



RULES OF PROCEDURE OF THE MARINA OF AIRE-SUR-LA-LYS

established in the service concession contract dated 03/05/2023 between the Communauté d'agglomération du Pays de Saint-Omer (licensor) and the SPL Tourisme en Pays de Saint-Omer (concessionnaire)

CHAPTER 1 – GENERAL RULES

Définitions :

Licensor : means the person delegating the concession for a period of 5 years : Communauté d'Agglomération du Pays de Saint-Omer (CAPSO) 2 rue Albert Camus - CS 20 079 - 62968 LONGUENESSE CEDEX

Concessionnaire: means the person holding the concession : SPL Tourisme en Pays de Saint-Omer, 7 Place Victor Hugo in Saint-Omer (62500) 03 21 98 70 00

Port agents : Refers to any person mandated or employed by the concessionnaire to manage the port.

Agent in charge of the port police : means any person empowered to enforce the administrative police (sworn employee of the concessionnaire State agents, police, gendarmerie, etc.)

Unemployment : stopping navigation on the waterway to allow maintenance or major repairs.

The concession area or port perimeter includes :

Operation of the facilities of the river port and related spaces including: The harbour master's office building with a surface of 570 m²

Port areas (water and land) and dedicated facilities :

- Access channel to the outlet of the wide channel
- The « Bassin des 4 Faces »
- The pontoons and walkways equipped
- The boat launch ramp
- The parking lot

Note : the bank, on municipal camping side, is not included in the perimeter.

ARTICLE 1 – APPLICATION OF THE REGULATION

This regulation was drafted in accordance with the concession specifications of the marina of Aire sur la Lys. The port regulation applies to the relations between the port manager and its users. The navigation police shall be governed by the provisions of the General Inland Navigation Police Regulation and, where appropriate, by the provisions of the Special Police Regulation.

The users of the marina must respect this regulation and obey the injunctions in order to ensure its respect. In the event of serious and imminent danger, the licensor or any competent authority may take all appropriate measures to put an end to the danger.

ARTICLE 2 – PORT MANAGER MISSIONS

The port manager's duties include :

- Regulate, order and direct all boat movements ;
- Ensure compliance with this Port Regulation ;
- Establish by the competent authority any infringement that may give rise to prosecution.

ARTICLE 3 – INSURANCE OBLIGATIONS

Every owner or captain of a boat must present a valid certificate of insurance covering for the duration of the stay, at least, the following risks :

- Any damage caused to third parties and/or the port resulting in particular from the parking or maneuvering of the boat ;
- Refloating and removal of the wreck.

The boat owner is responsible, without recourse against the port manager, for damage caused to third parties and / or the port by negligence, clumsiness or non-compliance. The users of the port make their personal business of the action they intend to give to obtain compensation for the damage suffered.

Any person carrying out an activity within the marina must be able to present an insurance certificate covering all the risks inherent in this activity.

ARTICLE 4 – RESPONSIBILITIES

The owner of a boat is civilly liable, in all circumstances, for damage caused by his boat, regardless of the people making use of it.

The Port Manager cannot be held responsible for :

- Inconveniences or delays due to impediments or difficulties of navigation on the waterway ;
- Inconveniences or delays due to unemployment of the waterway ;
- Thefts and damage committed on ships ;
- Damage or discomfort caused by navigation, maintenance or, in general, operation of the waterway by its manager ;
- A power cut ;
- Fraudulent use of a power outlet by another user who is not under normal supervision ;
- Incidents and/or accidents caused by port users or third parties.

These malfunctions may not give rise to the payment of compensation or reduction of invoice. The port manager cannot be held liable for the imprudence of any person on the public domain granted and not entitled to circulate there.

ARTICLE 5 - MAIL

The mail addressed to the boats will be kept at the harbour master's office for a limited period of one year and made available to the recipients without control or guarantee of any kind, except a duty of discretion.

ARTICLE 6 – DISPUTE RESOLUTION

In the event of a dispute and after amicable conciliation by the port manager, the dispute shall be referred to the competent local court.

CHAPTER 2 – THE MARINA

ARTICLE 7 – MARINA ACCESS

Access to the marina is, unless otherwise specified, open to the public. The port manager may take contrary measures for security reasons. These provisions are made known to the public by a display at the harbour office and the implementation of a specific signage.

Access to pontoons and catways is exclusively for :

- Boat owners, duly authorized representatives or designated guardians, their guests, captains, crew members, passengers;
- Companies whose activity requires access to pontoons (services to boats and construction companies).

The Port Manager, Licensor, Customs, Law Enforcement and Security and Relief Services shall be able to move freely within the perimeter of the Port.

ARTICLE 8 – ZONING OF WATER BODY

The zoning of the body of water indicating the distribution and layout of the boats by type of users, on the body of water, is posted at the harbour office.

ARTICLE 9 – PORT PROTECTION

The users of the port are responsible for the damage they cause to the works, installations and equipment of the port, cases of force majeure excepted. Thus no addition of equipment or fastening system can be made without the prior agreement of the port manager. These interventions are the exclusive responsibility of the port manager or the stakeholders duly authorized by him.

It is prohibited to :

- Harm the environment in any way ;
- Bathe, to dive in the water of the port, in the navigable passes or in a general way, from the works of the port ;
- Feeding birds and other aquatic or underwater species in the harbour ;
- Camping except on the designated areas if they exist ;
- Board a boat without being authorized to do so by its owner, its duly authorized representative or the designated custodian ;
- Let the animals and in particular the dogs.

The person responsible for damage or damage must repair the premises with the agreement and under the control of the port manager. In the event that he does not act, the manager shall cause the necessary operations to be carried out at the author's expense and risk.

ARTICLE 10 – MOVEMENT OF VEHICLES

The highway code apply to all vehicles in areas open to public traffic. Outside areas open to public traffic, motor traffic is only allowed to port users at the maximum speed of 10 km/h and with the agreement of the manager.

Safety vehicles (ambulances, firefighters, gendarmerie) and Waterways of France are exempt from any authorization.

The parking of vehicles is only allowed on the parking reserved for this purpose.

ARTICLE 11 – RATES AND PAYMENT DELAYS

The applicable rates may be revised annually by the port manager in accordance with the marina concession contract. These rates are displayed to the harbour master's office as soon as they are implemented.

The rate is defined by the actual footprint of the boat with its annexes measured by the port manager. The sums due shall be paid in accordance with the procedures laid down by the port manager. In case of non-payment of the sums due on their maturity, the providers are required to regularize their situation within fifteen days after recall of the port manager under penalty of termination of the mooring contract and payment of an indemnity of occupancy without title corresponding to double the fee due according to the scale until liberation of the place.

ARTICLE 12 – SERVICES TO USERS

The use of the port services is subject to the payment of the price defined by the port manager and to proper use of the facilities and equipment made available.

ARTICLE 13 – BOATS LAUNCHING

The launching and the pulling down of the boats, on the sites dedicated to this purpose, are subject to the prior authorization of the manager of the port according to the modalities defined by him and according to applicable tariffs.

Any other form of launching is prohibited, unless expressly authorized by the manager and only in case of absolute necessity related to damage or breakdown. Special attention will be paid to launching and drying with cranes that could deform the terrain. In case of degradation, the concessionaire will proceed to the rehabilitation of the said land and will assign the financial burden to the responsible for the inconvenience, that is, the owner of the boat.

ARTICLE 14 – NAUTICAL ACTIVITIES

Sports activities, within the marina including on the water, are prohibited, unless expressly authorized by the manager.

ARTICLE 15 – NUISANCES

The users of the port must observe a correct behavior in the enclosure of the port. They comply with the measures prescribed by the port manager to limit nuisances.

CHAPTER 3 – THE BOATS

ARTICLE 16 – BOAT HANDLING AND MOVEMENT

All boat entry and exit from the port must be carried out in accordance with the rules of navigation, the river signs and the instructions of the port manager. The maximum speed of the boats on the whole water is set at 3 km/h (about 2 knots). The captain of the boat complies with the instructions and takes the necessary precautionary measures to prevent damage.

If absolutely necessary, for technical or safety reasons, the port manager may be required to give injunctions to the owner or representative of a boat.

Maneuvers on the water are limited to movements intended only to dock and/ or leave the docks, pontoons and catways, to go to the technical areas or the unloading areas.

The owner, crew or keeper of a boat, to facilitate the movements of other boats, may not refuse to receive a hawser or to cast off the moorings.

ARTICLE 17 – MOORING AT THE BOAT AND RECEPTION DOCK

Moorings at the pier is limited to the time of docking necessary for the administrative formalities of Article 18 of this document.

Any boat calling after the closure of the harbour master's office must dock at the reception pontoon. Upon the opening of the harbour master's office, the owner of the boat or his representative must carry out the necessary formalities. Otherwise, any boat occupying a position already assigned can be moved at the expense and risk of the owner.

ARTICLE 18 - NAVIGATION TITLE AND ENTRY DECLARATION

Every boat shall, upon its arrival, make to the harbour master's office a declaration of entry containing the following elements and information :

- The name and address of the owner of the boat ;
- The name and address of the master, if different from the name of the owner of the boat ;
- The boat's currency, characteristics and registration number;
- The navigation title of the boat ;
- The insurance certificate;
- The VNF sticker ;
- Driving licence for pleasure motor boats;
- The expected date of departure from port ;
- Possibly the name and address of the keeper of the boat ; the name and address of the representative. The absence of one of these elements and in particular of the VNF sticker authorizes the port manager to refuse the parking of the boat at the port of call. The port manager shall immediately notify the licensor of this situation. If any of this information is modified, a correction statement must be made to the harbour master's office without delay. Any false statement shall result in the termination of the parking permit.

ARTICLE 19 – BOAT IDENTIFICATION

All boats must comply with the legislation in force (registration and currency visible).

ARTICLE 20 – PERSONAL BOAT PARKING AUTHORIZATION

The parking of a boat is subject to obtaining a personal authorization granted to a natural or legal person, for a boat and a specific use. The sale of a boat with a post does not imply the transfer of the parking permit. The seller must declare to the harbour office the sale of his boat.

ARTICLE 21 – ANCHORING AND LIFTING

Except in the case of immediate danger, no anchor may be anchored in the access channel, pass, outer harbour and harbour. Similarly, the anchoring of dead bodies or stakes by users is prohibited.

ARTICLE 22 – MAINTENANCE AND MONITORING OBLIGATIONS

All boats must be kept in good condition of maintenance, buoyancy and safety. Measures such as scuttling, grounding, overloading and in general all actions likely to affect the management and operation of the port are prohibited.

Every owner must ensure that his boat is monitored at all times of the year and under all circumstances by himself, a designated representative or guardian, so that he does not cause any damage to the environment, to a third party, to boats, structures or port.

ARTICLE 23 – SHOULDERS AND ABANDONED BOATS

Wreckage is the result of non-flottability, the absence of a crew and the absence of guard and manoeuvring measures, unless this state results from a voluntary abandonment with a view to fraudulently exempting the boat, goods and cargoes from customs regulations.

The abandonment is presumed, on the one hand, of the lack of title of occupation and, on the other hand, of the non-existence of measures of maneuver or maintenance, or of the absence of owner, driver or guard on board.

The alleged abandonment of the boat or the condition of wreckage are noted by the concessionaire. The report is displayed on the property concerned and notified to the last owner if it is known. The concessionaire shall give notice to stop the state of abandonment and, if necessary, proceed to the removal of the wreck.

If no person has come forward or has not taken the necessary manoeuvre or maintenance measures to bring the abandoned or wrecked state to an end within six months, the competent administrative authority shall declare the boat abandoned and transfer ownership to the manager.

CHAPTER 4 – PLEASURE BOATERS

ARTICLE 24 – STOPOVER BOATERS

The duration of the stopover is limited to 30 non-renewable days. The user in port of call is obliged to leave the position occupied at the first injunction of the port manager if, in the absence of available space, the latter has made available to him a berth already assigned but temporarily available.

ARTICLE 25 – LONG-TERM BOATERS

The duration of subscriptions is limited to one year. Subscriptions are in no way renewable by tacit renewal. A new subscription can only be established after express request from the owner of the boat.

ARTICLE 26 – BERTH ASSIGNMENT

Boats may only be moored at the works arranged for this purpose in the port. The port manager indicates the position to the boater. The positions are assigned within the limits of the places available. Berth reservations may be made under the conditions provided by the port manager.

The assignment of a berth does not entitle the person to occupy a specific berth. Any change of position can be requested from the user without the latter being justified to formulate a claim, nor to ask for compensation or compensation.

Torque mooring can be imposed by the port manager if the configuration allows it.

ARTICLE 27 – BOAT TRIPS

All holders of a long-term subscription will be forced to vacate their pitch for 10 nights, including 3 consecutive nights between May 1st and September 30th. In case of non-compliance, a fixed penalty of 130 € will be applied.

Declarations of entry and departure shall be entered in the order in which they are presented in a register where they are given a serial number.

The holder must, each time he is required to vacate his berth for more than 24 hours, make a declaration of absence to the port manager, and specify the estimated date of return. In the absence of this declaration, the port manager will consider after 24 hours of absence that the position is vacated until further notice and may dispose of it until the return of the occupant.

CHAPTER 5 – OTHER PORT USERS

ARTICLE 28 – INLAND WATERWAY BOATS

Access to the port is prohibited to inland waterway transport boats unless expressly authorized by the manager.

ARTICLE 29 – PASSENGER BOATS

The port manager may not prohibit access to the port of passenger boats. The latter have a temporary mooring right at the pier for the time necessary to board and disembark passengers, according to applicable rate.

The owner of the boat or the captain shall respect the instructions provided by the port manager.

ARTICLE 30 – ACTIVITIES ON THE PORT

Any activity must, to be carried out within the harbour or on board of a boat, be expressly authorized by the port manager. These activities are carried out in compliance with the port's purpose and in accordance with the provisions of the marina concession contract.

No interior or exterior design of a building may be carried out without the prior written agreement of the Port Manager, who may require any attestation demonstrating the conformity of the design to the regulations. The installation of sound installations and/ or the broadcast of music on outdoor spaces are subject to authorization of the port manager and must be exceptional.

ARTICLE 31 – SUBLEASE

No position can be loaned or sublet by its tenant. The provision of the boat free of charge or the rental of nights at the dock to a third party not mentioned in the mooring contract (visitor) is strictly supervised and subject to express authorization of the port manager.

The owner of the boat will be required to :

- Have insurance covering damage caused by visitors to port equipment or its occupants
- Inform visitors of these rules of procedure
- Notify the port manager at least 48 hours in advance of overnight visitors
- Communicate the identity of each visitor to the port manager
- Pay the visitor fee according to the applicable rates

The delivery of the keys and the inventory of the entrance must be done by hand between the owner and the visitor. No key box type devices will be allowed.

ARTICLE 32 – PRIVATE OCCUPATION OF THE PORT

Private occupation of docks, pontoons and catways :

The docks and lanes of the port must be permanently left free to traffic. They may not, under any circumstances, be encumbered with deposits of material or materials of any kind whatsoever, except on the spaces reserved for this purpose or with the prior agreement of the port manager. The supply goods, armament equipment and miscellaneous objects coming from the ships or intended to be

loaded there can remain on the docks, pontoons, catways and median, only the time necessary for their handling, or for a predetermined period with the port manager.

CHAPTER 6 – ENVIRONMENT AND SAFETY

ARTICLE 33 – PORT POLLUTION

No one may throw away or leave to subsist in the marina any material or object, nor anything that may embarrass or pollute the public domain. Any user of the port is obliged to report, without delay to the harbour master's office, any damage to the works made available to him, whether he is responsible or not.

ARTICLE 34 – WASTE

The waste must be deposited in the specific facilities provided for this purpose in the enclosure of the port or at the place indicated by the port manager.

ARTICLE 35 – ELECTRICAL SYSTEM

It is forbidden to connect directly to the network or make modifications to the installations, to connect on the network devices likely to distort or disrupt the counting data.

The connection conditions will be defined between the port manager and the user at the beginning of the subscription.

The electrical terminals are powered under a voltage of 230V and exclusively reserved for on-board electricity, battery charging and small maintenance work. It is strictly forbidden to leave in place any electrical connection, in the absence of the owner or guardian of the boat on board. Flexible cables and electrical power sockets for boats must comply with current safety standards. The port manager may disconnect any plug or external connection from a boat that does not meet safety standards.

In the case of overcrowded boats, the port manager reserves the right to authorise or not the connection of electric heaters to the port network. In order to avoid the phenomena of overloading of electrical power consumed during the winter period, the number of boats heated with electricity used as a dwelling can be limited by the port manager.

The port manager shall send a formal notice for any catch or connection of a boat that does not comply with the requirements of this port regulation. In case of inaction, he can disconnect the facilities at the risk of the owner without any claim.

SECTION 36 – WATER SYSTEM

Users of the port are required to make economical use of water. The water intakes of the berths are only used for the consumption of the edge. Water pipes must be equipped with a shut-off system. Users must comply with:

- The terms and rates set by the concessionaire.
- Measures of temporary limitation or suspension of the use of water enacted by the prefect of the department and by the mayor of the municipality.
- Measures of temporary suspension of water in case of frost.

SECTION 37 – HAZARDOUS MATERIALS OR EXPLOSIVES

It is forbidden to detain on board ships dangerous or explosive materials other than fireworks, regulatory devices and fuels necessary for the operation of the boat. Installations using hazardous or explosive materials must comply with the regulations in force.

The storage of hazardous or explosive materials is prohibited on the embankments and in the premises except in cases provided for by the regulations in force, subject to prior authorization from the port manager.

Any work involving projections of products and/ or hazardous materials is absolutely prohibited in the enclosure of the port

ARTICLE 38 – FIRE RISKS

It is forbidden to light a fire or to have light with bare fire, except places arranged for this purpose, in the marina. To avoid any danger of explosion, it is also forbidden to have an open flame near flammable products.

Lighting, heating, exhaust systems and electrical installations must comply with the regulations in force. They are subject to the control of the port manager who has the right to prohibit their use when they are poorly established or in poor condition.

Boats are required to have fire extinguishers that comply with the regulations. They have at their disposal, as security, extinguishers distributed around the port. Fire-fighting instructions are posted outside the harbour master's office.

In the event of a fire on board a boat or in a room, the holder of the authorization takes all measures to control the fire and then notifies the harbour manager and the firefighters (Tel. Dial number 18). In addition, port users strictly comply with the safety measures prescribed by the port manager.

ARTICLE 39 – MAINTENANCE OF CATWAYS

Boaters are required to maintain a good state of cleanliness of the catways to which they are moored.

ARTICLE 40 – POSTING – CLAIMS LOG

This regulation is posted at the harbour master's office. A register of claims is kept and presented to the licensor at any requisition.