

NSC - Mooring Allocation Policy

Updated: March 2012

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1 Authority and Responsibility

1.1 Authority

The Mooring Allocation Policy (MAP) has been prepared by the Mooring Allocation Committee (MAC) and approved by the Board of Directors (The Board) in accordance with the current by-law(s) of the Nepean Sailing Club (NSC).

This MAP replaces the previous MAP, and is effective as of March 6, 2012.

Responsibility for property that is lost or damaged as a result of this Policy is not described in this document. In general, NSC accepts no responsibility for Members property that is lost or damaged whilst on NSC premises as described in other Policies and NSC by-laws. The current NSC By-Law shall govern any dispute with respect to this policy.

1.2 Responsibility for Policy

The Rear Commodore is responsible for the operation of this MAP and shall be assisted by a MAC, established by and operating under the MAC Terms of Reference.

1.3 Charges

Charges may be levied against Members and others for various actions and services described in the policy. The amount of such charges shall be as determined from time to time by The Board.

2 Objectives & Principles

2.1 The objectives of this policy are to:

1. Ensure the optimum and safe use of the Harbour, and Boat Yard facilities for all Members, all vessel types, and all visitors and guests;
2. Establish the Club's policy for the allocation and management of Moorings and Slips;
3. Provide equitable treatment of NSC Members;
4. Provide equitable solutions to disputes;

2.2 Principles

1. Tenure of Mooring privileges is a fundamental aspect of membership, subject to the limitations described in this policy;
2. In every case where a change of Slip is being considered, advance notice to the affected Member must be given prior to the publication of allocated Slips as required in paragraph 5.11.
3. Only Members vessels which do not exceed the maximum values for Length over all and Beam may be allocated a Mooring or Slip in the Harbour or Boat Yard. Boats having a beam that exceeds the maximum value may be allocated a Mooring or slip at the discretion of the Harbourmaster. Members' vessels which exceed the

maximum Draft set for the Harbour, may only be allocated a Mooring or Slip after the Member has provided written acceptance of the risks of mooring such a vessel.

Maximum values are as follows.

Maximum LOA is set at 37.5'

Maximum Beam is set at 12' 9"

Maximum Draft is set at 5' 6".

3 Definitions

1. *"Harbourmaster"* is the Rear Commodore or Assistant Harbourmaster or in their absence and upon their delegation, the NSC Manager.
2. *"Member"* means a person who is a Member of the Club in good standing.
3. *"Harbour"* is as defined in the NSC by-law and means that portion of the Ottawa River on Lac Deschenes located at Dick Bell Park, 3259 Carling Avenue, Ottawa, Ontario consisting of that body of water enclosed by the breakwater, and surrounding the dinghy launch ramps, including the entrance channel within the markers.
4. *"Boat Yard"* means that part of NSC premises formed by the area north of the fence, east of the Harbour and west of Stillwater Creek, including the Dinghy Park, ramps and the area around the sailing school pavilion.
5. *"Slip"* is a space assigned to a boat in the harbour or the boat yard.
6. *"Mooring"* is an option to be allocated a Slip by the MAC for the current year. A Mooring shall be renewable each year for as long as the Member continues to own his / her current vessel and is compliant with other sections of this policy and Club Bylaws. There is no guarantee that the same Slip will be allocated for the Mooring each year, as Slip allocations may change in order to maximize the utilization of the harbour. Allocation of a Mooring in the event of a change of owner or vessel is subject to availability as provided for elsewhere in this policy.
7. *"Suitable Slip"* means a Slip for which vessels measurements are within the given parameters of that Slip.
8. *"Dry Slip"* is an assigned space in the Boat Yard to keep a Trailer Launch Boat or Dinghy.
9. *"Wet Slip"* is an assigned Slip in the Harbour.
10. *"Trailer Launch Boat"* means a boat stored on a trailer and that is assigned a Dry Slip and is launched and retrieved either by a NSC crane or from a Launch Ramp outside the Boat Yard.
11. *"Trailer Launch Area"* means the area allocated by the Harbourmaster with Dry Slips that are assigned to Trailer Launch boats.

12. "*Tender*" means a secondary boat intended to be towed behind, hung from davits or stored on the deck of a larger boat.
13. "*Dinghy Park*" means that part of the Boat Yard used by Members for their dinghies and recreational purposes.
14. "*Wait List*" means a two part list maintained by the club, which contains names of eligible Members who wish to be allocated a Mooring. Each part of this list is sorted by membership points (Seniority)
 - Part 1) Members requesting a new Mooring to accommodate a change in boat where the allocated Slip is no longer a Suitable Slip or Members who had been allocated a Slip but not a Mooring in the previous sailing season and all Absentee Slip holders.
 - Part 2) All other Members requesting a Mooring, including pre-paid future Members regardless of whether they have been given the use of a Slip or not.
15. "*Club Launch Day & Club Haulout Day*" means the day of the calendar year designated by NSC.
16. "*Boating Season*" means the time between Harbour Opening Day and Harbour Closing Day.
17. "*Statutory Holiday*" is defined as the period beginning at noon on the day before the statutory holiday to sunset on the day of the statutory holiday.
18. "Absentee Slip Holder" means a Member, previously assigned a Mooring, who has elected to, upon payment of the applicable fee, forfeit his assigned Mooring and have his / her name placed on Wait List – Part 1, for the following Boating season.
19. "*Fleet positioning*," means the allocation of Slips in proximity to other Slips currently occupied by boats of a similar make or model, e.g. grouping a one-design fleet in proximity to one another.
20. "Seaworthy" means that "the vessel must have that degree of fitness that an ordinary careful owner would require his vessel to have at the commencement of her voyage having regard to all the probable circumstances of it"; or, "a ship is deemed to be seaworthy if it is reasonably fit in all respects to encounter the ordinary perils of the seas of the marine adventure insured" [*Canadian Maritime Insurance Act, Section 37(5)1.]
21. "Length overall (LOA)" means the length of the vessel from the furthest point forward on the bow to the furthest point aft on the stern. Including such things as a pulpit, outboard motor and bracket, rudder, davits, anchor mounts, etc.,

4 Harbourmaster's Authority

The Harbourmaster's authority extends to any person or boat using the NSC Harbour or Boat Yard facilities. Subject to the NSC by-laws, and policies, the Harbourmaster has the authority to:

1. Direct and control all matters relating to the operation and maintenance of the Harbour and Boat Yard
2. Move boats for reasons of safety, security, boat yard efficiency or other reasons of an immediate nature. Owners affected by such action shall have the right to an explanation of the circumstances and, in the event an owner disagrees with the movement of the boat, the right to appeal the decision;
3. Determine and enforce traffic and usage rules within the Harbour and Boat Yard, including fueling, pump-out, service, and all related facilities;
4. Enforce the use of adequate Mooring lines and to augment and/or replace lines as deemed necessary, at the owner's cost;
5. Prohibit the attachment of non-authorized materials or modification to any NSC property or installation within the Harbour or Boat Yard;
6. Deny a Slip to any boat not insured or maintained in a seaworthy condition and, if located in the Harbour or Boat Yard, to remove such boat from the Harbour or Boat Yard at the owner's risk and expense. Thereafter No Slip may then be allocated, unless the owner can provide a satisfactory survey from a qualified Marine Surveyor stating that the boat is in a seaworthy condition or in the case of an uninsured boat, proof of insurance is provided.
7. May measure, or cause to be measured, any vessel to determine its actual LOA, Beam or Draft. The owner of the vessel in question shall have the right to be present in such cases.

5 Mooring Privileges

5.1 Mooring Privileges

All Slips are the property of the NSC and may only be occupied as authorized by the NSC. The holder of a Mooring has the right to occupy the Slip allocated to him, subject to and within the framework of this policy. There is no guarantee that the same Slip will be allocated for the Mooring each year, as Slip allocations may change in order to maximize the utilization of the harbour. Allocation of a Mooring in the event of a change of owner or vessel is subject to availability as provided for elsewhere in this policy.

The current holder of a Mooring cannot pass the right of occupancy of that Slip to any other person.

No vessel with a LOA, as defined by this MAP, in excess of 37.5' shall be allocated a Mooring, a Slip or be allowed to be stored in the boat yard. Boats in excess of 37.5' which were allocated a Mooring or a slip prior to January 1 2012 may continue to be allocated a Mooring or a Slip until a change of owner occurs, at which time the boat must be removed from the NSC property. Boats in excess of 37.5' stored in the boat yard prior to January 1, 2012 may remain in storage until a change in owner occurs or the time limit on boat storage (as defined in the Harbour Policy), elapses, at which time the boat must be removed from NSC property.

5.2 Points System

The primary criterion in the allocation of a Mooring is the total number of accumulated points held by a Member. The point system is based on the type of Membership and years of Membership as described in NSC by-law No. 1.

5.3 Multiple Moorings

In addition to their Mooring, additional Slips may also be allocated to Members seeking multiple Slips but only if there is space in the Harbour or Boat Yard after the elimination of names on the Wait list Part 1 and Part 2.

5.4 Mooring Allocations

Subject to other provisions of this policy, Mooring allocations are renewable from year to year. A Mooring shall not be allocated to a non-Member.

5.5 Slip Allocations

A Slip is provided on a temporary basis. Slips are not renewable and expire no later than the end of the current season or at the end of such shorter period as may be determined.

Slips may be allocated to non-Members at the discretion of the MAC or, if delegated to him/her, by the Club Manager if there is space after the elimination of names on the Wait List, parts 1 and 2.

For Members whose names are on the mooring Wait List - part 1 or part 2, allocation shall be in strict order of accumulated points or in the event of equal points, the date of application for a Mooring.

Where a Member applies for a Mooring after the allocation of Moorings by the MAC in a given year, that Member shall be allocated a Slip for the remainder of that year if a vacant suitable Slip exists, and the Members name shall be placed on the Wait list – Part 1, or if no Suitable Slip is available, the Members name shall be placed on the Wait List – Part 2. Once allocated a Slip, a member shall continue to be allocated a Slip, subject to availability, until a Mooring can be allocated by the MAC.

Following publication by the MAC of the "final" Mooring allocation for the season, the club manager may allocate any remaining Slips or newly vacated Slips in accordance with this MAP. All such allocations shall be considered Slips and will be reviewed at the subsequent MAC before being designated as a Mooring.

Slips may also be allocated for periods not to extend beyond the current season to:

- NSC-owned vessels;
- other vessels pursuant to any agreement entered into by the Board of Directors; or
- additional Slips for NSC Members.

The Harbourmaster shall notify holders of a Slip, if they are required to vacate that Slip before the expiry date, no less than fourteen (14) days before the date on which the Slip is to be vacated. If, following proper notification to vacate, an owner fails to remove a vessel by the specified date, the Harbourmaster has the authority to move that vessel.

5.6 *Transient Slip Allocations*

The club manager may allocate transient Slips to visiting vessels for periods not to exceed seven (7) consecutive days. For vessels whose skippers are members of a club with whom NSC has a reciprocal arrangement, fees for such transient Slips shall be waived for the first three days of any one seven (7) consecutive day period.

For vessels which are registered participants in a regatta hosted by NSC, fees for such transient Slips shall be waived for the period from one day prior to the commencement of the regatta to the last day of the regatta inclusive, or for such other period as may be arranged in advance by the regatta chair.

Notwithstanding the Harbour Policy time limits on Service and F dock Slips, visiting vessels and registered regatta participants may be permitted to moor at the Service and F docks for longer periods than normally allowed if no suitable alternative exists, at the sole discretion of the Harbourmaster or, in his or her absence, the Club Manager.

5.7 *Mooring Occupancy*

A holder of a Mooring must have his / her vessel occupying the allocated Slip for not less than sixty (60) consecutive days each season, to retain its Mooring allocation status. Normal overnight and weekend absences shall not prejudice this occupancy requirement. The holder of a Mooring must inform the Harbourmaster in writing, of any period greater than twenty-one (21) consecutive days during which his/her Slip will not be occupied, not less than seven (7) days before the date on which the Slip is to be vacated. Failure to do so may result in the Mooring being forfeited and the Slip being re-allocated to another Member.

5.8 *Slip Parameters*

Each Slip shall carry a set of parameters representing the maximum length, beam and draft it is capable of accepting. The maximum length parameter shall be set in accordance with industry standards¹ in order to maintain minimum recommended lane widths between adjacent docks. Maximum length of a vessel shall be the length overall (LOA) as defined in section 3.0, not the length on the waterline (LWL).

Due to the impracticality of physically measuring each vessel in a timely manner prior to launch, the PHRF stated LOA may be used as a "base" measurement. This shall then be adjusted to allow for such things as a pulpit, outboard motor and bracket, rudder, etc., Vessels that have extensions such as davits, anchor rollers, bowsprits, or booms overhanging the transom or bow

¹ Permanent International Association of Navigation Congresses (PIANC), Special Report of the SPN (Sport and Pleasure Navigation) Commission, Supplement to Bulletin no 93 (January 1997), "Review of selected standards for floating dock designs" (ISBN 2-87223-080-7).

shall also have those extensions included in the LOA. Any vessel owner may request a physical measurement if they feel the LOA as determined by the Harbour Committee is inaccurate. The owner of the vessel in question shall have the right to be present in such cases.

The maximum beam parameter for two Slips between adjacent finger docks shall be based upon the spacing between those finger docks. A minimum clearance between adjacent vessels shall be set in accordance with industry standards. Where one Slip has already been allocated, the remaining Slip shall have its maximum beam parameter set accordingly.

The maximum draft parameter shall be determined from the low water datum. The classification of each Slip, minimum lane widths, and clearances shall be determined and maintained as required by the MAC.

No vessel that exceeds any single Slip classification parameter shall be allocated that Slip, except at the sole discretion of the MAC.

5.9 Applications for Moorings

Application for a new Mooring shall be made in writing to the NSC office together with payment of the applicable deposit. Such an application shall include the make, model, length, beam, and draft of the vessel and any additional information the MAC may require in order to allocate a Suitable Slip. Applicants must be Members in good standing, and have paid in full all fees including the required Wait List deposit as outlined in the current fee schedule. This deposit shall be applied to the Mooring fee, when a Slip becomes available. A Wait List of Mooring applicants shall be maintained and posted as required. Where two or more persons jointly own a vessel, all such persons must be Members in good standing of the NSC. Any such application for a Mooring shall be considered and assessed as if made by the Member with the least number of points. However, in the event of any breach of this policy, the owner who is the Member with the most points shall be considered as the Member responsible for any breach of this policy and, generally, to ensure compliance with this policy in connection with that vessel.

5.10 Allocation Priority

Slips in the Harbour shall be allocated in the following order:

1. Members that had been assigned a Mooring in the previous year, and have not requested a change of Slip or changed the vessel they intend to moor.
2. Members that had been assigned a Mooring in the previous year, and have changed the vessel they intend to moor.
3. Members that had been assigned a Mooring in the previous year, , and have requested a change of Slip assignment for reasons other than a change of vessel.
4. Members who have requested a Mooring and are currently on Wait List Part 1 (See Definitions, clause 3.0).
5. Members who have requested a Mooring and are currently on Wait List Part 2 (See Definitions, clause 3.0)

6. All Request for an additional Slip from existing Mooring holders are dealt with in the priority by number of points.

If a vessel does not exceed any of the appropriate classification parameters then that Slip will be assigned to the Member. Where two or more equivalent Slips are available for allocation, the MAC shall then consider fleet positioning to determine the more suitable Slip.

5.11 Notification of Slip Allocation

The MAC shall make available to the Membership a list of allocated Wet Slips not less than twenty-one (21) days before Launch Day. The list shall be in the form of a single, master list displayed in the clubhouse or posted on the NSC web site. It is incumbent upon Members to ascertain their assigned Slip from the list. The master list shall not contain information other than the Slip number, vessel type, vessel name, and the name of the owner.

The MAC shall update and display or re-post the master list as necessary.

5.12 Late Occupancy of Slips

Slips must be occupied no later than twenty-one (21) days after scheduled Launch Day. Failure to occupy a Slip by the specified date may result in the forfeiture of that Slip and/or Mooring as well as any deposits.

Notice of a Member's inability to occupy his/her assigned Slip must be provided to the MAC, in writing, no later than twenty-one (21) days after scheduled Launch Day. Such notice must include the Member's reasons for not being able or willing to occupy the Slip. The Club will not accept any reasons for non-occupancy other than those that are beyond the member's control, including but not limited to work-related travel requirements, illness, injury, or unusually unseasonable weather conditions.

5.13 Absentee Slip Holders

Members previously assigned a Mooring are permitted to retain Slip status without maintaining a vessel in a Slip, providing that all Membership and applicable fees are paid in full. In doing so, the Member agrees to forfeit the assigned Mooring, and will have his / her name added to Wait List – Part 1 for the following sailing season.

An Absentee Slip holder must advise the Harbourmaster no later than twenty-one (21) days after scheduled Launch Day of the year in question in writing, that he or she will not be occupying a Slip for the full coming season.

5.14 Change of Slip or Vessel

5.14.1 Change of Slip (at Member's request)

A Member shall submit a written request for a change of Slip, to the Harbourmaster through the NSC office, no later than March 1 for consideration for the upcoming sailing season. Requests must include reasons and/or justification for the change. Change of Slip requests for reasons of a disability of a Member or a member of a Member's immediate family, or due to increased vessel size will be given highest priority. All requests are subject to availability and approval.

Change of Slip requests that have not been accommodated through the allocation of a new Slip shall expire at the end of the current season. However, the Member may resubmit such requests for consideration the following season if the Member wishes to continue to pursue the change. Change of Slip requests received after March 1 but before the end of the season may be considered for the allocation of a Slip for the balance of the current season.

5.14.2 Change of Slip (initiated by MAC or Harbourmaster)

Change of Slip requests may also be initiated by either the MAC or the Harbourmaster as provided elsewhere in this policy. In particular, vessels smaller than the classification of their allocated Slip may be requested to move in order to optimize the use of available Slips. Changes initiated by the MAC or the Harbourmaster to existing Slips shall be implemented only after providing notice to the current Slip holder. Where the Slip holder then objects, the MAC or the Harbourmaster may refer the matter to the NSC Board of Directors as provided in Section “MAC Decision Review Process”.

To determine which vessel must move when attempting to accommodate a larger vessel for which no Suitable Slip is vacant, the MAC shall:

1. determine which smaller vessels occupy a Slip larger than they require and that would be a Suitable Slip to for the larger vessel;
2. of the vessels identified in 1 above, determine which owner has the fewest number of points;
3. determine that one or more suitable vacant Slips exist in which to move the smaller vessel identified in 2 above; and,
4. Repeat the above process as required until all possible vessels have been accommodated.

5.14.3 Change of Vessel

Any Member who holds a Mooring and wishes to place a different vessel in the allocated Slip, must first notify the Harbourmaster through the NSC Office in writing of the change, before the change may take place.

Any change of vessel to one that exceeds any classification parameter of the allocated Slip, will be treated as a change of Slip request. The request shall be subject to this policy and the availability of a Suitable Slip.

Failure to provide the required notification and/or placement of a vessel in excess of the Slips parameters may result in the removal of the vessel from the harbour.

6 MAC Decision Review Process

A Member may dispute the Slip allocation or the recommendation to the Board of Directors for change or forfeiture of a Slip and/or Mooring. Upon delivery to the MAC, through the NSC Office, of written notice disputing a Slip allocation or the recommendation for change or forfeiture of a Slip and/or a Mooring, a Member shall have the right to a hearing before the MAC. The hearing may be conducted in person or via electronic means subject to the mutual

consent of both parties. The hearing shall be held no later than twenty-one (21) days following the Launch Day or twenty-one (21) days following the date of submission of the written notice, whichever is later. Within seven (7) days of the hearing, the MAC shall issue its decision to either:

- change the Slip allocation;
- uphold the previous Slip allocation;
- rescind a recommendation to change or forfeit a Slip and/or Mooring; or
- reaffirm its previous recommendation.

No allocated Slip that is subject to dispute shall have its allocation altered before Launch Day, unless that change can be made without disruption of Launch Day activities.

Where a Member disagrees with the MAC's decision following the hearing, the Member may submit the matter for further review to the Commodore's Council.

Upon delivery to the MAC, through the NSC Office, of written notice disputing a Slip allocation or the recommendation for change or forfeiture of a Slip and/or Mooring to the Commodore's Council, a Member shall have the right to a hearing before the Council. The Commodore's Council shall select three of its members to serve as a hearing panel. The hearing may be conducted in person or via electronic means subject to the mutual consent of both parties. The hearing shall be held no later than twenty-one (21) days following the date of submission of the written notice. Within seven (7) days of the hearing, the hearing panel shall issue its recommendation to the Board of Directors to either:

- direct the MAC to change the Slip allocation;
- uphold the MAC's original Slip allocation;
- rescind the MAC's recommendation to change or forfeit a Slip and/or Mooring; or
- confirm the MAC's recommendation to change or forfeit a Slip and/or Mooring.

The Board of Directors will then decide to uphold or reject the recommendation of the Commodores' Council. The decision by the Board of Directors shall be final and not subject to further review.

Once the decision is final, the MAC shall inform, in writing, the Membership Director for inclusion in the Member's file.

7 Infringement of Policy

Infringement of the principles set out in this policy shall be addressed in accordance with items 3.5 of NSC By-law no. 1.

8 Policy Review

This policy shall be reviewed every three years by the MAC and recommendations made to the Board of Directors for changes as required.