



PORT OF BROWNSVILLE

Rules and Regulations

Resolutions:

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- Modified 13-14 11 December 2013 Boathouse Specifications and Standards
- Modified 15-05 16 April 2015 Section III General User Regulations G. Conduct / Behavior
- Modified 15-07 Add New Section X and XI Commercial use of Vessel / Contractor Activities
- Modified 15-12 Boathouse Specifications & Standards and Best Management Practices
- Modified 16-08 Section II, Section IV, Section VI, and Boathouse Specifications
- Modified 16-15 Section I, Section III, & Section VI
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Port of Brownsville Rules and Regulations

I
INTRODUCTION**A. PURPOSE**

The purpose of the Marina Regulations and Policies is to promote safe and efficient operations of the Port of Brownsville Marina and to provide equitable service to all boaters and the public.

B. NOTIFICATION OF REGULATIONS

1. It is the Port's responsibility to formally adopt and publish its Marina Regulations and Policies.
2. It is the User's responsibility to obtain a copy of the Marina Regulations and Policies Manual from the Port. Copies will be made available in the Port Office for all interested parties.
3. Use of Marina facilities is evidence of the user's consent to these rules, regulations and enforcement procedures.
4. The Port reserves the right to change these regulations by formal amendment or resolution. Any changes will be announced at the regularly scheduled Port meeting and in the Port's newsletter sent out with the monthly billing.

C. APPLICATION IS CONSENT

1. Signatures are required by current and future tenants on the Port of Brownsville Moorage Agreement and shall constitute applicant's agreement to become familiar with these Regulations and Policies and to comply with same.

D. ADMINISTRATION AND ENFORCEMENT

1. The Port Manager has been authorized by the Port commission to interpret and enforce these Regulations.
2. If the Port Manager has cause to believe that a violation of these regulations and policies has been or is being committed and with prior notification and concurrence of the vessel owner, the Port Manager may enter any vessel or floating structure to determine compliance with the provisions of these regulations and policies. However, after 30 days, if a satisfactory time for inspection cannot be agreed upon, the Port Manager, with written notification to the address on file stating a date and time for inspection shall, with or without the owner being present, enter the boat or boathouse and perform the inspection.
3. The Port Manager shall enforce the intent of these regulations, consistent with the policies and procedures adopted by the Port, to carry out the purposes of these regulations through any legal means including obtaining the assistance of law enforcement officers.
4. The Port Manager or designee may deny the use of any of the Port's facilities and/or property to anyone when such use would be in violation of these regulations/policies or would constitute an imminent threat to the safety or property of the Port or other persons.

5. If tenant fails to keep and perform any of the terms or conditions herein contained or made reference to, the Port may at its option declare the tenant's right to occupancy ended in accordance with Section VI paragraph E. The Port is obligated to notify the tenant in writing describing the infraction. After ten (10) days from the date of the letter if there is not a satisfactory response, the Port may impose a daily monetary fee in accordance with the Port's current tariff. If the tenant fails to correct the infraction and / or fails to pay the imposed fee, the Port may proceed with termination per section VI paragraph E.

E. SEVERABILITY OF REGULATION

If any term or provision of these regulations or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of these regulations shall not be affected thereby and shall continue in full force and effect.

II DEFINITIONS

1. Assault. Intentionally putting another person in reasonable apprehension of an imminent harmful or offensive contact. No intent to cause physical injury needs to exist and no physical injury needs to result.
2. Battery. Is a physical act that results in a harmful or offensive contact.
3. Boathouse. A structure designed and used to shelter a vessel while moored in the water.
4. Bullying. Is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others.
5. Guest. A person using the Port facilities without having permanent Moorage with the Port. Guests include but are not limited to vessels seeking refuge, day or overnight use of a Port facility, and individuals using the park or patronizing a tenant's business premises.
6. Guest Moorage. A designated area within the Marina to moor vessels with easy access to and from shore on a temporary basis.
7. Length Overall. The distance between the furthest point forward to the furthest point aft. This length includes bow pulpits, bowsprits, rudders, anchor housing, anchors, motors, motor brackets, handles, swim steps, dinghy brackets as well as the dinghy and any other fittings, attachments or extensions.
8. Liveaboard Tenant. A person who occupies and sleeps on his or her vessel on a continual basis albeit not seven days a week or uses said vessel as their permanent place of residence whether or not occupancy is on a permanent basis. The Port Manager will make final determination as to denizen status.
9. Marina. All water, land, buildings and structures within the boundaries of the Port of Brownsville Marina complex. (See attached map appendix A)
10. Moorage or Moorage Facility. Any properties or facilities owned by the Port which are capable of use for the moorage or storage of vessels.
11. Permanent Moorage. Moorage secured by a written contract for a specific slip in the marina.
12. Port. The Port of Brownsville, which is a Port District directed by its Port Commission.
13. Port Area. Areas within the Marina and other Port Properties, including water, land and all building and facilities in or on Port properties.
14. Port Commission. The three elected officials who make policy and oversee Port operations.
15. Port Manager. The individual designated by the Port commission to oversee the safe and efficient running of the Port and its properties on a day to day basis.

16. Repair Cost. Time, material, overhead and profit to accomplish any work.
17. Slip. A designated area within the Marina of certain width and length with docks provided for easy access to shore.
18. Square Foot Measurement. Boathouse and multi-hull vessel charges are determined by the square foot. The length measurement includes anything sticking out of or off of the boathouse such as any part of the boat housed within, including the boat lift, balconies, decks and overhangs exceeding four (4") inches. The length and width measurement of a multi-hull vessel includes bow pulpits, bowsprits, rudders, anchor housing, anchors, motors, motor brackets, handles, swim steps, dinghy brackets as well as the dinghy and any other fittings, attachments or extensions.
19. Subleasing. Allowing a person other than the tenant of record to place his/her vessel in a permanent moorage, whether for rent or other consideration.
20. Tenant. Any person, firm, partnership, corporation, association, organization or agent thereof, who contracts for use of any Port facilities.
21. Trespass. An area of criminal law or tort law broadly divided into three groups: trespass to the person, trespass to chattels and trespass to land.
22. Upland. Dry land located at an elevation higher than wetlands or waterways.
23. User. Any person, including boat owners/operators, marina tenants and the public, entering the Port of Brownsville Marina.
24. Vessel. Every manner of watercraft or other artificial contrivance designed for and capable of self-propulsion and as a means of transportation.
25. Vessel of Record. The vessel which has been solely authorized by the Port to occupy a permanent moorage.
26. Waiting List. A list of individuals maintained by the Port who are waiting for the assignment of permanent moorage with the Port of Brownsville.
27. Winter Moorage. Selected guest moorage slips or spaces utilized from 1 October through 30 April for monthly moorage.

III

GENERAL USER REGULATIONS

A. APPLICABILITY

Anyone present on or in the Port area and/or using Port facilities or equipment is subject to and shall comply with regulations, policies and procedures issued or posted by the Port.

B. HOLD HARMLESS

The Port does not carry insurance covering the property of the tenant. The parties agree that the Port will not be responsible for any injuries or property damage resulting, caused by or growing out of the use of its facilities; that the tenant releases and discharges the Port from any and all liability for loss, injury (including death), or damages to persons or property sustained while in or on the facilities of the port including but not being limited to fire, theft, vandalism, windstorm, high or low waters, hail, rain, ice, collision, accident, or any act of god, whether said injury or property damage is caused by the action of tenant, another tenant, a guest in the Port or a Port employee or agent.

C. SECURITY

1. Only vessel owners, their guests and the Port staff is permitted through the security gates and onto the floats unless advance arrangements are made with the Port office.
2. Any Tenant having work done by a commercial diver on Port property shall ensure that said commercial diver has a "Hold Harmless" agreement and proof of liability insurance on file with the Port prior to commencement of work.

D. VEHICLE TRAFFIC / CAMPING / PARKING

1. Port Manager may establish such reasonable traffic and parking regulations as may be required for orderly handling of motorized vehicles on the Port premises, including the posting of "No Parking" areas and such other regulations as may be required. A vehicle parked in violation of any such signs or regulations may be towed away and impounded at owner's expense.
2. The vehicle parking areas are only to be used for temporary vehicular parking in connection with the use of the Port's facilities. Maximum time limit is 72 hours without advance arrangements through the Port office.
3. No overnight camping is permitted on any Port property unless advance arrangements are made with the Port office.
4. Marina users will not store recreational vehicles, travel trailers, campers, boat trailers, automobiles, or any other personal property on any Port property unless advance arrangements are made with the Port office. Recreational vehicles, travel trailers or campers under no circumstance will be allowed to park in the Port's parking lot for more than 48 hours. Self-contained RV's, travel trailers or campers will be allowed to stay in designated areas with Port office approval and agreed upon duration of time.
5. All boats or vehicles using facilities or space within the Marina are subject to all fees, rules and conditions as prescribed by the Port.
6. The Port is authorized thirty-four (34) Liveaboard slips. Liveaboard tenants are authorized to park no more than two operational, private passenger (under twenty-four feet), currently licensed vehicles in the parking area. This authorization is per Liveaboard status not per licensed driver. Advanced arrangements through the port office must be obtained, for any additional or oversized vehicles to be in the marina parking area. Otherwise they must be stored off port property. If authorization is

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granted to store additional vehicles or trailers in the parking lot, the port's current tariff rates will apply. However, a designated space will not be assigned and should the need arise the port will direct that these units be temporarily moved off site. There will be no monetary compensation for those days that the vehicles and/or trailers are requested to remain off site.

7. Any vehicle parked in the Port's parking area with expired license tabs may be towed at owner's expense.

E. GARBAGE

1. All tenants are encouraged to read and follow the Port's "Best Management Practices".
2. Receptacles are provided for the collection of refuse generated during use of Port property. All such garbage will be deposited in these containers or removed from Port property. Nothing shall be deposited in the water, on land areas of the Port facilities or on any floats or piers.
3. Recycle containers are provided for the collection of aluminum, cardboard, glass and plastic. Users are encouraged to use these containers.
4. Depositing of non-marina related refuse in Port container is prohibited.
5. If the Port determines that an individual has caused the Port to spend money to clean up any waste or debris, such costs will be the responsibility of and charged to that individual
6. Users shall not deposit any of the following items in the garbage container:
 - a. Tires
 - b. Oversize items (larger than six and one-half (6 1/2) feet in length)
 - c. Boat fixtures (fuel or water tanks, etc.) or appliances
 - d. "Moderate risk", "Dangerous Wastes", or "Hazardous Substances", "Hazardous Waste", or "Extremely Hazardous Waste", as defined in RCW 70.105.010, "Pesticide" as defined in RCW 15.58.020 or "Hazardous household substances" as defined in RCW 70.105.220
7. The Port will accept oil, fuel, filters, and absorbents from users performing boat maintenance and servicing. Contaminated bilge water will be accepted, as well as oil or fuel soaked absorbents from bilge cleanup
8. Contact Port office for access to recycling containers.

F. RECREATIONAL SWIMMING, FISHING, DIVING

1. Recreational swimming and recreational diving from floats and piers in the Marina is prohibited.
2. Wading and limited swimming is permitted between the waterfront pavilion and main access pier. Swimming is limited to twenty (20) feet from shore and is at your own risk. No lifeguard will be provided.
3. The general public is allowed to fish from designated public fishing piers.

G. CONDUCT / BEHAVIOR

1. The Port will not condone or excuse:
 - a) Offensive or harmful conduct by lessees or visitors toward other tenants or guests, such as assault, battery or bullying
 - b) Disorderly conduct, depredations or indecorous conduct by tenants or visitors
 - c) Unreasonably loud noise, alcohol or drug induced conduct or behavior which disturbs the quiet enjoyment of the facility by others
 - d) Tenants treating other tenants or visitors disrespectfully over differences of opinion

- e) Discrimination by tenants against other tenants or visitors for any reason
- f) Disregarding the privacy and inherent dignity of all persons within Port Property

2. Violation of the preceding rules is grounds for termination of any moorage or lease agreement, termination of any tenancy, and prohibition from being upon Port property.
3. Visitors or guests who violate the preceding rules will be trespassed from Port property by use of a trespass warning. Said warning can be either verbal or written and issued by the Port Manager or other authorized personnel.

H. HOURS

1. Performing work project or personal or group entertainment that disturbs other tenants. Such work or entertainment shall be done on Sunday through Thursday between 0730 and 2100 hours and on Friday and Saturday between 0730 and 2300 hours. Unless otherwise posted.

I. CHILDREN

1. Children under sixteen (16) years of age are not permitted beyond the locked gates of the marina unless a parent or other responsible adult is on Port property.
2. It is strongly recommended that children under the age of twelve (12) wear some form of personal floatation device while walking on docks and piers.

J. PETS

1. Pets must be kept on a hand held leash, carried, or confined on the owners vessel while on Port facilities.
2. Owners of pets are responsible for activities of their pets and for immediate and proper clean up and disposal of animal wastes. Dispoz-a-scoops and Mutt Mitts are provided free of charge by the Port. Dispensers for these products can be found on the North Breakwater, Dog Walk area, by the Flag Pole and on the main dock.
3. Any animal found wandering unattended within the Marina and/or judged to be treated inhumanely will be turned over to the Animal Shelter.
4. No pets are allowed in the restroom or laundry complex, with the exception of working dogs.
5. Dog walk area is located on the West side of parking lot.

K. SIGNS AND HANDBILLS

Bulletin boards are provided for the posting of advertising or other materials of interest to Port users. All advertising is to be dated and will be removed at the end of 30 days.

L. BICYCLES, SKATEBOARDS, ETCETERA.

The use of bicycles, skateboards, roller blades, roller skates, mopeds, or similar vehicles on any walkway, sidewalk, dock or pier within the Marina is prohibited.

M. FIREARMS

The movement of firearms to and from one's own boat can be accomplished as provided by State and Federal law.

N. FIRE FIGHTING EQUIPMENT

Fire hoses and other firefighting equipment are to be used only for the fighting of fires.

IV
BOAT OWNERS / OPERATORS REGULATIONS

A. VESSEL IDENTIFICATION

Upon acceptance of moorage, tenant will show proof of current registration. If current registration in tenants name is not provided, the Port may refuse to allow moorage. State registered and/or Coast Guard documented vessels shall display valid registration decal on the hull. Failure to display the current registration decal on the hull may be cause for termination of moorage.

B. SEAWORTHINESS

1. Vessels moored in the Marina must normally be completely seaworthy and ready for immediate relocation in case of emergencies.
2. If a boat is to be non-operational in excess of 14 days, boat owners are required to inform the Port office and provide an estimated time that the boat will be out of commission.
3. If the Port Manager has cause to believe that a vessel moored in the marina is non-operational, he can upon written notice to the owner request that said owner demonstrate the boats capability to get underway. This demonstration will be at a time agreed upon by the Port Manager and the owner, but will not exceed 30 days from the time of notification.

C. MANEUVERING

1. The Port defines all water areas inside the breakwaters of the Marina as narrow channels. Therefore, a sailboat or any other craft does not have priority of movement over another vessel based solely on its method of propulsion.
2. Vessel operators will control their speed so as not to leave a damaging wake and will be held responsible for any wake damage caused by excessive speeds.

D. DISCHARGE OF SEWAGE

1. All vessels in the Marina must be in compliance with all regulations established by the U.S. Coast Guard or other Federal, State or County regulatory agencies regarding marine sanitation devices and waste discharge.
2. Sanitary waste disposal facilities are provided by the Port at no charge to users. All users are required to use these facilities for the disposal of sewage.
3. On request, pump out services can be accomplished by Port staff. Charges will be in accordance with published Port tariff.

E. UNATTENDED VESSELS

1. Vessels, when unattended, must be securely moored. No lines, hoses, electrical cords, bow sprits, anchors, tackle, or other hazards shall be across walkways or finger piers unless authorized by Port personnel.
2. If Port personnel determines a vessel is not securely moored the owner will be notified by verbal communication (e.g. telephone, cell phone). If the problem is not corrected within 48 hours or the vessel owner cannot be contacted, Port personnel will take corrective action. Owner will be billed in accordance with published Port tariff.

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3. It is recommended that if a vessel is going to be unattended for an extended period of time that owners notify the Port office and provide an access key to the vessel in case of emergency.

F. VESSEL CONDITION

1. Vessel owners are required to check their vessels regularly, especially after heavy rain or winds. Canvas covers, dock lines and bilge pumping are the boat owner's responsibility.
2. In an emergent or emergency situation, for any vessel that port staff considers to pose a threat to itself, other vessels or the marina, port staff will take immediate corrective action. The vessel owner will be charged for time and material in accordance with the ports published tariff. If the vessel requires repairs to correct a problem the owner will be given 30 days to correct the problem. If after 30 days the vessel owner has not correct the identified problem, the port may at its option terminate the moorage agreement.
3. Vessels moored in the marina must be seaworthy and be capable of moving under their own power. No vessel shall create a fire hazard, a sinking hazard or an unsightly condition. All vessels shall be properly moored using minimum 3/8" diameter lines fore and aft as well as spring lines.
4. The vessel owner must maintain the vessel in good condition, neat in appearance and esthetically pleasing to the eye.

G. STORAGE ON PIERS OR FLOATS

1. Piers and floats shall not be used for storage. Extraneous gear is to be stored only in Port approved dock lockers. Items or materials found stored on the floats or piers may be impounded at the owner's risk and expense or disposed of at the discretion of the Port Manager.
2. Storage of oily rags, open containers of paints, gasoline or other flammable or explosive material shall be in accordance with the Ports approved Best Management Practices.
3. Dock steps may be installed with the approval of the Port Manager as long as they do not impede reasonable access on the finger piers and are not used for storage.

H. MOORAGE ON FUEL DOCK

Vessels will not be berthed at the fuel float, except for authorized purposes.

I. DOCK CARTS

Dock carts are provided for the use of tenants. Carts should be returned to designated areas by the main gate or flag pole after each use.

J. MODIFICATION OF MOORAGE

1. Tenants and vessel owners are responsible for adequate fendering to protect their vessels and adjacent vessels.
2. Approval must be obtained from the Port Manager prior to any modification, addition, alteration, renovation, or restoration of a slip, dock, piling or any Port property within the Marina this includes dock boxes (see paragraph 3 below).
3. Marina tenants that desire a Dock Box shall be required to purchase triangle style dock boxes through the Port Office. This is to ensure they will be uniform in size, fit and function. In other words, they will be able to fit on triangle gussets where provided.

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4. With the environmental requirements concerning environmental impacts by marine structures, owners of privately owned boathouses will no longer be authorized to unilaterally increase the footprint of their existing structures. (see boathouse specifications and standards)

Boathouse owners must submit drawings and plans to the Port Manager for review and final approval by the Port Commission prior to making any modification, addition, alteration, renovation or restoration to their boathouse. This requirement includes complete rebuilds. Drawings and plans must show compliance with "Specifications, Standards and Requirements for Privately Owned Boathouses Moored at Port of Brownsville" (available in the Port Office).

Note: Kitsap County Community Development may require that a building permit be obtained prior to any modifications. This building permit could include Labor and Industries Electrical permits.

K. UTILITIES

1. ALL VESSELS & BOATHOUSES

- a. Port will provide electrical, water and garbage service, for tenants on a fee for service basis.
- b. The Port Commission shall review the amount charged for electricity, water and other utilities.
- c. Any damage caused to the Port's electrical or water distribution systems by a user's misuse or negligence will be repaired by the Port with such repair costs charged to the user.
- d. Utility service may be turned off in order to service the electrical & water systems, perform repairs or to ensure that the water lines do not freeze in the winter.
- e. Electrical service may be turned off by Port management if there is a safety issue or a failure to comply with the Ports utility Rules and Regulations. If vessel would sink with power disconnected, the owner would be charged a service fee in accordance with current tariff until discrepancy is corrected.
- f. Shore power service connections at Port electrical stations are rated as 125 volt 30 amp or 125 / 240 volt 50 amp. Owners are responsible for ensuring electrical loads do not exceed authorized power ratings going to their boat or boathouse.

2. SHIP-TO-SHORE CABLES

- a. Commercial 125 volt 30 amp or 125 / 240 volt 50 amp marine locking plug cords are required. Manufactured power cords will follow paragraphs b. or c. below.
- b. Boats using 125 volt 30 amp shore power must use cable designated as flexible (three wire) cord of type SO, ST or STO, with a minimum wire size of #10 AGW. The shore end of the cable must have a marine twist locking receptacle with the proper male (plug) connector that matches the female shore receptacle.
- c. Boats using 240 volt 50 amp shore power must use cable designated as flexible (four wire) cord of type SO, ST or STO, with a minimum wire size of #6 AGW. The shore end of the cable must have a marine twist locking receptacle with the proper male (plug) connector that matches the female shore receptacle.
- d. If 30 or 50 amp marine twist adapters or pig tails are used, the power cord being attached to the adapter has to be secured in such a manner that it will not separate from the adapter. The power cord being used with the adapter must meet the requirements designated in paragraph K.2.b. or c. above.

3. BOATHOUSES

Boathouse electrical hookups must be in compliance with “Private Boathouse Specifications, Standards and Requirements”. (Available in the Port Office)

L. VESSEL MAINTENANCE

1. Vessel owners are permitted to perform normal upkeep on their vessels while moored within the Marina. All persons involved in work on any vessel shall follow the Best Management Practices (available in the Port office) adopted by the Port, and shall not permit discharge of any hazardous substance or petroleum products into Port waters.
2. The Port accepts no responsibility for the wellbeing and maintenance of boats or personal property moored or stored on Port properties. Port staff is authorized to remedy emergency conditions as expeditiously as the situation warrants with or without the owner’s consent. The owner may be billed for any time spent and materials used in providing such service.

M. OPTIMUM UTILIZATION OF MOORAGE

1. To ensure optimum utilizations of moorage, with advance notice to the vessel owner, the Port reserves the right to move undersized or oversized vessels to an appropriate size slip when they become available.
2. Should a tenant be assigned a larger slip in anticipation of moving up to a larger vessel, said tenant will have 12 months from the time of obtaining a larger slip to purchase an appropriate size vessel for the slip assigned.
3. Vessels moored in guest spaces may be moved at the ports discretion to provide maximum space for guest moorage.

N. MOVEMENT OF VESSELS FOR SAFETY AND MAINTENANCE

Vessels may be moved by Port staff for the purpose of protecting life or property, to accommodate Port repairs, improvement, maintenance, construction, or emergencies, with or without advance notice to or consent of vessel owner.

O. COLLECTION OF DELINQUENT PORT CHARGES

In the event that the tenant or user does not pay the fees and/or other charges which are accrued in favor of the Port, the Port may initiate collection proceedings as provided for in RCW 53.08.310 and 53.08.320 or otherwise provided by law. Any cost associated with collection of monies owed will be added to tenant’s bill. No partial payments will be accepted. Amount owed must be paid in full by cash, credit card, money order or certified check.

P. HABITUAL MOORAGE DELINQUENCY

Paragraph “O” requires that when a tenant becomes 60 days in arrears on moorage payments a letter must be sent informing the tenant that the vessel may be seized by the Port for non-payment of back moorage. When a tenant becomes 90 days in arrears on moorage, the vessel will be impounded and a notice will be attached to the vessel stating the date and time of impoundment. A certified letter will be sent to the tenant informing the tenant that payment must be received in full for all monies owed the port within ninety days from the time the notice was attached. This letter will also state that the vessel will be sold at public auction to satisfy the outstanding debt. In order to curtail the additional administrative duties associated with this procedure it is the port’s policy that should a tenant allow moorage fees to become delinquent to the point of impoundment of the vessel on two occasions, at the time of the third violation of this policy a moorage termination letter will be sent along with the indebtedness letter. The moorage termination letter will not relieve the tenant from the obligation to pay the outstanding moorage fees. There is no time limit associated with this policy, if a tenant is delinquent on three occasions regardless of the amount of time between delinquencies this policy will be enforced.

V
WAITING LIST

A. POLICY STATEMENT

1. Port policy is to process the waiting list by the following priority method:
 - a. Priority One: applicants who already have a permanent slip assigned but want to change berths. This implies the original slip will be vacated. If applicant intends to have two spaces with two boats, then application for the second slip will be in accordance with priority two or priority three criteria.
 - b. Priority Two: applicants who reside within the Port District.
 - c. Priority Three: all other applicants.
2. Each priority category will be processed by the date a properly completed application is filed and waiting list fee paid to the Port office.
3. Each waiting list applicant must fill out a waiting list form and pay a one-time non-refundable fee. Applicants must renew their application every two years. Failure to do so will cause their name to be dropped from the waiting list.
4. If a person does not accept a slip when it becomes available, that person may reapply their waiting list deposit and return to the bottom of the waiting list on one occasion. The new seniority date will be the date of re-application. If, after a second notification, the person still does not accept they will be dropped from the waiting list and their deposit forfeited. No new application from such person will be accepted for twelve months.
5. Applicants shall keep the Port advised of current address and telephone numbers.
6. Per section VI D, a berth assignment may be transferred with the sale of the vessel of record or privately owned boathouse providing the vessel is in compliance with the Ports Rules and Regulations section IV subparagraphs A and B. Boathouses must be in compliance with Port boathouse specifications and standards. Port approval is required prior to any transfer.

VI
MOORAGE POLICIES and PROCEDURES

A. OCCUPANCY OF ASSIGNED BERTH

Unless prior approval is obtained from the Port Manager, the vessel of record must occupy the assigned berth.

B. PERMANENT MOORAGE ASSIGNMENT

To accept a berth assignment, each applicant is required to complete and sign a Port of Brownsville Moorage Agreement signifying that they agree to:

1. Provide proof of vessel and /or boathouse ownership in accordance with the following:
 - a. Tenants will be required to provide proof of ownership of the vessel that will occupy their assigned berth. Original documents, including but not limited to the following, may be required to establish proof of ownership:
 - i. Current Certificate of Title, showing the proper individual(s) as owner(s) of the vessel of record.
 - ii. Current State registration certificate, showing the proper individual(s) as Owner(s).
 - iii. Current U.S. Coast Guard documentation papers, showing the proper individual(s) as owner(s).
 - iv. Financing papers showing the proper individual(s) as owner(s).
 - v. Executed use tax return.
 - b. Private boathouse owners will be required to provide proof of ownership of the boathouse that occupies their assigned berth. Sufficient documentation, including but not limited to the following, may be required to establish proof of ownership:
 - i. County Personal Property Tax Assessment showing the proper individual(s) as owner(s) of the boathouse.
 - ii. Financing papers showing the proper individual(s) as owner(s).
2. Provide proof of vessel and /or boathouse liability insurance in accordance with the following:
 - a. It is the vessel and or boathouse owner's responsibility to procure and maintain, at their own cost and expense, comprehensive liability insurance (including general, legal, and pollution) and to maintain said insurance in full force and effect at all times while their vessel and or boathouse is moored at the Port of Brownsville. The coverage shall not be less than \$300,000.00 combined single limit for property damage, bodily injury or death.
 - b. The Port of Brownsville shall be named as an additional insured upon such policy or policies of insurance within 120 days of obtaining moorage.
 - c. Failure to maintain continuous coverage and proof of insurance is a default under the Moorage Agreement and shall cause termination of your moorage.
 - d. Any cost associated with notification of lapsed insurance will be added to tenants account.

3. Lessee shall pay first and last month's fee in advance. First month's fee will be credited to cover first month's moorage. Last month's fee will be credited to Lessee's account. Owner agrees to pay in advance on or before the fifteenth (15) day of each month, the applicable monthly obligation as determined by this agreement. The Port reserves the right to change rates and fees at any time during the term of this agreement. A late charge in accordance with current Port tariff will be added daily for every day past the fifteenth (15th) day of the month in which all charges owed the Marina are not satisfied.
4. Tenant understands that this agreement may be terminated without cause by the Tenant and with cause by the Port upon not less than thirty (30) days advance notice.
5. A courtesy billing will be sent on or about the 1st day of each month. Regardless of whether or not billing is received by tenant, payment is due no later than the 15th of the month. A late fee in accordance with current Port tariff will be added to the next billing cycle for each day after the 15th of the month that payment is not received.
6. The Port manager may forgive a tenants late fee one time in any given calendar year.
7. Payment methods: The Port will accept checks, money orders, credit cards (VISA or Master Card) and cash. Electronic transfers cannot be accepted at this time. Payment must be received by the 15th of the month to avoid late fees. Payment can be made by mail or in person at the Port Office or called in by phone. There is also an afterhours drop box at the Office.
8. The Port will, if the tenant chooses, automatically charge the monthly billing to a credit card. The Port will require a signed authorization form completed by tenant.
9. All boats that have been assigned a permanent slip at the marina will be measured on arrival. As a general rule, the length overall of the boat should not be more than two feet longer than the space assigned. However, there are several areas of the marina where this length restriction may be exceeded. The port manager or his/her assignee will make the final determination whether or not the boat may exceed the slip length by more than two feet.
10. Moorage charges are determined by the length of the boat or slip, whichever is longer. Boat length is measured from the furthest point forward to the furthest point aft. This length includes bow pulpits, bowsprits, rudders, anchor housing, anchors, motors, motor brackets, handles, swim steps, dinghy brackets as well as the dinghy and any other fittings, attachments or extensions.
11. Boathouse and multi-hull vessel charges are determined by the square foot. The length measurement includes anything sticking out of or off of the boathouse such as any part of the boat housed within, including the boat lift, balconies, decks and overhangs exceeding four (4") inches. The length and width measurement of a multi-hull vessel includes bow pulpits, bowsprits, rudders, anchor housing, anchors, motors, motor brackets, handles, swim steps, dinghy brackets as well as the dinghy and any other fittings, attachments or extensions. On a multi-hull vessel, moorage charges will be determined by square footage or by the linear length of the slip, whichever is greater.
12. Tenants should familiarize themselves with and comply with all Marina regulations, policies and procedures.

C. WINTER MOORAGE

1. Winter moorage utilizes a limited number of designated guest moorage slips or assigned spaces within the marina (see section VII subleasing).
2. Winter Moorage at the Port Of Brownsville is from 1 October to 30 April. All vessels utilizing the Port of Brownsville for winter moorage must be removed from the port no later than 30 April.
3. All winter Moorage tenants must fill out a "Moorage Lease Agreement" at the time of space occupancy. Moorage rates will be in accordance with the Port of Brownsville's tariff.

4. With the Ports prior permission, a limited number of winter moorage tenants may reside on their boats. The applicable denizen fee will be added to the monthly moorage rate.
5. The requirements of permanent moorage assignment also apply to Winter Moorage tenants. See section VI B.1 through 12 with the exception of the following:
 - a. Last month moorage deposit is not required
 - b. Winter moorage tenants are reminded that on weekends visiting yacht clubs have precedence to moorage on the inside of the breakwater. If space constraints make it necessary, winter tenants will be asked to move their boats to the outside of the breakwater or to raft up to accommodate the visiting yacht club. If winter moorage tenant cannot be contacted to move his or her boat, the Port reserves the right to move said boats as necessary.

D. TRANSFER OF BERTH ASSIGNMENT WITH SALE, PURCHASE, OR OTHER CONSIDERATIONS, OF VESSEL OF RECORD OR BOATHOUSE

1. A berth assignment may be transferred with the sale of the vessel of record or privately owned boathouse providing the vessel is in compliance with the Ports Rules and Regulations section IV subparagraphs A and B, boathouses must be in compliance with Port boathouse specifications and standards. Port approval is required prior to any transfer. The following criteria must also be met.
 - a. The current tenant must provide notice of intent to release interest in the berth assignment to the purchaser of the vessel of record or boathouse.
 - b. The purchaser must complete and sign a Marina Moorage Agreement.
2. All outstanding charges must be paid prior to transfer of moorage privileges to purchaser of vessel of record or boathouse.
3. If a tenant dies, the moorage assignment may be transferred to the individual(s) who inherits the vessel, providing that appropriate proof of inheritance is supplied.
4. If tenant is divorced, the spouse who is awarded title to the vessel of record in the divorce decree may retain the moorage assignment, providing that appropriate proof of ownership is substantiated.
5. If the boat and /or boathouse is being purchased as the result of a Public Auction, (see section IV paragraph "O" and "P") the moorage space occupied by the boat and / or boathouse will be vacated within ~~45~~ 30 days of purchase.

E. TERMINATION

1. Moorage may be terminated by the tenant without cause upon thirty (30) days written notice. Tenant's last month of moorage will be covered by last month deposit on file at time of Moorage application.
 - a. If termination by the Port is for cause, the Port will give a 30 day written notice to the tenant. The tenant, by written request (see section XII grievance procedure), will have the right to appeal the termination to the Board of Commissioners at their next regularly scheduled monthly meeting.
 - b. In the case of those who may not have paid a last month's deposit, the tenant shall be responsible for paying moorage for the month during which termination occurs.
 - c. In the event that the Port Manager determines that a boat has been abandoned or the boats owners are non-responsive to reasonable efforts to make contact, the Port Manager has discretion to waive moorage fees owing for the boat if the cost to dispose of the boat exceeds those fees.

2. In the event a tenant does not pay the fees or other charges which have been incurred, the Port may seize and sell the vessel pursuant to RCW 53.08.320. Any cost associated with notification will be added to the amount owed.

F. PORT USE OF VACANT SLIPS

On any occasion that all the designated transient slips are occupied, the Port of Brownsville wishing to be responsive to providing moorage for visiting boaters, will use permanent moorage slips in the marina when the tenant of record is absent for more than forty-eight (48) hours.

To help in this endeavor, the permanent moorage tenant, if they are agreeable to the port using their slip can notify the Marina Office prior to such vacancy with time and date of departure and the estimated time and date of return. These slips will be used for transient moorage at the discretion of the port manager or his/her representative. Revenue for transient moorage in unoccupied tenant slips will be collected by the port office. The tenant of record will continue to be responsible for regular moorage fees to the port. However, if the port utilizes a permanent moorage space for a specific period of time the tenant of record will receive a prorated credit based on the permanent moorage fees for the dates utilized.

The Port recognizes that reciprocal agreements exist between Yacht Clubs and will provide appropriate accommodations per these agreements subject to the written terms mutually agreed upon by the Brownsville Yacht Club and the Port of Brownsville. With this in mind, if the tenant of record is also a member of the Brownsville Yacht Club and agrees in writing to allow their moorage slip to be utilized by a reciprocal yacht club member, no fees will be collected by the port office. Under this scenario, the tenant of record will continue to be responsible for all moorage fees due the Port of Brownsville with no prorated compensation.

VII

SUBLEASING

A. POLICY STATEMENT

1. The policy of the Port is to retain control of moorage within the Marina for the benefit of residents of the District and other users.
2. Consistent with these regulations, a berth may be subleased with the Port Manager's approval.

B. OCCUPANCY

1. In the event that a tenant will not be using his/her assigned berth for a period of time, not to exceed six months, and has a desire to sublease their slip for that period, the Port does permit limited subleasing of the slips, consistent with this policy and these regulations. Sublessee must complete and sign a Sublease Marina Moorage Agreement.
2. With 30 days prior notice a berth may be subleased with the approval of the Port Manager for an additional six month period. There will be no additional extensions beyond that period. The tenant of record must at that time resume regular moorage payments or give up the slip. If tenant of record is an authorized Liveaboard, this status may, with Port approval, be assigned to the sublease tenant for the duration of the sublease.

C. RESPONSIBILITIES OF TENANTS

1. The tenant is responsible for contacting the potential sublessee for making sublease arrangements, and for notifying the Port office of the sublessee-name, address and phone number, as well as providing proof of sublessee ownership of the vessel to occupy the slip.
2. The tenant is responsible for all charges that accrue to the Port.
3. The tenant is responsible for notifying the sublessee of pending sublease expiration and for ensuring that sublessee removes their vessel from the tenant's berth by that date. In the event that sublessee refuses or otherwise neglects to remove said vessel upon tenant's request, the Port shall assist in removing said vessel upon tenant's request.
4. Under limited circumstances and with the approval of the Port Manager the Port will accept payment directly from the sublessee. See Responsibility of sublessee below.

D. RESPONSIBILITIES OF SUBLESSEE

1. Sub tenants are subject to the same regulations and procedures as permanent tenants and must abide by the terms of the Port of Brownsville Moorage Agreement and all marina rules and regulations.
2. Sublessee agrees to pay on or before the fifteenth (15) day of each month, the applicable monthly obligation as determined by this agreement. The Port reserves the right to change rates and fees at any time during the term of this agreement. A late charge in accordance with Port tariff will be added daily for every day past the fifteenth (15th) day of the month in which all charges owed the Marina are not satisfied.
3. Sublease tenant understands that this agreement may be terminated without cause by the Tenant and with cause by the Port upon not less than thirty (30) days advance notice.
4. Sublease tenant understands that a onetime administrative fee in accordance with Port tariff is applied to this agreement.

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5. Second party subleasing is not permitted.
6. The subtenant shall remove their vessel from the subleased berth by no later than the expiration date of the sublease. If the subtenant fails to comply, the Port may remove the vessel at the subtenant's risk and expense.
7. If sub-lessee fails to remove vessel at sublease expiration, the removal of vessel will be at owner's expense.

VIII

LIVEBOARDS

A. POLICY STATEMENT

By Washington State law the maximum number of Liveboards tenants residing in the marina is equal to ten percent (10%) of the total number of permanent slips. The Port Commission, at its discretion, may decrease the number of authorized Liveboards.

B. REGISTRATION

1. Port authorization is required to obtain Liveboard status.
2. Liveboard tenants will be required to pay an additional monthly "Impact Fee" to the Port. This fee is subject to change during revision of the Port's annual tariff and rate review.
3. If an authorized Liveboard tenant is to be absent from the marina for an extended period of time, and the tenant wishes to maintain their Liveboard status the Liveboard impact fee must continue to be paid. *Example: Tenant spends summers in Washington and winters in Arizona. During their time in Arizona the impact fee must be paid in order to maintain Liveboard status.*
4. The Port Manager, based on the use of the boat by the tenant will determine Liveboard status.
5. Where possible Liveboards will be assigned moorage spaces in such a manner as to alleviate crowding and enhance privacy.
6. The tenant has the ultimate responsibility in maintaining their living environment and area around their vessel consistent with Port policy and these regulations.
7. The federal and state regulations governing the discharge of any solid or liquid waste from boats into the waters of Puget Sound / Burke Bay shall apply to all boats and boathouses moored at the Port of Brownsville. See section IV paragraph D, Discharge of Sewage.

IX

GUEST MOORAGE

A. REGISTRATION

1. All vessel owners or operators intending to remain at the guest dock for more than two (2) hours shall register at the Port office upon arrival. Vessels arriving after normal business hours will register using the self-registration forms provided at the office.
2. A guest may pay advance moorage for a period as long as fourteen (14) days for guest moorage on "A" dock or East Breakwater. For guest moorage on A-dock with permission from the Port office that boater may have the space reserved during short absences from the moorage. Guest moorage on the breakwater cannot be secured for fourteen days at a time without prior approval from the Port Office.
3. Any vessel owner failing to register a vessel and leaving it in a designated guest slip for more than twenty four (24) hours may be subject to impoundment. All fees must be paid in full in advance of release of the vessel.
4. Checkout time is 12:00 Noon.

B. YACHT CLUBS, GROUPS AND SPECIAL EVENTS

1. The Port will accommodate organized or special groups of vessels subject to space availability.
2. Requests must provide the following information:
 - a. Date of request.
 - b. Actual date(s) that overnight moorage is required.
 - c. Club, Group or Special Event name.
 - d. Point of Contact, telephone number, address and email address.
 - e. Number and approximate size of boats requiring moorage.
 - f. A Non-Refundable, Non-Creditable reservation fee established in accordance with Port tariff will be charged per boat for all Clubs, Groups and Special Events reserving moorage space for an event. This fee is a reservation fee and does not apply toward guest moorage fees and space will not be officially reserved until such time as the reservation fee is received.
 - g. Because we recognize the fact that some club or group members travel to unsanctioned events but still use the clubs name to secure reservations and therefore the club itself has no obligation to pay for any expenses incurred during these events. The Port can, at its discretion, agree to collect the established per boat reservation fee when the individuals come to the office to sign in. To do this will require prior arrangements through the Port Office.

C. RAFTING

Rafting must be approved in advance and may be required by the Port. All guest dock users are required to pay the appropriate fees whether they are in a slip, tied alongside the breakwater or in a rafted position.

D. PRIORITY OF MOORAGE

If any dispute arises over entitlement to guest moorage at the Port, the Port Manager or his/her representative shall make the determination of priority.

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E. NON- REFUNDABLE

All guest moorage fees are non-refundable. If, due to unforeseen circumstances, a visiting boater must leave prior to expiration of the time already paid for, a gift certificate may be issued for the number of days remaining. This gift certificate will be in 24 hour segments only and good for one year from date of issue.

X

COMMERCIAL USE OF VESSEL

A. COMMERCIAL USE OF VESSEL

1. The Port of Brownsville Commission does allow commercial use of a vessel within the Marina. However, authorization for commercial use must be applied for through the Port office and a commercial moorage / lease agreement must be completed. Other than commercial fishing vessels each application for commercial use will be handled on a case by case basis. Approval or denial of the applications shall be the sole responsibility of the Port of Brownsville, Board of Commissioners. Commercial fishing vessel moorage / lease agreements shall be approved or denied by the Port Manager or designee.
2. Any vessel, fishing or merchant, moored at the marina conducting commercial business must sign an indemnification agreement as well as carry insurance commensurate with their activities.
3. Commercial activities include, but are not limited to, rental or leasing of boats, chartering of boats or boarding paying passengers, use of the Port of Brownsville address, use of boat, telephone, or facsimile number in any advertising, brochure, letterhead, business card, or other commercial document that is located at the marina.
4. Tribal and commercial fishing boats are allowed to moor on the outside of the east and north breakwater of the marina. They may be assigned to slips inside the marina only as available and at the discretion of the Port. Commercial boat launch fee will be applied per the Port tariff which allows Tribal and Commercial fishing boats to off load their product at the boat launch onto commercial trucks for transport offsite. However, they are not allowed to sell product to the public directly from the boat or the dock.

B. COMMERCIAL VESSEL RULES AND BOAT LAUNCH ETIQUETTE

1. At all times ---- the recreational boater has the right of way at the boat launch whether they are launching or retrieving their vessel. This right of way includes the channel leading from the fuel dock to the boat launch itself and the area at the top of the boat launch to the street.
2. It is the Boat Owner's or Boat Operator's responsibility to ensure the vendor's trucks do not block the boat launch ramp or the recreational vehicle dump station not Port Staff. There is sufficient room to the south side of the launch area for two trucks at a time to stage. Additional trucks can stage in the parking lot and be called to the boat launch area when a space is available. NO commercial vehicles are allowed to park, load or offload on the ramp itself.

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3. At anything less than a plus 4 tide, only **ONE** commercial boat at a time is allowed on the boat launch to load or offload product or passengers. That one boat must not tie up across the end of the ramp in such a way that both sides of the ramp are blocked.
4. One vessel at a time while waiting to offload product at the boat launch may use only the west side of the fuel dock to tie up while waiting, provided there is no one trying to launch or retrieve sail boats at the Peninsula Sailing Club float area.

XI

CONTRACTOR ACTIVITIES

A. Contractor Activities

1. No contractor, subcontractor, construction company, service organization or individual will be permitted to work on any vessel berthed at Brownsville marina or on marina property without proof of having a valid Business license, comprehensive general liability insurance or its equivalent in an amount of at least one million dollars (\$1,000,000.00) and worker's comp coverage on file with office.
2. Contractors must be accompanied by the boat owner while they are on the docks. If the boat owner cannot be present, the boat owner must inform the marina office prior to admitting the contractor on the docks. All contractor are required to check in at port office prior to accessing the docks. Contractors are permitted only during the ports hours of operation unless accompanied by the boat owner or by prior permission of the Port Manager.
3. Contractors further agree to comply with all applicable Federal, State, County and local rules, regulations, orders, statutes and laws.

XII

GRIEVANCE PROCEDURES

A. PURPOSE

To provide a procedure for the prompt review, impartial consideration and equitable disposition of any grievance presented by an individual.

B. GENERAL

1. Individuals and groups are to be treated fairly in all respects. Any individual or group who feels they have been subjected to unfair treatment or discrimination shall have the right to present their grievance according to the procedures as described in this section.
2. A grievance may be defined as any unresolved dissatisfaction with the operation of the Port of Brownsville as applied in accordance with the Port of Brownsville Marina Regulations and Policies.
3. Any individual or group filing a grievance shall be free from restraint, coercion, discrimination or reprisal. When grievances arise, they should not be considered as individual expressed right.
4. A copy of all documents resulting from the grievance procedure shall be filed in the Port Office.

C. GRIEVANCE PROCEDURE

STEP 1 – Port Manager

- a. Individuals and groups shall present their grievances in writing to the Port Manager.
- b. Individuals and groups may select other persons at the individuals or groups own expense to represent them.
- c. Upon receiving written notice of the grievance, the Port Manager may wish to investigate the grievance further before meeting with the individual, group and/or their representative(s). In any event, the Port Manager shall arrange to meet with the individual, group and/or their representative(s) and others the Port Manager deems appropriate, within five (5) working days after receipt of notification of the grievance.
- d. The Port Manager's decision shall be conveyed in writing to the individual, group and/or their representative(s) either at the scheduled meeting or within two (2) working days following the conclusion of the meeting. If the grievance is settled at this step, no further action is taken.
- e. If the grievance is not settled or the individual or group is not satisfied with the Port Manager's decision, the individual or group may request a hearing before the Board of Commissioners. Such hearing shall be requested in writing within five (5) working days of receipt of the written decision from STEP 1 paragraph d.

STEP 2 - Board of Commissioners

- a. The Board of Commissioners shall consider the grievance appeal at their next scheduled meeting.
- b. The Port Manager shall submit all information available from STEP 1, to the Board. After review of this data, the Board may decide to further investigate the grievance and reconsider the decision of the Port Manager or they may uphold the decision reached by the Port Manager.
- c. If the Board decides to investigate the grievance further, they may request the individual and/or their representative and the Port Manager, plus other persons whom the Board deems appropriate, to appear at the next executive session convened to hear the grievances. A final decision of the Board shall be determined by a majority vote with a quorum present. The Board's decision shall be conveyed in writing to the individual within five (5) working days following the conclusion of the meeting in which disposition of the case is determined, with copies distributed to the Port Manager for inclusion in the official minutes and the Port office files.
- d. The Board of Commissioners' action shall be considered as final, satisfying the obligation of the Port regarding the consideration of the grievance. If further action is desired, the individual concerned may exercise their right to present their grievance before the appropriate state court having jurisdiction.

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Boathouse Specifications and Standards



SPECIFICATIONS, STANDARDS & REQUIREMENTS for Privately owned Boathouses Moored at Port of Brownsville

The below specifications and standards in no way alleviates or exempts the boathouse owner from the general requirements of the Port of Brownsville Rules and Regulations.

When a Boathouse moored at the Port of Brownsville Marina is upgraded or modified, all changes shall be subject to the following requirements and specifications.

All boathouses moored at the Port of Brownsville Marina shall be in full compliance with the electrical wiring section requirements outlined in this Specifications, Standards and Requirements by 1 August 2010.

All boathouses moored at the Port of Brownsville Marina shall be in compliance with paragraph 4 of the Structural Requirements section of these Specifications, Standards and Requirements by 1 August 2012.

All boathouses moored at the Port of Brownsville Marina will be required to comply with all relevant electrical, plumbing, fire, life safety and environmental codes of the County of Kitsap and State of Washington applicable to boathouses by 1 August 2015. This includes compliance to paragraph one (1) of the structural requirements section of these Specifications and Standards. Any boathouse not in compliance may be charged a daily fee in accordance with the Port's current tariff and could ultimately be subject to seizure and sale per RCW 53.08.320.

If a boathouse owner sells his / her boathouse prior to 1 August 2015 and the boathouse is not in compliance with the above requirements by the dates specified, the purchaser will have 12 months from the date of purchase to bring the boathouse into compliance. However, unless a waiver of these requirements are granted by the Port, full compliance must be accomplished by 1 August 2015 regardless of date of sale.

GENERAL CONDITIONS:

1. Boathouses are only permitted in those areas of the marina designated by the Port. To ensure size and fit, Boathouses may be moved at the discretion of the Port. Should it become necessary for a boathouse to be relocated, the Port shall provide adequate notice to the owner so that the move can be accomplished without hazarding the boat and the contents of the boathouse. The owner or an authorized representative shall be present and shall be responsible for moving the boat.
2. The Boathouse owner should always perform any work on or in a boathouse in a manner that does not impact fish, wildlife and the natural environment.
3. The Boathouse owner must maintain the boathouse in good condition. Siding, roof and doors will be in good repair. Broken windows must be repaired immediately. The term “in good condition” is subjective and very much a matter of personal opinion. However, as used here it means that using a reasonable person standard the boathouse will be structurally sound, undamaged and esthetically pleasing to the eye. If any dispute arises concerning the outward appearance and condition of a boathouse, the Port shall have the final say. However, the Port will not offer an opinion as to the structural integrity of a boathouse.
4. Since the Port has no sewer lines that a boathouse can permanently connect to, the installation of bathroom or laundry facilities, i.e. stools, showers and washing machines are not authorized. The federal and state regulations governing the discharge of any solid or liquid waste from boats into the waters of Puget Sound shall apply equally to boathouses moored at the Port of Brownsville. See section IV paragraph D, Discharge of Sewage.
5. Any liquid combustible material (oil, paint, solvent, etc.) stored in a boathouse shall be kept in closed containers placed inside a closed non-combustible enclosure (e.g., metal cabinet) and not on open shelves.
6. Boathouses shall be adequately secured to the dock with chain or rope. The Port has provided two 12” aluminum cleats on the main walkway and two on each spacer unit. The boathouse must be attached to all four cleats. The Port has also provided four standoff units for each boathouse to keep the boathouse from rubbing against the main walkway and spacer units. If the boathouse owner is using galvanized steel chain, it is recommended that stainless steel shackles be used to attach the chain to the aluminum cleats.
7. It is recommended that the name of the Boathouse owner and contact phone number be displayed on the boathouse to allow the Port or first responder to contact the owner in case of emergency.
8. The boathouse owner shall provide a key and / or combination to the boathouse entry door to the Port office. The Port shall store the keys and combinations in a secure location and may use them without prior permission of the owner for emergency response only.

STRUCTURAL REQUIREMENTS

1. Owners are responsible for the integrity of boathouse floatation systems and shall initiate corrective action when the floats have deteriorated to the point that damage to the environment is imminent or has started to occur. Determination of float deterioration shall be at the discretion of the Port Manager or Maintenance Manager. When upgrading a floatation system, owners shall install devices approved by the Port (e.g., Styrofoam encased by high density polyethylene (HDPE) plastic tubs or variable ballast plastic barrels.) At the request of an owner the Port may approve similar or more advanced systems that prevent the release of Styrofoam or other floatation material to the environment.
2. When and if the side or front panels require upgrading or replacement, owners shall replace the side or front panels using minimum 26 gage steel panels. Galvanized steel, fiberglass, vinyl, plastic or aluminum panels **cannot** be used.
3. All wood structural material that is treated with a chemical wood preservative shall be kept at least four inches above the normal surface of the water. Wood that may come in contact with the water, such as structures holding variable ballast drums in place or sill spreaders, may be treated only with a chemical preservative that meets Environmental Protection Agency (EPA) standards and has been certified for use in marine environments (e.g., Lifetime ®), (Wood treated with Chromated Copper Arsenate (CCA-C) is no longer authorized). For wood structures that will come into regular contact with the water, it is recommended that the owner consider using a wood that is naturally resistant to decay, insect infestation and microbial intrusion (e.g., Teak, Western Red Cedar, one of the species of Purpleheart or Ironwood).
4. The original roof height and style cannot be increased or modified without submitting a written request including plans and specifications to the Port Manager for review and final approval by the Port Commission. This includes new construction and rebuilds.

Should the roof of an existing structure need to be modified to meet the requirement of an 8/12 pitch the boathouse owner must submit plans and specifications to the Port Manager for review and final approval by the Port Commission.

Under no circumstances shall dormers and gables be added unless the original roof style of the boathouse structure included these features.

5. Under no circumstances shall bathroom or laundry facilities be added. See General Conditions paragraph 4.
6. With the environmental requirements concerning environmental impacts, owners of privately owned boathouses will no longer be authorized to increase the footprint of their existing structures. (See Marina Rules and Regulation section IV paragraph J, subparagraph 4)
7. The roof shall have a minimum of four (4) burn-out panels, fiberglass or plastic, to help reduce the risk of fire spreading horizontally to other boats or boathouses. The remaining panels shall be of a minimum 26 gage steel. Galvanized steel, fiberglass, vinyl, plastic or aluminum **cannot** be used. The roof overhang (eves) may not exceed four (4) inches.
If the boathouse roof is not in compliance with paragraph 4 above, this requirement will not constitute mandatory modification of the roof pitch.

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8. For safety and security purposes, a window shall be installed in the dock end (proximal) of the boathouse, either in the wall or door, to permit unobstructed viewing of the vessel moored inside. The view through the window may not be obstructed during the period when the owner (or their representative) is not present.
9. Boathouse owners should consider the option of installing an underwater spreader to maintain boathouse rigidity if the boathouse is prone to excessive flexing due to the points of moor and the location within the marina with respect to wind direction. Spreaders shall be shallow enough not to touch the bottom at extreme low tide.
10. Boathouse owners are responsible for the connection of the boathouse to the dock and for maintaining the buffers between neighboring boathouses. See rule for securing boathouses to the dock under General Requirements.

ELECTRICAL WIRING

1. Connections to Port electrical stations for boathouses, their supply lines leading to internal electrical distribution panels and all internal boathouse wiring shall be in accordance with current Washington Administrative Code (WAC) 296-46B requirements for floating structures. Copies of the applicable WAC requirements are available in the Port office.
2. Any new or revised electrical work must be permitted, and inspected by Labor and Industries (L&I) electric in accordance with the WAC requirements.
3. Items boathouse owners should be concerned about regarding floating structure WAC requirements include, but are not limited to:
 - a. Use of appropriately rated twist plugs and flexible (stranded) wire connecting Port electrical station to internal service panels. (Note: Common romex solid copper wiring is not allowed for supply line from Port power stanchion to internal service panels). The power supply cables shall be properly supported and protected from physical damage in accordance with WAC requirements including, but not limited to, where cables pass through the boathouse structural member / siding.
 - b. For boathouses using 240 volt 50 amp shore power, it is recommended the boathouse distribution panel be wired to dedicate one 125 volt leg to the boat and the other 125 volt leg to the boathouse.
 - c. Shore power service connections at Port electrical station are rated as either 125 volt with 30 or 50 amps or 240 volt with 50 amps. Owners are responsible for ensuring electrical loads do not exceed authorized power ratings going to their boat or boathouse.
4. The dockside power pedestals are equipped with both 125 volt 30 amp and 240 volt 50 amp circuits. Due to power distribution restrictions under normal circumstances a boathouse owner shall not hookup to more than one circuit. When authorized by the Port a minimum number of boathouses may be allowed to use two circuits. If and when this authority is granted, the boathouse owner will be charged for the use of two electric circuits.



Best Management Practices



You've tuned up your boat and it's running better than ever. It's scrubbed, cleaned and ready for use. You couldn't be happier, until you look at all the waste you've created.

How can you properly dispose of these products?

Keep Reading.



Let's keep it clean together.



PORT OF BROWNSVILLE

9790 Ogle Rd • NE Bremerton, WA 98311

Best Management Practices

The following BMPs are intended to be practical and affordable actions that can reduce pollution at the source, but they will only work with everyone's participation. By effectively implementing control measures we may be able to avoid more expensive and restrictive measures in the future by regulatory agencies.

Note: 30 Amp Ground Fault Circuit Interrupt (GFCI) pig tails are available from the Port and should be used anytime electrical equipment is plugged into a dock side power pedestal.

Note: Marina management encourages all vessel owners to adhere to the following Best Management Practices:

Bottom Paint

- A. Boat hulls with soft or ablative anti-fouling paint shall not be scrubbed or cleaned in the marina by divers or with underwater scrubbing devices. Approved haul-out facilities must be used for these coatings. Mechanical devices or scrapers, or any process that removes paint underwater may not be used.
- B. In water hull cleaning is allowed for vessels not painted with sloughing or ablative paint. However, during the cleaning process, any turbidity, oil sheen or discoloration to the water is considered a violation RCW 90.48 and is prohibited. Divers are not allowed to leave any sort of material in the water including debris or zincs.
- C. Contractors must dispose of their own waste off site. The marina is not permitted to handle hazardous wastes generated by commercial operators or maintenance contractors.
- D. Per Revised Code of Washington (RCW 70.300.020) Antifouling Paint Containing Copper.
 - I. Beginning January 1, 2018, no manufacturer, wholesaler, retailer or distributor may sell or offer for sale in this state any new recreational water vessel manufactured on or after January 1, 2018, with antifouling paint containing copper.
 - II. Beginning January 1, 2020, no antifouling paint that is intended for use on a recreational water vessel and that contains more than 0.5 percent copper may be offered for sale in this state.
 - III. Beginning January 1, 2020, no antifouling paint containing more than 0.5 percent copper may be applied to a recreational water vessel in this state.

Engines and Bilges

- A. Absolutely no oil, fuel or anti-freeze is to be discharged into the marina. Use absorbent bilge pads to soak up oil and fuel.
- B. Do not pump contaminated bilge water into the marina. Install a manual bilge pump shutoff switch to avoid discharging contaminated bilge water
- C. Never drain oil, antifreeze or other liquids into the bilge. Use pumps to drain engine oil directly. Recycle all waste oil and antifreeze on shore.
- D. Do not dispose of fuel, oil or filter in the trash containers. Recycle oil, antifreeze and oil filters at appropriate shore-side facilities. Do not mix any other fluid with waste oil when pouring into recycling tanks. Waste oil contaminated with other materials cannot be readily recycled and disposal costs increase dramatically.
- E. Do not use detergents or soaps on fuel, oil or otherwise contaminated bilge water. While enzyme-based bilge cleaners are generally safe to use, it may take some time before the oil sheen is gone. It is best to remove contaminated water and dispose of it appropriately at on-shore facilities. The discharge of emulsified oil is a violation of state law. Use absorbent pads.
- F. In this state, boats over 26' in length are required to display an "oil discharge is prohibited" placard near the bilge pump switch (placards are available at most marine supply stores). Fines for discharging oil from a bilge can amount to as much as \$20,000.00 per day per violation.
- G. **DO NOT** dispose of batteries in or around the Port dumpster. Recycle at point of purchase or use the battery recycling tray outside the deli.
- H. The Port will accept some items for recycling. See attached section on recycling.

Boat Fueling

- A. All boat fueling shall be done at Ports fueling station at the end of A-Dock. Do not fill containers and attempt to fuel your boat in your slip.
- B. Report oil and fuel spills immediately to the Port Office or to the fuel dock attendant. It will be the Port's emergency response coordinator that will determine if 911 and the national response center should be called.
- C. If you cause a spill, stop it at the source and start to clean it up immediately. The fuel dock attendant will provide assistance until the Port's emergency response coordinator is on site. **DO NOT** pour liquid detergent onto the spill! This is illegal, makes recovery impossible and makes the spill worse under the surface.
- D. Do not top-off or overfill tanks. Know your fuel tank capacity and don't wait for fuel to spill out of the overflow vent to indicate full. Place a "No Spill" bottle over the vent or place an absorbent pad at the fuel vent in case of accidental overflow. Remember warm weather and direct sunlight can cause expansion and a fuel vent to spill even after fueling is complete.

Surface Preparation and Refinishing

- A. Painting and refinishing of boats in the water is limited to minor touch ups. All work must be contained. Major work involving more than 25% of the boats above water surface areas must occur on land at a permitted boatyard. Schedule your cosmetic work during haul-outs. New or substantial exterior work encompassing more than twenty-five (25) percent of the hull's surface should be reviewed with the Port Manager.

- B. Use biodegradable, phosphate free cleansers and teak cleaners.
- C. Use a tarp to capture all scrapings, debris and drips. Any discharge to the water is a violation of state and federal law. Airborne particles may damage adjacent boats.
- D. Stretch tarp between side of boat and dock when working over water.
- E. Vacuum dust and debris every time you move the tarp or every hour.
- F. Reverse the boat in the slip to work on the far side. Do not work from a small boat.
- G. When sanding outside surfaces use vacuum sanders.

PAINTING AND VARNISHING

- A. Mix paints and epoxy in such a manner that it cannot enter the water if spilled.
- B. Always use a drip pan and drop cloth.
- C. Spray painting is not allowed within the Marina.
- D. When working over water, use tape and visquine or a tarp to cover the gap between the boat and dock.
- E. Keep absorbent pads and thinner on hand in case of an emergency.
- F. Use up remaining small amounts of paint by spreading on an old board.
- G. No cans of paints or solvents are allowed to be stored on board boats, in boathouses or dock boxes. Remove all such items from the Port after each use.
- H. Paint and solvents shall not be left unattended on the docks at any time.
- I. **DO NOT** dispose of paints or solvents in the Port dumpster. With the tops off, let empty paint cans dry thoroughly before disposing of the container.

Vessel Cleaning

- A. Scrub and rinse your boat often. A quick rinse after each outing reduces the need to scrub the top-side with harsh cleaners.
- B. If cleaners are used, no visible suds or discoloration of the water is permitted. Spot clean or use small amounts of phosphate-free and biodegradable soaps only when necessary. Otherwise, use alternative such as baking soda or vinegar as all-purpose cleaners. Remember there is no legal discharge of any cleaner into the water.
- C. No pressure washing of any kind is permitted in upland areas. No boat or vehicle washing is allowed in the marina parking areas.

Sewage and Gray Water

Discharge of untreated sewage anywhere within the waters of Puget Sound is prohibited by law (Federal Water Pollution Control Act, 33 USC 1322; Revised Code of Washington RCW 90.48 Water Pollutions Control Act).

- A. **DO NOT** discharge sewage directly overboard. Discharge within three (3) miles of land is illegal and subject to fines.
- B. Y-valves must be safety wired to ensure sewage flows into a holding tank and not overboard.
- C. Use Porta-Potties or on board holding tanks.
- D. Use the permanent pump out stations or contact the Port for use of the mobile pump out unit. For a fee, sanitary pump out services can be provided by the Port.
- E. Even treated sewage is a threat to shallow water environments. Do not discharge treated sewage (including Coast Guard approved Marine Sanitation Devices MSD's).

- Type I: a device that relies on maceration and disinfecting for treatment of the waste prior to its discharge into the water. The standard in 33 CFR Sections 159.123 and 159.125 is that the effluent has a fecal coliform bacterial count not greater than 1,000 per 100 milliliters and no visible floating solids.
 - Type II: a device that is similar to the Type I. However, the Type II device provides an advanced form of the same type of treatment and discharges wastes with lower fecal coliform counts and reduced suspended solids. The standard described in 33 CFR sections 159.126 and 159.126(a) is that the effluent has a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.
 - Type III: a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage. Type II MSDs are commonly called holding tanks because the sewage flushed from the marine head is deposited into a tank containing deodorizers and other chemicals. The contents of the holding tank are stored until it can be properly disposed of at a shore side pump facility.
- F. Minimize detergent usage and oily food waste in on-board sinks and showers. Scrape off table scraps and dispose of in the trash.
- G. Use shore side restroom facilities whenever possible.

Solid Waste Disposal

- A. Securely store all garbage for shore side disposal. If it goes aboard, it comes ashore.
- B. Dispose of all garbage in the Port provided trash receptacles.
- C. Collect all pet waste in plastic bags or mutt mitts (provided in various locations throughout the marina). Dispose of them in marina trash receptacles.
- D. Aluminum cans, cardboard, glass, mixed papers and plastic may be disposed of in the appropriate recycling containers or at local recycling centers.

Hazardous Waste / Chemical Storage

- A. Contact the county to locate an off-site disposal facility. Do not dispose of any liquid paint, solvents or other hazardous wastes in the marina trash receptacles or any solid waste container. Completely dry all paint cans before placing in the trash.
- B. All hazardous waste must be disposed of properly. Do not dispose of the following in the marina trash receptacles:
 - Fuel, used oil, used oil filters, antifreeze or transmission fluid
 - Paints, solvents or varnish
 - Batteries
 - Shop rags or absorbents used to wipe up chemicals
- C. Purchase only the amount of materials you need. Use up remaining paint if possible. Take excess paints and chemicals home or dispose of them at the local hazardous waste facility. Do not discard these materials in the sewer or storm drains.
- D. Store chemicals / paints at home. **DO NOT** store chemicals or any hazardous substance on the boat, in boathouses or dock boxes. Spare fuel may be stored in approved containers on boats only.

Disposal of Hazardous Waste

You've tuned your boat up and it's running better than ever. You cleaned off the scum and redid the bright work. You couldn't be happier until you look at all the hazardous waste you've created. You have a container of oil, some left over paint and varnish and because you were a conscientious boater you have a hand full of absorbent rags.

How can you properly dispose of these products?

One thing is for sure; **DO NOT** put them into the Port Dumpster, your garbage can at home, or dump them on the ground or in the water. Instead, take them to one of the many facilities set up to handle these potentially dangerous products.

The Port **WILL** accept minimum amounts of oil, gas, diesel, filters (oil & gas) and absorbents from Port tenants performing routine maintenance and servicing on their boats. Up to five (5) gallons of Contaminated bilge water **WILL** be accepted, as well as oil or fuel soaked absorbents from bilge cleanup. Contact Port office for access to recycling containers.

Moderate Risk Waste Collection Facility. 5551 SW Imperial Way, Port Orchard, WA (Bremerton Airport Industrial Complex) (360) 895-5777 or (800) 825-4940.

All Kitsap County residents, whether you live in a city or in the unincorporated areas of the county, may use this facility to put waste in its proper place.

Three days a week you may drive up and dispose of moderate risk waste safely. **There is no charge for this service.**

Moderate risk waste has hazardous properties such as flammability, corrosivity, reactivity or toxicity. Look for products that include the words **Caution, warning or danger** on the label. These common cleaners and chemicals can be dangerous to store and dangerous to the environment when disposed of improperly. Disposal of this type of waste in your garbage can, local landfill or the Port Dumpster is prohibited by State, County and Port regulations.

Examples of moderate risk waste include **household cleaners, automotive and boat products** (anti-freeze, transmission fluid, brake fluid), **garden chemicals** (herbicides, pesticides, fungicides) **oil-based paints, stains, solvents and batteries** (household, boat and automotive).

Some types of waste cannot be accepted at this facility. Please **do not** bring non-hazardous household waste, radioactive waste, fluorescent tubes, empty containers, medical waste, flares, explosives, ammunition or asbestos.

Do not bring containers larger than 5 gallons. Call ahead for an appointment to dispose of waste in large containers.

The following basic rules apply for all collection sites.

BASIC RULES

1. **Used Oil:** choose a clean, dry, reusable container to collect your oil. Collected oil must be free of contaminants to be recycled. Make sure that no gas, antifreeze, brake fluid or other fluids are mixed with the oil.

If your oil becomes contaminated, you may only dispose of it at the Moderate Risk Waste Collection Facility.

Oil filters from non-commercial vehicles are accepted for draining and disposal at the listed sites. Instruction for filter handling are posted at these facilities.

2. **Antifreeze and other automotive or boat fluids:** use a clean, dry, disposable container to collect fluids for disposal. Common boat and automotive fluids include antifreeze, transmission fluid, brake fluid, gasoline, diesel fuel, automotive or boat waxes and cleaners. These products are collected for disposal only at the Moderate Risk Waste Collection Facility.
3. **Batteries:** when you purchase a new battery, return your old battery for refund of the disposal fee. Batteries may also be placed on the recycle tray beside the deli or taken to any of the recycle sites listed.
4. **Tires:** contact your local tire dealer for disposal options, limits and costs. Tires are also accepted for disposal at the listed sites for a fee. There is a limit of four tires per customer at these sites.

Recycling Sites

The following is a list of some of the recycling sites in Kitsap County along with what they will accept for recycling. For an up to date listing by item, you can log onto the Kitsap County's web page kitsapgov.com/sw/recycle.asp

It is important to note that on some of these items a disposal charge may be collected. Call ahead to determine if there will be a charge for the items you are trying to dispose of.

Hansville Drop – Drop Box

Located off Hansville Road. Hours 8am – 3:30pm every day. Phone (360) 638-2710

Accept: Motor oil, oil filters, batteries, tires, antifreeze, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, scrap metal, appliances.

Poulsbo Drop-Box

Hours 8am – 2pm Tue – Fri, 9am – 4pm Sat. Phone (360) 779-1040

Accept: Motor oil, oil filters, batteries, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, mixed paper, office paper, scrap metal.

Vincent Road Drop-Box

Bainbridge Island Hours 10am – 4pm Wed – Sat. Phone (206) 842-0962

Accept: Motor oil, oil filters, batteries, tires, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, mixed paper, office paper, scrap metal, appliances.

NSB Bangor

Local area DOD or military ID required.

Hours: 6am – 4:30pm Mon – Fri, 8am – 4:30pm Sat. Phone (360) 396-7005

Accept: Motor oil, batteries, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, office paper (types of materials accepted vary. Please call for current list of acceptable material).

Silverdale Drop – Box

8843 NW Dickey Rd. Hours: 9am – 5pm every day. Phone (360) 692-5900

Accept: Motor oil, oil filters, batteries, tires, antifreeze, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, scrap metal, appliances.

Olympic View Sanitary Landfill

10015 Barney White Rd, Port Orchard. Hours 8am – 4:30pm Mon – Sat.

Phone (360) 674-2331.

Accept: Motor oil, oil filters, batteries, tires, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, scrap metal, appliances.

Olalla Drop-Box

Burley-Olalla Rd. Hours 9am – 5pm Fri – Tues. Phone (253) 857-5034

Accept: Motor oil, oil filters, batteries, tires, glass, aluminum, tin cans, plastic bottles (soda and milk), newspaper, subscription magazines, corrugated cardboard, scrap metal, appliances.

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