



PORT OWEN MARINA AUTHORITY (NPC)

Reg # 1999/010199/08

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BERTHING AND WATERWAY REGULATIONS 2021
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The Port Owen Marina waterways, walkways, jetties, parking areas, and other facilities (Hereinafter referred to as the "Marina") constitute a marina managed by Port Owen Marina Authority ("POMA") who reserve the right of admission of any craft, vehicle or person into the Marina at all times. POMA's authorized representative as appointed from time to time is designated the Marina Manager.

1. All persons entering and all vehicles and vessels entering or launched in the Marina and whilst in the Marina shall be bound by the Berthing and Waterways Regulations as amended from time to time.
2. Skippers and vessels are at all times subject to the Merchant Shipping (National Small Vessel Safety) Regulations 2007 as amended (hereinafter referred to as the SAMSA Regulations) as well as the applicable harbour, navigation, municipal and other relevant regulations and by-laws.
3. All skippers must be qualified to use the vessels in the applicable areas of use and all craft must be maintained and equipped in a seaworthy condition in compliance with the SAMSA Regulations.
4. All skippers leaving the Marina must comply with the reporting procedures stipulated in clause 12 of the SAMSA Regulations.
5. All visiting vessels entering the Marina shall have made prior arrangements for berthing with the Marina Manager including the completion of contractual documents. Prior to and on arrival, skippers shall first contact the Marina Manager via WhatsApp on 0763622991 or on channel 71 and dock at the holding jetty in Rooibaaai approximately 1.5km from the harbour mouth to take on board the Marina Manager or his designate as a pilot to enter the Marina.
6. All vessels entering the Marina and while in the Marina shall be under the jurisdiction of the Marina Manager but shall remain in the marina at the owner's risk and POMA shall not be held liable for death or injury to any person or for the protection of or for loss or damage to property, including the craft, its gear, equipment or contents. Every vessel owner with a vessel berthed or moored at either a private jetty or a leased berth must complete the

formal POMA berthing agreement. Skippers who sign on behalf of the Owner must provide a letter of authority signed by the Owner, and the Owner must accept all of the terms and conditions set by POMA.

7. The owner/skipper of any vessel shall be responsible for any death, injury or accident sustained by any person or damage to any vessel, structure or jetty arising from any act or omission of the owner, crew or guests and indemnifies POMA for any liability and or expenses arising from such act or omission. It is the responsibility of the owner to maintain adequate insurance cover for such risks.
8. All persons entering the Marina and using the walkways, jetties and other facilities do so at their own risk and POMA shall not be liable for death or injury to any person and/or loss of or damage to any property whilst so doing. All children under the age of 12 years shall be under the direct supervision of their parent/guardian or adult acting as *loco parentis*, when in the vicinity of the Marina.
9. Owners of vessels shall provide suitable warps and fenders and shall be responsible for ensuring that their vessels are securely tied up in their berths, making adequate allowances for tidal height variations, wind, wave action and tidal flow.
10. Should any vessel whilst in the Marina break free from its moorings, capsize, catch fire, sink or suffer any other calamity, the Marina Manager or any other person or body appointed by POMA may in the absence of the owner of the vessel take whatever steps he deems necessary to deal with the situation at his own discretion. The cost of such action shall be for the account of the owner of the vessel concerned.
11. The Marina is a no wake, dead slow area and all vessels shall be navigated in such a manner as not to endanger or inconvenience other Marina users or their vessels at moorings or cause damage to the Marina beaches, embankments, walls or other Marina works. Persons contravening this rule may be asked to remove their vessel from the Marina.
12. Skippers shall approach floating docks with extreme caution and shall at no stage use the pontoon poles as pivot points or attach lines to the pontoon poles.
13. Skippers should at all times keep a good lookout for other craft or persons swimming in the Marina.
14. No persons may swim in the Yacht Basin of the Marina.
15. All vessels must be maintained in good condition so as not to become unsightly or reflect unfavourably on the reputation of the marina, it's appearance or it's facilities. Minor repairs, fitting out and painting of vessels may be carried out at the moorings with the

specific consent in writing of the Marina manager. Such work shall not cause undue nuisance to other berth holders or to residents around the Marina. Major work shall be carried out at the boatyard or elsewhere. The Marina Manager shall determine at his discretion what constitutes major work.

16. The owner of any vessel using or berthed in the Marina shall be charged fees, be that berthing fees, slipway maintenance fees, jetty fees or live aboard fees etc. as appropriate according to a schedule of rates published by POMA from time to time. Third parties, renting Candock and private berthing space, is exempt from paying berthing fees to POMA.
17. At no time whilst in the Marina may any wastewater (black water) be discharged into the waterways as per the local by-laws.
18. No fishing or netting is allowed in the yacht basin of the marina.
19. Payment is due on the first day of every month or upon presentation of any account. Discounts are offered for a once off annual payment for the period from 1st July to 30th June. This payment must be made before 31 July of that current year. Interest shall be charged on any overdue accounts at 20% per annum calculated on daily balances.
20. **LIVING-ABOARD**
A berth, jetty or mooring right does not give the owner or third party the right or permission to live aboard a vessel. Any right or permission to live aboard a vessel may only be granted by the POMA Board of Directors in exceptional circumstances and any such request for living aboard must be accompanied by a copy of the valid berthing and waterway usage agreement. Applications to live aboard must be made on the requisite form. POMA may charge extra fees per person living aboard. Permanent accommodation in the marina is strictly forbidden. A copy of the official POMA live-aboard policy is available at the POMA office.
21. **HOLDERS OF BERTHING RIGHTS ON "CANDOCK" FLOATING DOCKS**
The PURCHASER, when considering transferring the berthing right, must give POMA the right of first refusal for the berthing right. Any new owner of such rights shall enter into a Berthing Holder's Agreement with POMA incorporating the applicable ruling terms at the date of the sale.

The PURCHASER shall not permit a boat longer than 110% of the length of the jetty to be moored on the jetty.

If a Candock berth is sub-let to a third party, the third party shall enter into a berthing agreement with POMA, even though there is no fee payable to POMA.

22. OWNERS OF PRIVATE JETTIES

Owners of Private Jetties indemnify POMA for any liability and or expenses arising from use of or structural failure to the jetty.

No rafting of boats is permitted on the owner's jetty.

Owners of Private Jetties are permitted to sub-let mooring space on their jetty provided POMA receives prior notice of the details of the lessee and the size and type of all vessels to be moored on the owner's Jetty.

When such property owner sells his property, the Jetty Agreement is terminated. It is not transferable. The original property owner shall be obligated to remove the jetty should the new property owner fail to promptly apply for use of the jetty and enter into a new jetty agreement. Should the original owner fail to remove the Jetty from the water under the jurisdiction of POMA, POMA shall be entitled to remove and take ownership of the Jetty and all costs involved shall be for the account of the defaulting original owner.

23. Boat owners may not use the jetties or walkways for Parties or Entertainment of any sort, or any social gatherings. Due to the risks charcoal and wood fires are not allowed in the marina on board vessels, jetties or walkways. Owners/skippers must ensure that their vessels comply with regulatory fire prevention measures as per SAMSA laws.
24. No alcohol may be consumed in any public spaces including the walkways and jetties.
25. The playing of music should conform to the municipal by-laws in terms of volume and hours. i.e. "if it can be heard by your neighbour it is too loud" and could be disturbing the peace.
26. No skating, skateboarding or cycling is allowed on the walkways of the Marina.