

Town of Oriental
Resolution 2018-10

**RESOLUTION TO ESTABLISH POLICY FOR USE OF WATERCRAFT RACKS LOACTED
NEAR THE SMALL BOAT DOCK AT SOUTH TERMINUS OF MIDYETTE STREET**

THAT WHEREAS, the Town of Oriental has completed the construction of lockable racks located near the Small Boat Dock at South Terminus of Midyette Street to be made available to the public for the storage of personal/non-commercial/non-motorized watercrafts, including but not limited to kayaks, canoes and paddle boards; and

WHEREAS, the Board of Commissioners of the Town of Oriental desires to establish rules, regulations and polices regarding the use of the watercraft racks.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL:

That the Watercraft Rack Rules and Regulations attached hereto as Exhibit A, and the Watercraft Rack Agreement attached hereto as Exhibit B are hereby adopted.

ADOPTED THIS 28th DAY OF JUNE, 2018.

Sally Belangia, Mayor

Attest:

Diane H. Miller, Manager/Clerk

Exhibit A

Watercraft Rack Rules and Regulations

1. Racks are for locked storage of personal/non-commercial/non-motorized watercrafts, including kayaks, canoes and paddle boards. Racks are designed to hold watercraft with maximum dimensions of 38" X 16' long.
2. Arrangements for rack space are made through the Town Hall Office.
 - Must enter into watercraft rack (and lock) lease agreement
 - Leases on a first come first serve basis
 - Maximum of two agreements per household
 - Town will establish a wait list if all spaces are in use
 - Issue one lock and cable (\$5.00 fee) to be used by lessee
 - Watercraft must be removed within 8 hours of hurricane watch or tropical storm warning being issued
 - Watercraft must be removed at end of lease period
3. Violations
 - \$100.00 civil penalty if Town removes watercraft due to storm. Watercraft must be removed within 8 hours after a hurricane watch or tropical storm warning is issued, and may not return until the racks have been declared safe for use by the Town. If the Town removes watercraft, lessee will be charged \$100.00, and will be responsible for picking up watercraft and returning it to the rack.
 - Penalty up to \$500.00 of Town's cost to remove abandoned watercraft. Watercraft abandoned after termination of the lease agreement will be removed by the Town at the Town's cost (up to \$500.00) and charged to the lessee. Watercraft will be held for 30 days. If watercraft are not claimed within 30 days, and in the Town's sole discretion, watercraft may be disposed of at lessee's expense, sold with proceeds going to the Town, or donated as allowed by law.
 - Any misuse or abuse of the watercraft racks by the lessee will result in immediate termination of the watercraft rack lease agreement and preclude the lessee from entering into any such leases in the future. Lessee shall also be responsible for the cost of repairing any damage caused by lessee or lessee's watercraft.
4. Lease Term
 - Agreement shall be for three months with the ability to renew for one additional three month period. At the end of any extended term, renewal will be based on availability. When the lease terminates, watercraft must be removed. If not removed, watercraft will be declared abandoned.

Exhibit B

Watercraft Rack Lease Agreement

Name: _____ Date: _____

Address: _____

Watercraft: _____

Length: _____ Width: _____

Space Number: _____

Lock Number: _____ \$5.00 fee _____

Term: Start Date: _____ End Date: _____

Extended Term: Start Date: _____ End Date: _____

Emergency Contract Number: _____

Release and Indemnification: In consideration of the opportunity to lease a space in the Town of Oriental's watercraft rack, I hereby agree to release, defend, indemnify, and hold harmless the Town of Oriental ("Town") its employees, appointed or elected officials, representatives, and agents from and against any and all claims, damages, losses, costs, responsibility or liability for personal injury, including death, and damage to or loss of property, for which my actions were a proximate cause while I am leasing a space in the Town's watercraft rack.

I knowingly assume all responsibility and liability for my own actions while I am leasing a space in the Town's watercraft rack.

Rules: Watercraft racks shall be subject to all rules and regulations adopted by the Town to regulate watercraft racks.

Assignment: This lease agreement may not be assigned.

I have read and accept the terms of this lease agreement, and have received a copy of the rules and regulations adopted by the Town.

Lessee:

Accepted by:

Town Manager

2018-260

**AN ORDINANCE TO AMEND CHAPTER E OF THE CODE OF GENERAL
ORDINANCES OF THE TOWN OF ORIENTAL**

THAT WHEREAS, the Board of Commissioners deems it advisable and in the public interest to effect said revisions to Chapter E “Town of Oriental Docking Facilities” of the Code of General Ordinances of the Town of Oriental.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL:

SECTION 1. That Chapter E “Town of Oriental Docking Facilities” of the Code of General Ordinances of the Town of Oriental be and the same is hereby amended by adding Article VI – Watercraft Racks as follows:

“ARTICLE VI – WATERCRAFT RACKS

Section 1 – Town Watercraft Rack Established

The Town of Oriental provides watercraft storage located near the Small Boat Dock at the Wildlife Ramp (adjacent to 300 Midyette St).

Section 2 – Watercraft Defined

Watercraft storage racks are designed to store personal, portable watercraft such as kayaks, canoes, and paddleboards. Watercraft shall not exceed 38 inches in width, or 16 feet in length. Racks may not be used to storage watercraft used for commercial purposes, or motorized watercraft.

Section 3 – Use of Watercraft Racks

Persons who wish to use a space in the watercraft racks must enter into a lease agreement on a form approved by the Board of Commissioners, and available in the Town Hall Office.

Watercraft found in the watercraft racks in violation of this section will be removed and disposed of by the Town.

Section 4 – Rules and Regulations

The Board of Commissioners shall adopt rules and regulations from time to time to regulate the use of the watercraft racks. Any violation of the rules and regulations shall result in the termination of a lease agreement, and the potential imposition of penalties and costs.

A copy of the rules and regulations shall be provided to every lessee of a watercraft rack space.

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 28th DAY OF JUNE, 2018.

MAYOR

TOWN CLERK