall mean Sapphire Beach Resort and Marina Condominium Owners Association (henceforth, "SBRMCOA, LLC"), its Board of Directors, or its designated agent. Pursuant to its authority as expressed in Section 4.G of the Declaration of Condominium (hereinafter, "the Declaration"), the Marina promulgates these Rules and Regulations pertaining to the marina premises. The term "marina" shall mean that portion of the Condominium property upon which the Slips are located along with the riprap, the bulkheads, the docks, the pilings, the piers, and the utility hook-up stations as defined in Section 3.B of the Declaration. The Marina adopts these Rules and Regulation deeming them reasonable and appropriate for the use and occupancy of the marina premises. All written notices to the Marina may be emailed to marina.sbcoa@gmail.com.

- 1. In the event that the General Manager, in his sole discretion but in consultation with the Dockmaster, determines that the marina is at risk because of an approaching hurricane, the General Manager or Dockmaster may issue an Order of Evacuation directing all vessels to vacate the marina to avoid unnecessary damage to the marina. Slip Owners bear the ultimate responsibility for vessels that occupy their slips and therefor bear the ultimate responsibility for taking any actions that may be necessary to insure that any vessels occupying their respective slips at the time of a mandatory evacuation vacates his/her slip at least 24 hours prior to the expected arrival of the hurricane. The requirement that a slip be vacated if the Dockmaster so directs is absolute. There is zero tolerance for exceptions and no excuse is acceptable. In the event that a vessel fails to vacate a slip for any reasons after an appropriately issued evacuation order, the Owner of that slip will be subject to a fine of not less than \$1,000, \$2,500 and/or \$5,000 for vessels in lengths up to 40', from 40' up to less than 50', and from 50' and greater respectively.
- 2. For any direct or indirect damages caused directly or indirectly by a vessel that has failed to vacate the marina after the Dockmaster has issued an Order of Evacuation, the Marina will hold the captain of the vessel, the owner of the vessel, the managing agent for the vessel (if any), the managing agent for the slip Owner (if any) and the Owner of the slip housing the vessel personally liable for said damages.
- 3. All vessels domiciled in the marina for one night or longer must have a certain current documents on file at the marina. These documents are: a) A fully executed Dockage Agreement (executed by parties for the Vessel, for the slip Owner and for the Marina) b) A certificate of in-force liability insurance

If a vessel is unable to produce said documents when requested by the Marina, the Marina will notify the slip Owner of the deficiency. Thereafter, if the vessel fails to produce both documents in satisfactory form at the marina office within 48 hours following either 1) first arrival in the marina or 2) being asked by the Dockmaster to provide such documents, the slip Owner will be held liable and will be subject to a fine assessed at the rate of \$100 per day until the earlier of 1) the delivery of said documents or 2) the departure of the vessel from the marina.

4. A slip Owner who rents directly to a tenant or who authorizes the placement of any other vessel with his/her slip must provide the marina office with written notification of persons and/or vessels entitled to use his/her slip. If the slip owner rents indirectly to a tenant through an agent, the agent must provide the marina office with said notification.

- The Marina reserves the right to deny access or re-access to any vessel which, in the sole judgment of the Marina, is in violation of these Marina Rules and Regulations.
- 6. Owners, or their tenants who use a slip for commercial enterprises, must provide the marina office with a copy of a valid USVI Business License and a copy of an in-force commercial liability policy in an amount no less than \$1,000,000 naming SBRMCOA, LLC as an additional insured. In case of non-compliance with these Rules and Regulations or with the Declarations and By-Laws of SBRM COA LLC by said commercial user, the Marina reserves the right (i) to deny permission for the commercial user to occupy an owner's slip and/or (ii) to levy a fine in the amount of \$100 per day assessed against the slip Owner until the commercial user has either 1) complied with this provision or 2) vacated the marina.
- 7. Any slip owner, guest or tenant who maintains a vessel in his/her own slip or in any other slip must execute a Marina Dockage Agreement. If there is failure to comply with this provision within 48 hours of demand by the Marina, said slip Owner will be held liable and will be subject to a fine assessed at the rate of \$100 per day until the earlier of 1) the delivery of said documents or 2) the departure of the vessel from the marina.
- 8. All vessels utilizing the marina, including vessels owned by slip owners, must bear valid vessel registration, be covered by adequate hull insurance, and be covered by a liability insurance policy with a limit of not less than \$500,000.00. Policies of liability insurance on vessels docked in the marina more than three months must list the Marina as an additional insured and owners of all such vessels must agree to indemnify and hold harmless the Marina and SBRMCOA, LLC

for any and all causes. Owners and operators of vessels shall provide the cover pages of said policy to the marina office no later than 48 hours after arrival at the marina. Failure to comply with this requirement will result in an assessment against the slip Owner of \$100 per day until 1) the requirement is met or 2) the vessel has vacated the marina.

- 9. Only materials approved by the Marina may be used for fendering for vessels. No materials, equipment or fixtures may be attached or affixed to the common interests or marina docks without written permission from the Marina. Except for mooring lines, no materials whatsoever are to be affixed to the pilings.
- 10. All owners, captains or crew members of any vessel located in the marina must properly handle and dispose of any and all hazardous wastes generated by or used aboard their vessel. Owners of all vessels in the marina agree to defend, indemnify and hold harmless the SBRMCOA, LLC and the Marina from any and all liability associated with the spillage, disposal or misuse of hazardous wastes connected with the operation or dockage of the owner's vessel.
- 11. Fishing within the marina is prohibited.
- 12. No liveaboards are permitted in the marina.
- 13. All vessels must be kept in good and seaworthy condition. Only minor maintenance may be performed in the marina. The Marina reserves the sole right to prevent or stop any maintenance that it does not consider minor in nature.
- 14. No laundry may be hung out to dry on a vessel or the dock.
- 15. All garbage, particularly materials left over from the cleaning of fish, must be packaged and sealed in plastic bags and disposed of in the dumpster provided by the Marina.
- 16. No discharge of sewage or other effluent is permitted in the marina.



- 17. The use of barbecue grills or devices producing open flames of any kind is prohibited within the marina.
- 18. No pets are permitted in the marina.
- 19. Operation of sound-producing devices at such volumes as to disturb other tenants or disorderly behavior is prohibited. The Marina reserves the right to terminate the dockage agreement of any vessel associated with such activity.
- 20. Operation of generators and/or engines (except to arrive in or depart from the marina) after 8:00 p.m. is prohibited.
- 21. No person may place or display any signs, postings, or advertisements of any nature, nor shall any person conduct or undertake any commercial solicitation in any form (verbal or written) without the express authorization of the Marina.
- 22. All dinghies must be secured to the vessel to which they belong and be kept from protruding into the common interests, other slips or in any manner so as to hinder the passage of other vessels.
- 23. Swimming and diving are expressly prohibited in the marina except for the purposes of hull cleaning, replacement of zincs and such other maintenance-related activities as may from time to time be approved by the Dockmaster on a one-time basis.
- 24. All halyards on vessels in the marina must be secured so as to prevent banging or noise.
- 25. No running or jogging is permitted on the on the docks.
- 26. All common interests in the marina, including docks, finger piers and the main piers must be kept clear of all objects at all times. All property belonging to vessels in the marina and their passengers must be kept either dock boxes approved by the Marina or aboard the vessels.
- 27. The maximum length of a vessel allowed in a 40' slip is 45' with a 5% tolerance factor. The maximum length of a vessel in a 50' slip is 65' with a 5% tolerance factor.
- 28. The maximum beam of a vessel is the "Maximum Allowed Beam" in Schedule A, attached to these Rules & Regulations. The Dockmaster, in his sole discretion, for a fishing vessel with a broad sheer and narrower beam at the waterline, may allow certain relaxation in the allowable beam requirements.
- 29. No more than four (4) jet skis, or similar personal water craft (PWC), shall be based in, stored or operated from any slip.
- 30. A vessel(s) or person(s) violating the Marina Rules and Regulations, or the Dockage Agreement and which will not cease and desist from such violations after notification to do so by the Dockmaster will be subject to 1) exclusion from the marina and/or 2) the assessment of a fine of \$100 per day against the slip Owner until either 1) the violation ceases or 2) said vessel or person departs the marina.
- 31. To enforce the rights of the Marina or other slip owners, the Marina reserves the right to board all vessels.
- 32. The Marina reserves the right to revise and/or amend any of these Rules and Regulations without notice and to promulgate them in such revised form.

For the Vessel:		
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Captain, Operator, Vessel O	wner	
Signed this	day of	 , 201
For the Slip:		
Managing Agent, Slip Owner		
Signed this	day of	 , 201
For the Marina:		

Signed this	day of	201

These Rules and Regulations were read, understood and agreed to by: