**Section 220.30 Marina Slip Acquisition**

a) Permit Conditions and Procedures

1) All vessels assigned slips must be registered in accordance with the Boat Registration and Safety Act [625 ILCS 45].

2) No permit will be granted in the name of an organization. Permittee must be an individual, and evidence of Permittee ownership (full or partial) or control of the vessel must be presented to the Marina Administrative Office (M.A.O.). Permittee may be a married couple. In the event of divorce, documentation of succession will be required by the Marina as the basis for issuing a new harbor occupancy agreement. Evidence of Permittee ownership or control shall be:

A) Title or Registration;

B) Bill of Sale or Sales Contract; or

C) Lease Agreement.

3) No permit will be granted until the Permittee demonstrates proof of liability insurance to cover damage to the Marina, other boats or boat owners.

4) Permit fees will be based upon the length of the vessel and lease status (seasonal or temporary). See Section 220.60 (Fees and Charges).

5) Slip applications will be accepted on a "first-come, first-served" basis pursuant to position on the Applications Wait List administered by the M.A.O. A deposit must accompany the application. See Section 220.60 (Fees and Charges).

6) Slip renters must accept the first slip offered, regardless of location. Refusal to accept the first slip offered shall result in the applicant's name being moved to the bottom of the list. A refusal to accept the offered slip the following season shall result in the applicant's name being removed from the list and the applicant's deposit shall be forfeited to the Department. (See 30 ILCS 105/5.158.)

7) Slip transfers may be requested by slip holders only. Such requests will be maintained and serviced pursuant to a Slip Transfer Wait List administered by the M.A.O. Requests for slip transfers will be given priority over slip applications from non-tenants as slips become available.

8) All Harbor Occupancy Agreements shall be non-transferable and shall not be leased or transferred to any other individual.

9) The Department of Natural Resources (Department) shall have the right to re-assign slip spaces and to move or cause to be moved any vessel so re-assigned. A Permittee, by applying for and accepting the use of a slip, shall be deemed to have consented to the re-assignment and movement of his or her vessel to another slip for the proper operation, maintenance, and repair of the North Point Marina; or for the convenience of the Department while making repairs or improvements; and in the case of an emergency (see Section 220.80). Permittee further consents to the movement of his or her vessel by Departmental personnel. If, after notice to move the vessel is given by the Department, Permittee fails to comply with such notice, neither the Department nor any of its officials or employees shall be liable to and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel.

10) Cancellation Provisions

A) By the Department: The Department shall cancel and terminate any permit upon 10 days written notice to the Permittee for the Permittee's failure or refusal to comply with provisions of the permit, such as nonpayment of slip fees; failure to provide proof of ownership or proof of insurance; criminal violations that endanger life or property; or repeated violations (3 or more) of this Part or 17 Ill. Adm. Code 110. The Permittee shall not be due any refund of slip fees paid.

B) By Permittee: The Permittee shall give the Marina office written notice of intent to vacate. The Permittee shall not be due any refund of slip fees paid.

C) In the event of sudden unemployment, catastrophic illness, or similar personal crisis, the slipholder may request a refund of slip fees paid. With the recommendation of the M.A.O. and approval of the Director, a refund may be granted in an amount not to exceed 50% of slip fees paid for that season, if requested by June 1.

D) Removal of Vessel upon Cancellation of Permit: If Permittee fails or refuses to remove his or her vessel from a slip or end tie by the date of cancellation or expiration of his or her permit, the Department will order and cause the vessel to be removed and stored at the Permittee's risk and expense and retake possession of the slip. Neither the Department nor any of its officials or employees shall be liable to and a Permittee waves all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel pursuant to this provision.

E) Slipholders who do not occupy their slip may be allowed a carryover to the succeeding year if a portion of their slip rental has been paid and if mitigating circumstances exist. If a slip is not rented in the succeeding year the carryover will be forfeited. Written application detailing the circumstances of the non-occupancy must be made to the M.A.O. to be considered for a carryover. Within 30 days the M.A.O. will notify the slipholder in writing whether the carryover will be allowed. The amount of carryover allowed will be prorated based on the date the written application from the slipholder was received in the M.A.O.'s office. Approval is entirely the M.A.O.'s decision and no appeal will be allowed.

11) In the event of the death of a slip holder, the surviving spouse or a child of the slip holder shall have the right of first refusal of the assignment of the slip, subject to the approval of the M.A.O. Approval shall be based upon such considerations as the survivor's history of compliance with Department rules and proper utilization of the Marina facilities. If approval of reassignment is not granted, a prorated refund shall be granted.

b) Slip Renewals

 For slip renewal, the Harbor Occupancy Agreement must be received by the Department no later than December 31, of any given year. If the Harbor Occupancy Agreement has not been received by that date the slip shall be vacated.

c) Slip Vacancies

1) Vacancies in slips shall be filled as follows:

A) The vacant slip will be made available to current slip holders registered on the Slip Transfer Waiting List in order of appearance.

B) If no transfer request fills the vacancy within 5 days, the slip shall be made available to individuals registered on the Applications Wait List in order of appearance.

2) Sale of Permittee's Vessel

A) A Permittee may retain his or her designated slip for a period of 30 days after transferring title or agreeing to sell his or her vessel provided the Permittee notifies the Department in writing within 5 days after the date Permittee enters into an agreement for the sale of the vessel and his or her intent to acquire another vessel. An extension for an additional period not to exceed 60 days will be granted by the Department upon submission by Permittee of proof of a contract to purchase or construct another vessel. A further extension may be granted to commercial operators upon showing of a contract to purchase a different boat and a delivery date, not to exceed opening day of the next season.

B) Permittee shall notify the Department in writing within 5 days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition, or substitution of Partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

C) In the event a slipholder, who has paid in full for the season, sells his or her boat, the slipholder may request North Point Marina to approve a new harbor occupancy agreement with the purchaser of the boat for the remainder of the season. If the M.A.O. approves, the slipholder shall relinquish all rights to said slip. Such permission shall not extend past the end of the then current boating season. If the purchaser desires a slip for the following season, he/she must apply for a slip as a new slipholder.

d) Visiting Vessel Temporary Slip Permits

1) The M.A.O. may provide temporary slip permits to vessels visiting the Marina. See Section 220.60 (Fees and Charges). Permits shall be posted on vessels in accordance with instructions issued by the M.A.O.

2) No temporary permit may last longer than 14 days.

3) The M.A.O. may assign temporary use of an already leased slip under limited slip vacancy conditions. See Section 220.40 (Slip Use).

4) Temporary permits may be renewed for a like period at the discretion of the M.A.O., based upon the Permittee's compliance with Department rules and slip availability.

(Source: Amended at 29 Ill. Reg. 1342, effective January 10, 2005)