



LIVE-ABOARD APPLICATION AND AUTHORIZATION

Slip No.: _____ Moorage License Terms: _____ to _____
(Term of Authorization for Live-aboard Use)

Name of Moorage Licensee: _____ Owner
 Operator

Boat Name: _____ Doc/Registration No.: _____

Names of all persons who will be living aboard this vessel, also noting the relationship to the vessel owner:

Name: _____	Mailing Address: _____
Relationship: _____	Phone Number: _____
Name: _____	Mailing Address: _____
Relationship: _____	Phone Number: _____

License of vehicle that will be parked on Port property: _____ Permit #: _____

License #: _____ Year/Make/Model: _____ Color: _____

Select the type of marine sanitation devices that is used aboard your vessel:

Port-a-potty Type I MSD Type II MSD Type III MSD Other: _____

MSD tank capacity: _____ Holding tank capacity: _____

Complete and sign registration on reverse side. Not valid for live-aboard authority until signed by the Port Manager.

Completed by Harbormaster - Inspection Date: _____ **Signature:** _____

Harbormaster recommendation: Yes / No

Reason if No: _____

PORT OF BROOKINGS HARBOR

LIVE-ABOARD APPLICATION AND AUTHORIZATION

According to the Clean Water Act, vessels are prohibited from discharging any sewage, whether treated by an MSD or not, into freshwater rivers. Sewage discharges have potentially wide-ranging impacts on all aquatic environments. The discharge of holding tanks within the marina is prohibited at all times. Vessel pump out stations are located at the Fuel Station and Sport Transient Dock.

Live-aboards will be given a Discharge Monitoring Report to use during the term of their authorized stay. It is the live-aboard's responsibility to report the vessel pump out activity to the Port Office by the first of every month. A complete Discharge Monitoring Report needs to be submitted at the end of the live-aboard's authorized stay in order for renewal to be considered. Failure to comply with submitting the Discharge Monitoring Report will result in the termination of this authorization.

In consideration of the attached rules and regulations, and in accordance with the Port of Brookings Harbor ordinances and policies, the undersigned agree(s) as follows:

- In addition to annual moorage, I will be charged a live-aboard fee of \$75.00 per month per person.
- Port personnel will determine if my vessel is properly equipped to be eligible for live-aboard status including the use of proper marine sanitation devices.
- I will not rent or sub-license my boat. Only the persons named on this application will reside aboard this vessel.
- I agree to enhance Port security and advise Port personnel of possible violations.
- I will conform to all laws, statutes or ordinances pertaining to the discharge of any waste on the water.
- My vessel must be capable of leaving the harbor under its own power, and the method of power must be that of a standard type of machinery typically used on said vessel as main propulsion.
- I understand that the Port of Brookings Harbor does not guarantee the provision or condition of water, electricity, or other services.
- Marine dye will be added to all holding tanks while live-aboard vessel is moored in the Port.
- Inspections will be performed by an independent recognized Marine Tradesman semiannually, at the cost of the vessel owner.
- Any pollution violation is cause for immediate termination of live-aboard status. In addition, all violators will be prosecuted.
- I understand that live-aboard authorization may be terminated by either party with a ten (10) day written notice. I understand and agree that this application and authorization are a use authorization under my agreement to moor the vessel. I further understand and agree that this document is not a residential lease agreement for the lease of a residence or residence space, and the residential landlord-tenant relationship is not intended to apply to the parties.
- All live-aboard terms, rules and regulations are subject to change without notice.

Living aboard does not create residential tenancy and is not permitted without live-aboard authorization signed by the Port Manager. **This application is nontransferable.**

Vessel Owner Signature: _____

Date: _____

Print Name: _____

Port Manager Authorization: _____

Date: _____

PORT OF BROOKINGS HARBOR LIVE-ABOARD POLICY

Live-aboard status is considered a privilege and is granted to Port of Brookings Harbor moorage customers as a revocable license. Live-aboard tenants provide an important service to the marina; serving as neighbors that promote safety and security for all boaters. As such, the Port has an important responsibility to assure live-aboard residents set a good example for other tenants and guests. Therefore, the application for live-aboard status is carefully considered and can be revoked, when necessary, if it is deemed necessary for the enjoyment of all boaters and for a safe secure marina.

Live-aboard eligibility does not insure residency at the Port of Brookings Harbor Marina may continue nor does it create a landlord-tenant relationship between the Port and the live-aboard customer. It is the responsibility of the live-aboard, not the Port, to comply with any applicable regulations of any agency with jurisdiction. Recognition by the Port in this policy does not alter the live-aboard's responsibility nor create an obligation on the Port to make changes or incur obligations to allow live-aboard's continued residency.

Live-aboard vessels are to be dispersed throughout the marinas based upon the overall safety and security of the entire Port of Brookings Harbor facility and provide support to the marina and boater security.

Definitions

"Live-aboard" for the purpose of this policy is defined as any moorage customer who maintains a boat or vessel as a dwelling for more than 3 days in any 7-day period. Live-aboard is also defined in Port Ordinance No. 1-1998 as any person sleeping overnight, preparing food, or any other activity normally connected with temporary or permanent lodging. The use of the term "live-aboard" in this policy is meant to be consistent with the definition in the Port Ordinance Section 1.9, Live-aboard.

"Dwelling" means a boat or vessel that has sleeping, cooking and/or plumbing fixtures fit for human occupancy and that is used for a temporary residential purpose.

Terms – Conditions - Eligibility

The Port of Brookings Harbor shall permit a limited number of people the privileged of living aboard their vessels in the Port of Brookings Harbor operated marinas as a use subordinate to the Moorage Agreement. The Port of Brookings Harbor may limit the number of vessels that have live-aboards within its marinas to a number which can be reasonably sustained by the marina facilities and which do not conflict with its berthing objectives.

The Port of Brookings Harbor marinas were designed for berthing commercial and recreational boats, not as a living facility. The Port of Brookings Harbor therefore allows live-aboards as an exception to the first objective for the marinas, and it is considered a privilege. The Port reserves the right to deny, suspend or cancel this privilege at will, if in the opinion of the Port Manager, live-aboards interfere with the primary objectives of the marina, individually or in the marina as a whole.

Written Agreement- All customers seeking to obtain liveaboard privileges must fill out and sign a written live-aboard application at the Port Office. The live-aboard authorization must be renewed on an annual basis. All required documents showing proof of liability insurance and proof of vessel registration/ownership must be supplied along with the application for consideration prior to approval of any application. Live-aboards are required to have a "Live-aboard Application and Authorization" on file in the Port Office. This authorization shall be kept current and run concurrently with the moorage agreement. Liveaboard authorizations are subordinate to and terminate upon the termination of the moorage agreement. Live-aboard authorizations will also terminate with sale of the vessel. If a new boat is purchased that replaces the boat registered under the live-aboard authorization, a new liveaboard authorization must be obtained. No subleasing of live-aboard authorizations is allowed. The failure to register for live-aboard use may result in termination of the moorage agreement.

Background Check - An applicant for live-aboard privileges may be subject to credit and/or criminal background checks at their expense. Existing live-aboard tenants may be subject to annual credit/criminal background checks at the Port's discretion if deemed by the Port to be necessary.

Policies - All customers must agree and adhere to the Port of Brookings Harbor live-aboard policy as well as all items referenced in the Port Ordinance document regarding parking, noise ordinances, and conduct. Any illegal activities committed by live-aboards and/or their guests may cause live-aboard privileges to be revoked.

Inspections - The Port may regularly inspect and document the use of vessels with live-aboards to verify compliance with all Port policies.

Number of Liveaboards per vessel - The Port Manager may limit the number of registered live-aboards on any one vessel. Only legal owners and identified family members residing with them, or operators or crew members designated by the legal owners, may register to live-aboard vessels. All persons authorized to live-aboard must be identified by name and relationship to vessel owner. No minor may be a registered live-aboard without his/her parent/legal guardian being a registered live-aboard on the same vessel.

BMP's - All live-aboard customers must comply with marina Best Management Practices (BMP's); including, but not limited to, the proper handling and disposal of fuel, oil, chemicals, hazardous waste, grey water and other solid waste. Garbage services are included with the applicant's Moorage Agreement exclusively for waste generated in the normal use of the vessel. The Port does not offer waste pick-up or removal from vessels or finger floats. Live-aboard customers are responsible for disposing of waste in the provided dumpsters.

Waste - The Port acknowledges that a Live-aboard will typically generate more waste than a recreational or commercial boater, the additional cost of which is accounted for in the live-aboard fee. The Port does not authorize disposal of any waste generated elsewhere, large items (mattresses, boat parts, etc.), appliances, or electronics in the Port's dumpsters. The Applicant agrees that such items will be disposed of by Applicant at Applicant's cost by taking them to a location such as the Curry Transfer & Recycling Station for proper recycling and disposal.

Pets - Pets are allowed on vessels with live-aboard authorization on a limited basis, with pre-approval from the Port Manager. All pet waste must be bagged and disposed of properly. Pets must be controlled by their owner and follow applicable County and State laws. Dogs must be on a leash when on Port Property.

Reporting - Under no circumstances does the Port authorize live-aboard customers to act as agents or employees of the Port of Brookings Harbor. Live-aboard customers are not directed to act beyond reporting suspicious activity or suspected marina violations to the Port Office, Port Security or the County Sheriff, if necessary. In case of medical, fire or any other emergency, immediately call 911.

Conduct and Behavior – Live-aboards shall not engage in behavior that creates a nuisance, disturbs the peace or interferes with Port staff operations and the normal operations of commercial and recreation moorage in the marinas. Live-aboards are responsible for the behavior of their guests in the marina. Quiet hours are 2200-0700 (10:00 pm – 7:00 am) on a daily basis. However, live-aboards must understand that commercial fishing operations may take place at any hour of the day or night.

Boat Qualifications - After July 1, 2019, only vessels registered/documented at 32' or longer are eligible to be considered for liveaboard status. Vessels must also meet Federal, State and local laws at all times which include those pertaining to navigation and safety equipment. Vessels must be seaworthy and operable, immediately ready for cruising in local waters. The Port reserves the right to inspect vessels for compliance where these qualifications may be in question. A boat or vessel that is being used only to live-board, and not maintained in operable condition such that it is capable of being used for transportation on the water, is not eligible for moorage and must be made seaworthy within 30 days or it will be required to leave the Port.

Mail – Live-aboards must establish a mailing address other than the Port of Brookings Harbor Office or marinas at which to receive their mail. The Port office does not offer mail services nor accept mail or packages on behalf of live-aboards. Live-aboards are responsible for providing a valid mailing address to the Port and to keep all contact information on file up to date.

Fees - The vessel owner shall be responsible for and pay for all live-aboard fees for those registered and living aboard their vessel. These fees are subject to change and may be established by the Port of Brookings Harbor Board of Commissioners. The Port may require information on live-aboard applicant's credit, finances, or conduct. The Port will not treat this information as confidential and the Port will not release this information without the written consent of the applicant.

Unpaid Balances - Balances unpaid after 60 days (including monthly moorage and live-aboard fees) will be in default and moorage will be subject to termination. To maintain live-aboard status, the fee will continue even if the customer is temporarily off the vessel or the vessel is out of the slip.

Parking – Live-aboards may use the public parking areas in common with other marina users. Live-aboard permit holders are subject to the same allocation of overnight automobile parking permits as other moorage licensees. While on Port property, vehicles must be legally registered, licensed, insured, include current applicable permits and be in running condition. Vehicle maintenance on Port property is prohibited. Live-aboard vessels are eligible for a permit to use the Port's upper parking lot for one vehicle per live-aboard vessel, regardless of the number of people living aboard. The Port will occasionally close and clear the parking lots for events or maintenance.

Utilities – Live-aboard use is restricted to full-service docks. The Port does not guarantee the continuity or characteristics of electrical service, or the quality or supply of water service. Live-aboards must accept Port premises as-is and the Port is not obligated to install additional utilities or facilities to accommodate live-aboards. The Port is not responsible for damages due to failure of services. Live-aboards shall not affix or install any equipment to or on Port property without consent of the Port Manager. Use of Port property and electrical and water service is at the live-aboard's own risk.

Dock Debris - The docks must remain free from materials that may cause a safety hazard including, but not limited to, hoses, planters, bicycles, barbecues, etc. Any personal or boating related items must be stored onboard the vessel and are not allowed on the docks or slips, with the exception of loading and unloading. Vessel exteriors must be kept in a clean, neat and orderly manner. Proper size access steps are allowed.

Compliance and Enforcement

All live-aboards must comply with all applicable federal, State, and local regulations pertaining to the discharge of wastes in Oregon marinas. Live-aboards must adhere to any applicable best management practices adopted (such as the clean marina guidelines recognized by the Oregon Marine Board) or established by the Port of Brookings Harbor for vessel maintenance and repair, hazardous materials and waste, and sanitary waste. Pump out station(s) are available and should be used on a regular basis.

All live-aboards must understand and acknowledge that their vessel is a boat, not a "floating home" as defined by ORS 830.700 and the provisions of ORS 90.505, et. seq. regarding "floating home" rentals space does not apply to live-aboard boats and vessels.

Periodic Review

The Port of Brookings Harbor Commission may periodically review the Live-aboard Policy. The Commission has the authority to change or update this policy as deemed necessary. It is the responsibility of Live-aboard customers to review the updated policy.

Penalty

The penalty for failure to file a live-aboard application or providing false information is immediate termination of all live-aboard privileges and Moorage Agreement.

As an applicant for live-aboard privileges, I have read, understand and agree to the terms above:

Applicant Signature: _____ Date: _____

Print Name: _____