

Clarklake Beach and Boat Club Marina Rules

Purpose: The Marina of the Clarklake Beach and Boat Club is a benefit of Club membership, and the Club strives to see that it is used to the fullest extent possible for the enjoyment of as many members as possible. For these reasons, rules have been established to ensure fairness in access to and use of the marina, and for efficient and safe operation of the marina.

1. Definitions:

- a) **Active Interest List** – a list of members assembled after the Spring Boat Meeting that identifies those on the Waiting List that have expressed a continued interest in a slip for the current boating season.
- b) **Designated Marina Official** - A representative designated by the Board of Trustees as liaison to the operation of the marina. The Liaison shall advise the Board of Trustees on matters pertaining to boating and the marina.
- c) **Boat Meeting (Spring) or Spring Boat Meeting** - a meeting, usually held in April, lead by the Marina Liaison, marina slips are reassigned, available slips are allocated to those on the Waiting List, and plans are made pertaining to the installation or replacement of docks.
- d) **Club** - the Clarklake Beach and Boat Club.
- e) **Marina Season** – The season of the marina is considered to be basically between May 15 through September 15.
- f) **Slip Dimension** – All boats must be moored so as to be completely contained within the permitted slip width and length (currently 22 feet) as specified in the marina permit from the Michigan Department of Environmental Quality.
- g) **Slip-Occupant of Record** – the member of record who rents the slip from the Club and whose name appears on the records of the marina.
- h) **Sublet** - use of a boat slip by another member other than the Slip-Occupant of Record for a period of more than one month from June through August.
- i) **Temporary Use** - use of a slip by another member for a period of one month or less occurring before, after, or between periods when Slip-Occupants of Record has actively used the slip.
- j) **Waiting List** – The lists of members who (1) wish to have a slip, but none are currently available, or (2) anticipate wanting a slip in the near future (1-2 years).
- k) **Work Assessment Fees** - fees assessed to members renting slips in the marina in lieu of volunteer work primarily in installing and removing of the marina docks, but also in other activities deemed by the Board, Boating Committee and/or Designated Marina Official(s) to be of value to the Club's marina and its operation.

2. **Marina Oversight:** The Club's Board of Trustees have ultimate jurisdiction over the marina including approval of rules, procedures, policies, rates and fees. The marina is overseen by the Marina Liaison, Which recommends changes in rules, policies and operating procedures to the Club's Board of Trustees.

3. **Club Retention of Rights to Marina Slips:** The marina is the property of the Clarklake Beach & Boat Club, and is operated under a permit issued to the Club by the Michigan Department of Environmental Quality, and as such, the Club maintains authority over all slips rented to members. The Club retains the right to suspend or terminate slip privileges for violations of marina or Club rules or for actions taken in such a manner that would prejudice the Waiting List, the seniority system or the established procedures of fair treatment of members in accessing the marina.

4. **Adherence to Letter and Spirit of Rules:** These rules are intended to cover situations that expect to arise. However, all situations cannot be anticipated nor will the wording of the rules always be clearly applicable to all situations. In situations where a rule is not specific to a situation or where it can be argued that the letter of the rules are complied with, but it is clear the spirit of the rules has been violated, the Boating Committee and if necessary the Club Board of Trustees will determine the proper action to be followed or if a violation exists. The Board of Trustees will adhere to the principals of fairness in access to and use of the marina, safety and protection of boats and Club property.
5. **Proof of Boat Ownership:** To maintain the integrity of the Waiting List, to ensure that slips are being used by members who have properly earned their seniority position in the marina, and to conform to the rules for our marina permit, the Club requires proof that the boat moored in the slip is owned by the Slip-Occupant of Record or an immediate relative (a parent/child relationship). A copy of the boat registration may be requested by the Club to verify ownership of the boat and conform to marina permit requirements.
6. **Assumption of Intent to Use:** The Club and Boat Committee assume that members who rent slips genuinely intend to place their boat in the slip. For those unforeseen circumstances where a boat may not be placed for a season, provisions are made in these rules for the slip to be sublet or used on a temporary basis. However, when a member commits to rent a slip, generally there will be no refund of rental fees made by the Club. Where a sublet or temporary use of a slip cannot be arranged, the Club may offer other considerations to the Slip-Occupant of Record if the slip can otherwise be temporarily used by another member whose current slip cannot accommodate a type of craft.
7. **Limitation of One Slip/Member:** To fulfill the desire to make the marina accessible to as many members as possible, a member may only have one slip in the marina.
8. **Qualifications to Rent a Slip:** Those who rent boat slips must be full stockholding members of the Club with no Club dues, fees or assessments in arrears to qualify to retain a slip or rent a new slip. Dues must be current and arrears satisfied by **March 31**. Boat fees must be current by **March 31st**. If membership is paid on an annual cash basis, the dues for the upcoming season will be considered as due and payable by **March 31**. If dues are paid by Electronic Funds Transfer (EFT), the March transfer, and any months prior must be satisfactorily transacted to be considered current for dues. **The club is not responsible for lost or late delivery of the mail and any follow up is the member's responsibility.**
9. **Waiting List:** The marina Waiting List is used for the purposes of members who (1) wish to have a slip, but none are currently available, or (2) anticipate wanting a slip in the near future (1-2 years). Following are rules pertinent to the Waiting List:
 - a) An individual must be a full stockholding member with dues and arrears current as defined in Rule #8 (Qualifications to Rent a Slip) to be on the Waiting List.

- b) Listing of a member on the Waiting List will occur upon receipt by a Designated Marina Official of an application for listing on the Waiting List. Position of an individual on the Waiting List will be determined by the effective date being the postmarked date appearing on the application envelope, or date of receipt by other means such as fax, e-mail or hand delivery. In the event that more than one application has the same effective date, a fair and unbiased means will be used to place the applications in order on the Waiting List.
- c) A member may remain on the Waiting List in their respective position until their name has been called in two successive years at the Spring Boat Meeting and the member or their representative do not respond to accept a slip. After two successive "no answer calls", the member's name will be removed from the Waiting List. Thereafter, a member who still wishes to be considered for a slip in the future must submit a new application and start at the end of the Waiting List.

10. **Assignment of New Slips:** Available slips will generally be assigned to members on the Waiting List at the Spring Boat Meeting, as well as at other times as set forth below. Following are rules pertinent to assignment of new slips.

- a) At the conclusion of the process for Changing of Assigned Boat Slips (Rule# 11) at the Spring Boat Meeting, a Designated Marina Official will call the names on the Waiting List in order of their seniority on that list. At that time, when called, a member on the Waiting List or their representative will have the opportunity to select an available slip that conforms to the type of craft to be moored. (See Rule #16, Zoned Slips)
- b) At the conclusion of the Spring Boat Meeting, the Club assumes that members on the Waiting List who had "no answer calls" when slips were available are not prepared to accept a slip at the current time. At this time, the Club will no longer refer back to the Waiting List as it existed at the adjournment of the Spring Boat Meeting until after the current marina season. Rather, the Club will begin an Active Interest List. This List will include any member on the Waiting List, as it existed at the adjournment of the Spring Boat Meeting, who contacts a Designated Marina Official to be included on the Active Interest List indicating a continued interest in a slip for the current boating season. Such members will retain their relative position from the Waiting List on the Active Interest List. The Active Interest List will also include new members added to the Waiting List after the adjournment of the Spring Boat Meeting.
- c) The Club will begin to assign any slips identified as still available after the conclusion of the Spring Boat to those on the Active Interest List, and once this has been exhausted, then on a first come basis.
- d) When slips later become available that were not identified as available at the adjournment of the Spring Boat Meeting, these will continue to be rented to those on the Active Interest List and then on a first come basis. Any slips provided under this rule, being Rule #10(d), are not permanently assigned at the time. Rather, members who accept these slips will be given a seniority date in the Boat Club that will assure them of a slip next season, but the slip itself will be open to the provisions of Rule #11 (Changing of Assigned Boat Slips) at the next Spring Boat Meeting.

11. **Changing of Assigned Boat Slips:** At the conclusion of the Spring Boat Meeting, a Designated Marina Official will call the names of current slip holders in order of their seniority in the marina. Upon having their name called, the member, or a representative of the member, may change their assigned slip by selecting another boat slip that is available, including slips made available in the prior season under Rule#10(d), and that can accommodate their craft (See Rule #16, Zoned Slips). The calling of the list by seniority continues until the names of all current slip renting members have been called and given the opportunity to (1) select an available slip, (2) pass on the opportunity, or (3) not respond.
12. **Occupancy of Slips:** By July 15 of the Marina Season, slips in the marina must be occupied or a Designated Marina Official must be notified of arrangements made for Subletting or Temporary Use (as provided in Rule #13). Failure to occupy a slip or otherwise arrange for its sublet or temporary use by the July 15 date could result in permanent loss of the slip and make the slip available to another member.
13. **Subletting and Temporary Use:** It is the intention of the Club that boat slips are to be actively used by the Slip-Occupant of Record. The Club recognizes that there are circumstances that may not permit a member to use their slip for a period of time. In these circumstances, the slip may be sublet or used temporarily by another member. The following rules pertain to subletting or temporary usage of slips.
 - a) The Club retains the right to Sublet all slips. No commitment may be made to Sublet a slip without the approval of a Designated Marina Official(s).
 - b) Depending on the circumstances at the time, the Club may designate the member who may Sublet the slip, such as those times when there are a number of members on the Waiting List who have wanted a slip, but none have been available.
 - c) The Club may allow the Slip-Occupant of Record to nominate another member for Subletting, and the Club will take the circumstances of such a case under consideration. However, at no time shall the Slip-Occupant of Record make any commitment to Sublet a slip to another member without the approval of a Designated Marina Official(s).
 - d) A Slip-Occupant of Record will only be permitted to Sublet a slip once in any three-year period.
 - e) Allowing another member to use a slip for a temporary period not to exceed one month will be permitted and not be classified as a Sublet, but as a Temporary Use provided that the Slip-Occupant of Record utilizes the slip with a boat owned by the Slip-Occupant of Record before and/or after temporarily vacating the slip. The Slip-Occupant of Record may designate a Club member for such Temporary Use or contact a Designated Marina Official(s) for assistance in finding a member to use the slip on such a temporary basis. The Club will have the discretion to determine what constitutes reasonable occupancy by the Slip-Occupant of Record before and/or after a Temporary Use by another member, so it behooves the Slip-Occupant of Record to explain the circumstances of the situation to a Designated Marina Official(s) prior to a Temporary Use situation.

- f) Any monetary compensation to the Slip-Occupant of Record for subletting or temporary usage of a slip shall be negotiated between the two parties. However, in no case shall such compensation be in excess of the fair prorated value of the slip for the Marina Season considered to be from May 15 through September 15.
- g) All other rules notwithstanding, actions taken by members to pass the use of their slips to other members in a manner that would cause unfair access to a slip by another member in any manner that would prejudice the Waiting List or the seniority system of the marina will be considered a breach of proper Club member conduct and could result in the suspension or termination of marina privileges.

14. **Agreement Between Members to Exchange Slips:** A member with a permanently assigned slip may exchange that slip with another member with a permanently assigned slip provided that a Designated Marina Official is notified in order to change the records. A member may not grant rights of an assigned slip to someone on the Waiting List or any other member. This constitutes a subletting of the slip, and the procedures of Rule # 13 (Subletting and Temporary Use) must be followed.
15. **Responsibility to Provide Updated Information:** It is the responsibility of the Slip-Occupant of Record and any member on the Waiting List to provide the Club or a Designated Marina Official with updated information on their mailing address and a phone number where they can be reached or a message left. Additionally, a Slip-Occupant of Record must provide updated information on a change of craft moored in an assigned slip, including, if requested, a copy of the boat's registration.
16. **Zoned Slips:** To utilize the marina to its fullest extent, to provide space to accommodate various crafts, to minimize conflicts and to preserve the character of the Club and shoreline, some slips may be restricted for certain types of craft. The Club and the Boat Committee will strive to satisfy each member in the marina with a slip of their choosing. However, where practical difficulties exist, the Club reserves the right to assign slips and/or arrange to trade slip locations to accommodate the appropriate crafts. Current marina members who may be dissatisfied with such arrangement may be considered for priority selection at the subsequent Spring Boat Meeting, based on a recommendation by the Boat Committee of the need to address an inconvenience or loss of privileged location. Following are designations of current or potential zones.
- a) **Low Profile Zones** –Pontoon boats, other boats with high profiles or boat lifts that would otherwise restrict the view of the lake from the shore will not be permitted in these zones. Slips in these Zones include all slips in Banks C, D & E
 - b) **10' Slip Zones** – The Club provides 10' wide slips to accommodate Pontoon boats and crafts with wider beams.
 - c) **9' Slip Zones** – The Club provides 9' width are intended for boats or jet skis only.

17. **Mooring Posts:** Proper mooring protects boats, docks and mooring posts from damage. The Club provides a supply of mooring posts as a courtesy, but does not guarantee that either a sufficient number or length will be available, particularly later in the season as the marina is close to full. Members may have to or may prefer to provide their own posts. Following are rules pertaining to mooring posts, their usage and placement.

- a) Club-owned mooring posts will be made available to boaters on a first come basis every Spring. At the conclusion of the boating season, Club-owned mooring posts shall be left in the common area so designated for posts and cannot be removed from this area or in any other way set aside in an effort to reserve them or otherwise protect them for reuse by the same member for next spring. (It is strongly recommended that members providing their own posts mark them accordingly to identify them as personally owned.)
- b) Members using Club-owned posts should strive to wherever possible utilize the posts in such a manner that the posts are shared with the adjoining slip. (This is highly recommended for personally owned mooring posts as well.) Excessive and redundant use of mooring posts unnecessarily diminishes the available supply and creates added congestion in the marina. Club-owned mooring posts shall not be used in the middle of a slip as a protection against the drift from an adjacent boat. If such protection is desired, the boater must provide their own personal posts for these purposes.
- c) To protect posts from bending and damage, those boaters using Club-owned posts shall secure the mooring line at the water level (where there is the least leverage on the mooring posts), not at the top, nor through the holes at the top of the post nor with eyebolts through these holes in the post. These holes are for the wrenches to auger the posts into the lake bottom and are not intended to secure the mooring of a boat.
- d) All boats must be secured by lines to the mooring posts and at no time shall a boat be secured to the dock or the supporting stanchions of the dock.
- e) The tops of mooring posts shall be three feet above the water line or otherwise protected with padding to protect incoming and outgoing boats from damage.
- f) All mooring posts must be removed by the date designated at the Fall Boat Meeting. Failure to remove a post will result in an assessment against the Slip-Occupant(s) of Record for the involved slips to the extent the responsibility can be determined. It is the responsibility of Slip-Occupants of Record to see that the mooring posts used solely or shared are removed. Generally, responsibility for removal of posts falls to the Slip Occupant last moored to the post. Cooperation with neighboring slips is strongly encouraged to assure that all posts are removed, but at the same time no boat is left inappropriately moored by the premature removal of a post.

18. **Mooring Lines:** All mooring lines must be of a non-stretching weave or material being a minimum of 3/8" diameter nylon or Dacron rope or 1/2" diameter hemp.
19. **Correction of Mooring Problems:** Owners of boats in the marina (whether those of Slip-Occupants of Record, or those subletting or temporarily using slips) are responsible for damage to their boats and neighboring boats resulting from failure in the lines, posts or hardware mooring their boat. For these reasons, it is important that a boat owner regularly inspect their mooring posts, lines and hardware for potential failure. The following procedures apply to ensuring that moorings do not fail nor does damage occur.
- a) The Club will attempt to inspect the marina on a regular basis for instances of failed or near failure in mooring configurations and where conditions exist where damage is being done or could likely occur should corrective measures not be taken. In these instances, and where Club staff is available, corrections will be made to temporarily correct such problems. A fee for these corrections will be assessed to the boat owner(s) involved. Also, one call will be made to the boat owner(s) involved by the Club or a Designated Marina Official to inform them of the problem and corrective measure taken.
 - b) Where problems exist that are not of the nature that will cause damage to the boat or an adjoining boat (because of a failure of the mooring configuration), the Club or a Designated Marina Official will make one call to the boat owner to inform them of the problem.
 - c) The Club or Boat Committee will not assume the responsibility to assure that a member is informed of a problem or correction beyond the one initial phone call. For this reason, boaters must provide the Club with a phone number where someone will be available or a message can be left.
20. **Work Assessment Fees:** The cooperative nature of the marina requires that members of the Boat Club participate in certain volunteer activities to prepare the marina for operation in the spring. Boat Club members who do not participate in these activities will be assessed a fee in lieu of volunteer support. (Marina occupants will be notified prior to any planned activities).
21. **Observance of Club Rules:** All pertinent Club rules apply to the marina and the boats while moored in the marina. This includes the prohibition of alcoholic beverages not purchased from the Club. The Club assumes that boaters in the marina know Club rules and also advise their guests of Club rules. Violations of Club rules may result in suspension or termination of marina privileges.