

Birch Bay Village Community Club

Marina Rules and Regulations

As adopted by the Birch Bay Village Board of Directors

(Date: **February 15, 2001**)

(Revised and Restated June 19, 2008)

These Marina Rules and Regulations replace all Marina Policies and revisions to Policies prior to the adopted date. Changes to the Marina Rules and Regulations following the adopted date are listed below. Please replace/add/ delete pages as indicated.

Marina Rules and Regulations Change Log

| <u>Change #</u> | <u>Date</u> | <u>Section</u> | <u>Subject</u> | <u>Replace/Add/Delete</u> |
|-----------------|-------------|--------------------------|--------------------------|---------------------------|
| #1 | 02/15/2001 | all | Initial Document Issue | |
| #2 | 12/13/2001 | pages: 1-2, & 3-4 | | X |
| | | 15-16 & 23-24 | | X |
| | | Attach 12.9 | | |
| #3 | 12/19/2002 | page: 22 | | X |
| #4 | 07/17/2003 | 3.3.6 | | |
| #5 | 09/18/2003 | 4.3 | | |
| #6 | 04/15/2004 | 8.2 | | Amended |
| #7 | 06/17/2004 | 8.3 | | |
| #8 | 11/17/2005 | 1.6 | | |
| #9 | 11/17/2005 | 2.1.4 | | Amended |
| #10 | 11/17/2005 | 2.1.5 | | |
| #11 | 11/17/2005 | 3.3.6 | | |
| #12 | 11/17/2005 | 3.3.7 | | |
| #13 | 11/17/2005 | 3.3.8 | | |
| #14 | 11/17/2005 | 3.4.1 | | |
| #15 | 11/17/2005 | 3.5 | | |
| #16 | 11/17/2005 | 3.6 | | |
| #17 | 11/17/2005 | 5.6 | | |
| #18 | 11/17/2005 | 10.4 | | |
| #19 | 09/12/2006 | 1.3, 2.3, 3.4, 6.4, 10.1 | | |
| #20 | 11/19/2007 | 4.4 | | |
| #21 | 2/21/2008 | 1.3 | Definition M | Change/Add |
| #22 | 2/21/2008 | 3.1.4 | Application Process | Change/Add |
| #23 | 2/21/2008 | 3.2.1 | Eligibility Requirements | Change/Add/Delete |

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|-----|-----------|-------|----------------------------|-------------------|
| #24 | 2/21/2008 | 4.3 | Moorage Usage Restrictions | Change/Add/Delete |
| #25 | 2/21/2008 | 3.1.5 | Application Process | Change/Add |
| #26 | 2/21/2008 | 3.4.2 | Vessel Identification | Change/Add |
| #27 | 4/17/2008 | 5.6 | Shore Power/Water Usage | Revised |
| #28 | 6/19/2008 | 3.4.1 | Vessel ID Requirements | Add |
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Birch Bay Village Community Club

Marina Rules and Regulations

1. Introduction

1.1 Purpose of Marina Rules and Regulations

The purpose of the Marina Rules and Regulations is to promote the safe and efficient use and operation of the marina for Birch Bay Village Marina members and their guests.

1.2 Rules and Regulations Applicability

These Rules and Regulations apply to all users of the Marina and its facilities. They govern Birch Bay Village lot owners, renters, and guests while inside the boundaries of the Birch Bay Village Marina. All vessels, vehicles, or persons using the BBVCC Marina facilities are subject to all rules and regulations, and changes thereto, prescribed by the Birch Bay Village Community Club Board of Directors.

1.3 Definitions

- A. Marina:** Includes all waters, docks, fingers, land, buildings, and other appurtenances within the boundaries of the Birch Bay Village Marina.
- B. Marina Member:** Defined as any person who owns a lot or rents a house in BBVCC Community and who has paid the appropriate marina fees for a vessel moorage / launch privilege or, in the case of owners of private docks, has paid the current annual marina usage fee.
- C. Guest:** Any person/s who has entered BBVCC property with the permission of a BBVCC member or house renter of record.
- D. User:** Marina member and/or guests or other authorized persons using the marina facilities.
- E. Vessel:** Refers to a variety of watercraft for personal recreation and transportation.
- F. Guest or Visitor Vessel:** A vessel using the guest moorage facility that does not have a moorage agreement with BBVCC.
- G. Commercial Vessel:** Vessel that is used in any type of business or commercial activity, such as commercial fishing or charter services.
- H. Official Vessel:** U.S. Coast Guard, Police, Department of Fish and Wildlife, etc. constitute official vessels.
- I. Dock:** Main walkway (e.g. A, B, C, D docks)
- J. Finger:** Lateral walkways attached to a main dock having one or more slips on each side.
- K. Slip:** A moorage space assigned to accommodate one boat (see 60% rule)
- L. Vessel Length:** Overall length which includes bow and stern overhangs such as anchors, swim steps, dinghy supports, and outboard motors.
- M. Billable Vessel Length:** Overall length of the vessel plus a five (5) foot buffer zone (includes vessel length plus outboard motors raised, dinghies, bowsprits, and any other overhangs or equipment) or the 60% rule (see item N). When two vessels are assigned to one pier, they will be billed proportionately for 100% of the pier rent.(changed 2/21/2008)
- N. 60% Rule:** Where the overall vessel length plus a 5 foot buffer zone occupies 60% or more of the finger length, the vessel owner will be assigned and billed for the total finger length.
- O. Harbormaster or (Wharfinger):** BBVCC General Manager
- P. General Marina:** Birch Bay Village Marina NOT including private docks.

1.4 Applicable General Conditions

All users of the BBVCC Marina do so at their own risk. No warranty or representation is made by Birch Bay Village Community Club concerning the condition of marina facilities, including

but not limited to the docks, piers, floats, fingers, decks, cleats, power or water service, gates, launch ramp facilities, fueling facilities or fuel quality or the suitability or appropriateness of any such facilities, structures, improvements, fixtures, services or equipment to the needs or requirements of any marina user, regardless of whether such user is a BBVCC member, guest, visitor, moorage holder, launch privilege holder or any other category of user.

All users of the BBVCC marina, basin or channel do so at their own risk. No warranty or representation is made by BBVCC concerning the depth, passability, condition or any other aspect of the marina basin, channel or surrounding area or approaches.

All users of the marina or any facility appurtenant or related thereto, by virtue of such use, agree to indemnify BBVCC with respect to any claim, damage or injury suffered by any person or to any property, including damage to BBVCC facilities or structures or to the person or property of user, user's guests, agents, officers, directors or invitees and further agrees by virtue of such use to hold harmless BBVCC from any such claim by any person or entity, which claim, damage or injury arises from or is in any way related to the user's use of the marina or related or appurtenant facilities.

1.5 Notification of Marina Rules and Regulations

Birch Bay Village Marina Members are responsible to obtain a copy of the BBVCC Marina Rules and Regulations from the BBVCC Office. BBVCC does not accept responsibility for mailing or delivery of the BBVCC Marina Rules and Regulations.

When prospective marina members make application for new moorage, they will be given a copy of the Marina Rules and Regulations. Signature on the application for marina privileges, whether new or renewal constitutes an acknowledgement that the marina member will abide by the current Marina Rules and Regulations.

1.6 Enforcement of Rules and Regulations

1.6.1 BBVCC will request any Marina user violating these rules and regulations to leave the Marina.

1.6.2 Marina moorage tenants who violate these rules and regulations will be subject to cancellations of moorage, impoundments, and/or removal of moorage tenants vessel, and the imposition of fines and penalties associated therewith.

1.6.3 Marina charges for the impoundments and/or removal of a Marina moorage tenant's vessel will be assessed against the owner (s) of the vessel.

1.7 Marina Administration (BBVCC / Marina Committee)

Daily administration of the marina, maintenance/repair, marina fee collection, moorage assignment and all other administrative functions as directed by the BBVCC Board of Directors is the responsibility of the Harbormaster (BBVCC General Manager). Refer to BBVCC By-Laws, Section 5.14(3).

The BBVCC Board of Directors, BBVCC General Manager, and the BBVCC Marina Committee are sensitive to valid suggestions or complaints from BBVCC members. BBVCC members should either submit their suggestions or concerns in writing to the Harbormaster, present their suggestion or concern to the BBVCC Board of Directors at the monthly BBVCC Board of Directors meeting, or at a BBVCC Marina Committee meeting.

Contact 911 to report all emergencies, including but not limited to fire, spills, injuries, flooding etc. After 911 emergency personnel have been contacted, notify the BBVCC General Manager at 317-7744 or call BBVCC Security at 371-7644 immediately

2. Safety / Environmental / Security

2.1 Safety

2.1.1 Fueling: Gasoline fueling is only allowed at Fuel Dock. (See Fuel Dock use requirements, Section 9).

DANGER –Fueling from hand-carried containers is extremely hazardous and is FORBIDDEN within the Marina.

2.1.2 Storage on Docks or Fingers: Vessel owners must keep the dock and finger clear at all times. Storage of anything on dock or fingers is PROHIBITED. Dock boxes will be of a type reviewed by Marina Committee and approved by the Harbormaster. Storage of flammable materials, open paint cans, gasoline, oily rags etc. is PROHIBITED.

2.1.3 Maneuvering / Speed Limit: Moorage shall not be granted to any vessel which, when such vessel is moored, would impinge adversely on the reasonable and safe maneuverability and traverse of any other vessel in the marina; or to any vessel which would present a potential hazard to other vessels, docks, or other marina facilities.

The speed limit for vessels in the marina is **NO WAKE**.

2.1.4 Children: Children under twelve (12) years of age must be accompanied by an adult while on pier, floats, and fingers and must be wearing a U.S. Coast Guard approved life jacket at all times.

2.2 Environmental

2.2.1 Hazardous Material Spills: All hazardous material spills (such as oil, diesel, gas, hydraulic fluids, paints, solvents, anti freeze, etc.) must be reported immediately to the Harbormasters Office and **Call 911**. Vessel owners are responsible for their own environmental clean up. Use of dispersants, such as liquid soaps, is prohibited.

2.2.2 Discharge of Sewage: Discharge of sewage from marine heads or holding tanks into marina waters is PROHIBITED. Refer to Section 5.1 of this document.

2.2.3 Maintenance Activities: The BBVCC Marina is a “No Discharge” marina, meaning vessel owners must ensure that during vessel maintenance and repairs to vessels that no debris, paint scrapings, waste liquids, hazardous materials enter the water.

2.2.4 Used Oil Disposal: Vessel owners are responsible for all hazardous material disposals. Recycling facilities for oil and anti freeze are available at the Sanitary Service Birch Bay Transfer Station at 4297 Birch Bay –Lynden Rd on Sun. and Mon. 9am to 5 PM.

2.3 Security

2.3.1 Access Gates: Marina gates are to remain closed at all times. Gates are not to be propped open. Boat launch gate is to be closed and locked after each launching or retrieval.

2.3.2 Unauthorized Vessels: Any non-BBVCC Marina member vessel in the marina without authorization is subject to immediate removal from BBVCC marina.

2.3.3 Crimes: Report any crimes or suspicious activities immediately by **calling 911**, then contact the Harbormaster or BBVCC Security.

2.3.4 Conduct: All members and guests are expected to conduct themselves in a manner that does not disturb or create a nuisance to others.

3. Eligibility – (General Marina)

3.1 Application Process

The BBVCC through its General Manager maintain lists of (1) occupied moorage space, (2) unoccupied space and (3) a waiting list for those members desiring moorage. (See Sections 4.4 and 4.5 for information on the waiting list policy and moorage assignments.)

3.1.1 Applications for New Moorage

The application process for new moorage is as follows:

- 3.1.2** A Request for Moorage and the waiting list fee are to be submitted to the BBVCC office (see current Marina Fee Schedule in the Appendix). At the time of application submittal, or before assignment of moorage, the applicant will be required to show evidence of current vessel registration and insurance in the name of the applicant.
- 3.1.3** The waiting list fee will be credited toward the key deposit or moorage fee at the time of slip allocation.
- 3.1.4** Applicants are responsible for keeping the office informed of their current address and telephone number. In addition, a local emergency contact name and number must be available for when vessel owner is not available. (changed 2/21/2008)
- 3.1.5** If the applicant refuses an offered moorage, or cannot be located within 15 days from the date offer is available to be made; the application is passed over and goes to the bottom of the waiting list. (changed 2/21/2008)

3.2 Eligibility Requirements

BBVCC members in good standing are eligible for moorage through the application process (3.1) under the following criteria:

- 3.2.1** One marina slip for one BBVCC member. (changed 2/21/2008)
- 3.2.2** Non-BBVCC property owners (BBVCC house renters) are eligible for marina moorage **only if there are no BBVCC property owners on the waiting list** (ref. Section 4.5). BBVCC house renters are to have a rental agreement on file in the BBVCC office that is valid for the duration of the year for which moorage is sought. House renters have 30 days (or prior to the beginning of the next quarter) to remove their boat upon termination of their rental agreement; further, house renters who move directly to a BBVCC house that they purchase, or alternately purchase a BBVCC lot, may retain their assigned moorage slip.
- 3.2.3** If a BBVCC member has more than one lot and seeks one or more additional slips, an additional slip may be assigned provided there is no waiting list for the desired size of slip(s) and such slips are available. However, a slip renter with multiple lots and slips will be required to relinquish extra slips at the end of the current moorage year if other eligible applicants without a slip, but having similar requirements are added to the waiting list.
- 3.2.4** Marina members with more than one slip prior to the date of the current Marina Rules & Regulations are “grand-fathered” as long as the original owner and same vessel requirements are continued for the slip lease.
- 3.2.5** A slip may not be transferred to another BBVCC member, or non-member, upon sale of a vessel. The vessel buyer should apply for moorage per Section 3.1.
- 3.2.6** Upon death of a BBVCC marina member, moorage rights may be passed on to an immediate member of the family: spouse, child, father or mother, provided conditions outlined in these Rules and Regulations are met.
- 3.2.7** Subletting of BBVCC moorage with or without fee is strictly prohibited.

3.3 Vessel Restrictions and Dimensions

- 3.3.1** Moorage is for pleasure boats only; no commercial vessels are permitted in the marina.
- 3.3.2** Live-a-boards are not permitted in the marina; the maximum number of overnight stays in the marina is 14 days each calendar month.

- 3.3.3 The marina does not permit vessels, which present undue hazards to other vessels, the docks and related facilities, or individuals in the marina.
- 3.3.4 Vessels may not have an excessive beam that would interfere with the reasonable and safe use of adjacent moorage. Further, a vessel may occupy no more than 50% of the width between fingers and a clearance of at least 3 feet between boat hulls is required.
- 3.3.5 Vessel length including any overhangs must not protrude beyond the dock into the channel or over the walkway.
- 3.3.6 The maximum length of a vessel will be limited to fifty-feet (50) Length On Deck (LOD). As per sub-section 3.3.5, the maximum Length Over All (LOA) which includes bowsprits, bow pulpits, swim steps, dingy davits, etc. is limited to the length of the slip (excluding "end-ties").
- 3.3.7 BBVCC may measure Vessels and adjust moorage fees accordingly.
- 3.3.8 Any vessel deemed too large or too small for its slip will be relocated to a slip of appropriate size.

3.4 Vessel Identification Requirements

All vessels requiring registration must have current identification as follows:

- 3.4.1 All vessels must be registered and identified in compliance with current State and Country regulations or an official registration from any other State or foreign country.

Smaller vessels not requiring registration will be BBVCC registered with current photo of the vessel and owners Driver's License to be placed on file. (updated 6/19/08)

- 3.4.2 All vessels are to display a current year decal in a visible location. Decals from prior years are to be removed and current stickers installed by March 1st. (changed 2/21/2008)
- 3.4.3 Current year BBVCC decals will ONLY be issued once current registration and insurance are on file in the BBVCC office.

3.5 Vessel Insurance Requirements

All vessel owners are to present proof of current liability insurance in the amount of no less than \$300,000 at the time of slip assignment or annual slip renewal and agree to maintain such insurance coverage during slip rental.

3.6 Seaworthiness

Vessels moored in BBVCC Marina must be completely without hazardous conditions, capable of maneuvering under their own power and ready for cruising in local waters. Vessel owners may be asked to show proof of seaworthiness in the form of a recent marine survey. Further, sailboats are to have operating propulsion system for maneuvering in the marina and the entry/exit channel.

4. Moorage Fees & Assignments – (General Marina)

4.1 Moorage Fees

The moorage fees are established by the BBVCC Board of Directors. Refer to definitions, Section 1.3, for explanations of vessel length, billable vessel length, and the 60% rule.

4.2 Buffer Zones

A five (5) foot buffer zone will be added to vessel's overall length except in cases where the entire finger has been rented to a member in which case the moorage rate is based on the length of the finger.

4.3 Moorage Collection Schedule and Usage Restrictions

Fees are billed annually on a calendar year basis and payment is due January 1st of each year (refer to the current year Marina Fee Schedule). At the time of renewal of annual marina privileges (or initial application if the applicant is the current registered owner of a vessel), evidence of current registration and proof of insurance will be required. A "first-time" applicant who does not currently own a vessel has 90 days from the time of payment of the marina fee to provide evidence of registration and proof of insurance.

Moorage will incur a late fee if payment is not made by January 31st (refer to the current year fee schedule for late fee penalty). Any vessel in an unpaid slip on March 1st will be removed at owner's risk and expense; if necessary, BBVCC costs will be recovered by a lien on the vessel and/or the members BBVCC real property. (changed 2/21/2008)

Moorage for vessels registered, as a partnership requires that one partner be responsible for moorage payments. The application for New or Renewal moorage shall designate the name of the responsible partner. All partners must be members of the Club.

4.4 Moorage Assignments

Assignments for moorage will be made on a space available and waiting list basis. After a moorage assignment has been made and accepted by an applicant, the vessel must be moored within six (6) months after slip assignment and payment, or the moorage will be terminated without refund of paid fees. **The assigned vessel** must be moored in that space for not less than Ninty (90) days per year thereafter.

4.5 Waiting List Policy

The waiting list is an openly posted document listing BBVCC members desiring moorage. BBVCC members have priority over BBVCC house renters (non BBVCC members) desiring moorage. BBVCC house renters will be placed on the waiting list following the last BBVCC member on the list. Once a BBVCC house renter has been assigned a slip, they will retain the slip (providing all eligibility requirements are continued) regardless of BBVCC members on the waiting list.

The order of the list is by date of application and is maintained and updated on a monthly basis in order to show an applicant's relative position toward obtaining moorage. In addition to the applicant's name it will also include their Lot/Division, length of slip required (including 5 ft buffer zone), and date of application. Further, the waiting list will indicate the assigned slip locations that have been made during the past 60 days.

Vessel owners who presently have a moorage assignment but who wanted to relocate to another location have priority over new applicants. Since those relocating are releasing moorage space, this is a "neutral" move and opens space for a new applicant requiring the same amount of space

4.6 Moorage Reassignments

Under extraordinary circumstances, any marina member may be asked to relocate their vessel on 30 days notice; BBVCC will pay for the electric transfer fee charged by the utility. In such case, there will be no fee increase for the new location for the current year.

In cases where the marina member has asked and received moorage reassignment, the moorage fee will be adjusted to reflect the new location.

In situations where moorage reassignment results in reducing the billable fee (i.e., a vessel falling under the 60% rule and is therefore required to take the entire finger, subsequently moves to longer finger where the 60% rule no longer applies) the quarterly refund policy will apply.

In some instances a current member may wish to relinquish the remainder of his 60% moorage for assignment to smaller craft. This can be accomplished, provided this is agreed to by the members occupying the space between the 'fingers' and the requirements for moorage are met Per Article 3 inclusive, Eligibility -(General Marina) and administered by the Harbormaster.
(updated 6/19/08)

Current members, who wish to increase or decrease the size of their boat, or wish to relocate, should apply by application to the office. The procedure will be the same as for New Moorage (Section 3.1); also see Section 4.5 (paragraph 2) for reassignment priority. An exception is where the member already rents the entire finger and the larger vessel will fit under these guidelines. Another exception is where open space is available on the member's current finger and he/she wishes to acquire the additional space; in this case the fee for the additional length will be charged based on the quarterly fee rule as stated in Section 4.3.

4.7 Voluntary Moorage Termination

Marina members who relinquish their marina moorage space during a calendar year will be eligible for a partial refund of the fees for the remaining time in the rental period providing there is a waiting list for marina space.

Refunds will be limited to the remaining full quarters of the calendar year that the moorage space is rented to another member. The first quarter of any moorage rental is non-refundable.

Vessels must be removed from the marina within 30 days of terminating membership in either BBV or the BBV marina.

4.8 Involuntary Moorage Cancellation

When moorage is cancelled for cause, the member will receive a refund on the same basis as in 4.7 above. In all cases the member's vessel (and trailer if applicable) is to be removed from the marina and/or marina storage area within 30 days notice of cancellation or prior to the beginning of the next quarter, whichever comes first.

4.9 Keys

Members who have obtained annual or small boat moorage privileges or launching privileges may obtain a marina key from the office. A key deposit is required (refer to current year's Fee Schedule). Each marina member may obtain as many as two keys, each requiring a deposit.

Returned keys and refunds: members who give up their marina privileges or whose privileges are terminated are to return all keys within 15 days; deposits will be returned within 10 days thereafter.

5. Usage Rules and Regulations – (General Marina)

5.1 Discharge of Sewage

Direct discharge heads are not to be used in the marina nor are holding tanks to be discharged in the marina.

5.2 Disposal of Trash and Recyclables

Birch Bay Village Marina provides separate trash containers for the deposit of waste generated directly from marina member's vessels. The trash containers are located at the gate area of each dock. The trash containers are labeled for either normal trash or recyclable aluminum cans. Hazardous materials (i.e. oil, fuel, paint, solvents, etc.) are not to be discarded in the containers or left in the area of the containers.

5.3 Hazardous Material Storage / Disposal / Spills

Storage of hazardous material, including oil and fuel, is not allowed on the docks/fingers. This also includes storage of hazardous materials in dock boxes and boarding steps. (Refer to Section 2 for additional detail)

5.4 Fueling

Fueling of vessels moored in the marina is not permitted, regardless of the type of fuel. Fueling is permitted only at the fuel dock. (Refer to Sections 2 and 9).

5.5 Storage on Docks / Fingers / Pilings

Docks and dock-fingers must be kept clear at all times. Docks/fingers are not to be used as a repository or storage area for dinghies, crab traps, equipment, materials, etc.,

Boarding steps are permissible as long as they allow air circulation to prevent rotting of the dock. Boarding steps are not to be more than half the width of the finger and must not be of such weight as to result in damage/sinking of the finger.

Dock boxes are not permitted unless written permission has been received from the Harbormaster and placement of the dock box is per management directive. Dock boxes must be commercially produced, white fiberglass construction and be of the following approximate dimensions:

Corner Dock box – 55 inches wide X 30 inches deep X 30 inches high. Finger Dock box – 55 inches wide X 23 inches deep X 30 inches high

Homemade' dock boxes are not permitted.

Dinghy racks are permitted only upon written permission of the Harbormaster.

The use of the docks, fingers or pilings as a base for the attachment of unauthorized objects is not permitted.

5.6 Shore Power / Water Usage

All shore power connections must be with cords and adapters designed for marine applications. A minimum 30 amp marine approved shore power cord with locking and grounded plug connection is the only approved power cord to be used in the BBVCC marina. Shore power cords must be secured so that they do not hang in the water, go across the dock walk ways, create a hazard for pedestrians, or cause damage to outlet boxes and meter bases. Vessel owners will use their own power at all times and are responsible for all fees and charges. Using other vessel owner's power outlets is not allowed. Violators may be removed from marina. Dock power users will be billed by the BBVCC office for electrical service.(changed 4/17/08)

Fresh water for the general marina is provided as a service to marina members. Hose bibs are provided at intervals to allow access for each finger. Modification of the dock water distribution system is prohibited. Water hoses are to be stored in such a fashion so as not to create a hazard for pedestrians or cause damage to the water distribution system. When hose racks are used they must be installed so as not to cause damage to marina property or interfere with marina usage (i.e. hung on electrical outlets, fire fighting equipment, etc.). Conservation of water is vessel owner's responsibility, when not in use turn off hose at bib. During the winter period, November through February, all hoses will be disconnected from the bib and the bib turned off.

5.7 Vessel Maintenance / Repairs

Normal maintenance and repair activities, (i.e. sanding, varnishing, painting, waxing, etc.) are allowed in the marina. However, per Section 2, the marina is a no discharge area and requires that all necessary steps be taken to ensure that waste materials or their fallout do not enter the waters of the marina.

Vessel owners agree to assume responsibility for any and all damage caused either to their own property, or to property of other individuals or to property of BBVCC caused by any activities of work performed on their respective vessels by any owner or their designee.

5.8 Contractor Responsibilities

All contractors performing work or selling any services or supplies on BBVCC property must register with the Harbormaster. The BBVCC marina member is responsible for notifying contractors that they must register at the BBVCC office.

Contractors are responsible for all activities conducted by themselves, their agents, or their employees on BBVCC property or on vessels moored in BBVCC marina. Contractors shall abide by all City, State, Coast Guard, BBVCC, and other applicable regulations.

Contractors shall remove all materials and debris from docks, fingers, gangways, and surrounding areas daily, and shall in no way hinder or endanger the passage or activities, of BBVCC marina members or guests by their activities.

5.9 Vessel Owner Responsibilities

Boat owners and operators are responsible for proper fendering of their craft, including adequate fendering to protect adjacent vessel(s). Sufficient mooring lines shall be deployed at all times to assure proper moorage of the vessel.

Other members' responsibilities and obligations are defined in the BBVCC moorage contract, updated and signed yearly by the marina member.

Actions of guests and family are the responsibility of the marina member.

Should any damage, other than normal wear and tear, be done to any marina facility, for any reason, by a vessel or vessel operator, such person shall be liable.

Vessel owners are requested, as a courtesy to homeowners located around the marina, to secure all lines and equipment that may cause noise through contact with parts of the vessel (in particular, halyards and lines which contact a mast during windy periods).

5.10 Sub-Assignment of Moorage

During short periods of vessel absence, a BBVCC marina member may allow another **BBVCC member** to use his/her moorage, such as during a 2-week vacation cruise of the regularly moored vessel. BBVCC Marina Rules and Regulations regarding moorage apply to the person and vessel using the moorage. Any 'sub-assignment' of a moorage must be approved by the Harbormaster.

5.11 Signs

The posting of signs for the sale of a vessel must not be larger than 12 in x 18 in, must be posted on the vessel, and must not be higher than 5 ft. above the deck.

5.12 Use of Grid and Wash-down Areas

Vessel owners are responsible for ensuring that anti-fouling bottom paint residue does not enter the waters of the Marina. Therefore, strict adherence to the rules for the use of the haul-out grid and the trailer-boat wash-down areas are mandatory.

Vessel owners using the trailer boat wash-down area must not scrub or power wash the bottom of vessels painted with anti-fouling bottom paint, or in anyway allow anti-fouling paint residue to enter the waters of the marina.

Vessel owners desiring to use the haul-out Grid for emergency repair activity only must file a 'Grid Reservation Application' with the BBVCC office. The BBVCC Harbormaster will assign a date for use of the grid. The vessel owner is responsible for determining the tide levels for the safe and efficient use of the grid. The 'Grid Reservation Application' contains the rules related to usage of the grid. The vessel owner must sign the application form as an acknowledgement that the rules for the use of the grid will be strictly adhered to.

Failure to observe the rules related to the use of these areas will result in the forfeiture of marina privileges.

6. Small Boat Seasonal Moorage (July 1 – Sept. 30)

6.1 Eligibility

Small boat seasonal moorage privileges are available to BBVCC members and BBVCC house renters in good standing who meet application criteria. BBVCC house renters must have a current rental agreement on file to qualify for small boat seasonal moorage privileges. Only 1 moorage space per lot is allowed.

6.2 Application

Application for small boat moorage is made through the BBVCC office. **At the time of application proof of vessel registration, and trailer registration if applicable, and proof of liability insurance in the name of the prospective marina member must be presented.** Such registration must be presented before moorage will be assigned.

6.3 Fees

Payment for small boat moorage is made to the BBVCC office. Refer to the current year's Marina Fee Schedule.

6.4 Terms and Conditions

Small boat moorage will be limited to space available and will occur only during crabbing season as set forth by the State Department of Fisheries Department for Area 7 North. Launch ramp

privileges are included during this period. All Marina Rules and Regulations, as applicable, apply to small boat moorage users.

Small boat moorage is restricted to a boat length of 18 feet or less. This does not include outboard motors.

Keys for the marina (including the launch ramp) will be issued upon receipt of the 'key deposit' fee (see Attachments, Section 12).

Small Boat Moorage privileges terminate on October 1 of the current year. (At end of mandated season) Boats must vacate the marina by this date and marina keys should be returned to the BBVCC office by October 10.

6.5 Decals

Decals will be issued upon payment of the small boat moorage fee. Decals for the current year must be affixed to the boat (and trailer if applicable) in a visible location for the purpose of identification. Decals from prior year(s) should be removed.

7. Launch Ramp Usage

7.1 Eligibility

Launch ramp facility privileges are available to BBVCC members or BBVCC house renters in good standing who meet application criteria. BBVCC house renters must have a current rental agreement on file to qualify for launch ramp usage privileges. Only one (1) lot owner per lot or house renter per house (refer to BBVCC By-Laws; Section 11, paragraph 11.1; re: assignment of membership privileges) is eligible for launch ramp privileges upon payment of the annual launch fee (multiple owners of a lot must decide which owner will assume eligibility).

Vessels belonging to family or friends of a BBVCC member or BBVCC house renter are not to be launched or retrieved in the marina.

BBVCC marina members who have a current slip assignment may use the launch ramp.

7.2 Application

Application for launch ramp privileges is made through the BBVCC office. **At the time of application proof of vessel registration, and trailer ownership if applicable, and proof of liability insurance in the name of the prospective marina member must be presented.**

7.3 Fees

Payment for launch ramp privileges is made to the BBVCC office. The fee schedule is from January 1 through December 31 (one year). The fee is for the entire calendar year and there is no pro-rating. Refer to the current year's Marina Fee Schedule.

7.4 Terms and Conditions

Launching privileges entitle members to use the launching ramp to launch and retrieve their boat from the BBVCC Marina as frequently as desired. A BBVCC marina member may store one (1) BBVCC registered trailer able boat and boat trailer in the dry storage area, after trailer parking fees are paid (See 8.1). Launching privileges do not include marina moorage.

7.5 Decals

Launch ramp privilege decals will be issued upon payment of the launch fee. Decals for the current year must be affixed to the boat (and trailer if applicable) in a visible location for the purpose of identification. Decals from prior year(s) should be removed.

Entry Decals denote that a vessel (and/or vessel trailer) has been authorized entry to BBVCC property only. The vessel owner has not paid the annual launch fee and is not a member of the marina. Said vessel/s (and or trailer/s) may not be launched/retrieved in the marina.

8. Dry Storage

8.1 Eligibility

BBVCC members and BBVCC house renters in good standing with moorage or launch privileges may store one (1) vessel on its appropriate boat trailer in the dry storage area upon payment of the \$50.00 storage fee.

8.2 Storage Use Restrictions

Use of the storage area is restricted to recreational boats (on their appropriate trailer) or boat trailers with current BBVCC decals, received upon payment of the \$50.00 storage fee. Other items placed in the storage area will be subject to removal at owner's expense.

Entry Decals denote that a vessel (and/or vessel trailer) has been authorized entry to BBVCC property only. The vessel owner has not paid the annual launch fee and is not a member of the marina. Said vessel/s (and or trailer/s) may not be launched/retrieved or stored in the marina area.

8.3 Abandoned Trailers and/or Boats

Trailers and/or boats left in the Marina Storage area without the appropriate decals and/or for which storage fees for the year have not been paid will be subject to "private impound" and subsequently considered abandoned.

Notice will be duly posted on the trailer and/or boats and a citation will be issued. After 15 days, the trailer and/or boat will be considered abandoned and will be towed to the BBVCC maintenance area. If the owner can be located, notice will be given in writing of intention to impound and subsequently sell the trailer and/or boat. If the owner cannot be located, public notice will be issued through appropriate methods (e.g., local public newspaper and/or BBVCC Bulletin). The trailer and/or boat will be held at the BBVCC maintenance area while impound/lien procedures are carried out. All storage, towing and legal costs will be the responsibility of, and charged to, the owner(s).

9. Fuel Dock

9.1 Eligibility

Use of the BBVCC fueling facility is for BBVCC marina members only (see Marina Member definition; Section 1.3). BBVCC Marina members desiring to contract with a fuel delivery service for the delivery of diesel fuel must contact the Harbormaster for specific requirements.

9.2 Fuel Card Application

Application for a BBVCC Fuel Credit Card is made through the BBVCC office. Applicant must complete a Gas Card Application prior to being issued a card.

9.3 Terms and Conditions

Self-serve gas is a privilege available to marina members only (includes those members who have moorage in the general marina, private dock moorage, launch ramp privilege, and/or small boat moorage) in good standing. Fuel dock privileges are not to be transferred to non-marina members.

In using the self-serve system, the user agrees to abide by the posted operation instructions.

The BBVCC fuel credit card will be surrendered to the BBVCC office upon termination of marina privileges.

9.4 Fuel Rates

Fuel rates are set based on the current cost per gallon as delivered to BBVCC plus a fee per gallon to cover costs associated with the fuel facility and record keeping.

10. Privately Owned Moorage

10.1 Eligibility

Owners of various lots around the BBVCC marina own private docks. Such lots have been identified in the BBVCC Plot Plans. BBVCC members, or renters of a BBVCC house with a private dock, may moor their boat(s) at these docks under provisions of the Marina Rules and Regulations.

Owners of private docks may assign or lease their dock space. However, if the dock space is assigned/leased to a non-BBVCC member, the owner of the private dock is responsible for the non-member who is considered a guest of the owner. All renters must abide by all Rules and Regulations including insurance requirements.

10.2 Application

The owner of a private dock must pay the annual Marina Usage Fee. Vessel application for privately owned moorage is made through the BBVCC office. **At the time of application, proof of vessel registration, and trailer registration if applicable, and proof of liability insurance in the name of the dock owner (or BBVCC member or assigned guest if the dock is leased/assigned) must be presented.**

10.3 Vessel Usage Restrictions

10.3.1 Private moorage is restricted to pleasure boats only; no commercial vessels are permitted in the marina.

10.3.2 Liveaboards are not permitted in the marina; the maximum number of overnight stays in the marina is 14 days each calendar month.

10.3.3 The marina does not permit vessels, which present undo hazards to other vessels, the docks and related facilities, or individuals in the marina.

10.3.4 Vessels cannot have an excessive length or beam that would interfere with the reasonable and safe use of adjacent moorage or navigation of channels/waterways.

10.3.5 Marina Rules & Regulations, as applicable, apply to owners/guests of private docks.

10.4 Vessel Insurance Requirements

All vessel owners are to present proof of current liability insurance of no less than \$300,000 at the time of initial application and annual private dock fee renewal and agree to maintain such insurance coverage while vessel is moored in BBVCC marina.

10.5 Facility Fee

Payment of the Marina usage fee is made to the BBVCC office. Refer to the current year's Fee Schedule.

10.6 Decals

Decals will be issued upon payment of the Private Dock fee. Decals for the current year must be affixed to the boat/s (and trailer/s if applicable) in a visible location for identification. Decals from prior years must be removed.

10.7 Marina Privileges

Owners of private docks who have paid the annual fee have use of the Launch Ramp (Section 7); the Dry Storage area (Section 8); the Fuel Dock (Section 9); and common waterways within the marina. However, guests of a private dock owner are not granted use of any of the BBVCC amenities (marina related included). Applicable Marina Rules and Regulations apply to owners and/or guests of private docks.

10.8 Keys

Private Dock owners, who have paid their annual fee, may obtain a marina key from the office. A key deposit is required (refer to current year's Fee Schedule). Each private dock owner may obtain as many as two keys, each requiring a deposit.

11. Guest Moorage

11.1 Eligibility

Limited temporary moorage for guests of BBVCC members and BBVCC house renters is available on a **first come reserve basis.**

Approximately 160 feet of slip space is available on the first dock on the starboard side shortly after entering the marina channel and runs from the blue BP/ARCO container float to the walkway ramp next to the gas dock building. Signs at each end of the dock define the guest dock area.

Members of other Yacht Clubs that have a pre-arranged reciprocal agreement with the BBVCC Yacht Club are also welcome to use the guest moorage. Reciprocal yacht club vessels are to fly their club burgee while in the marina.

Birch Bay Village members who have Marina privileges (moorage, private dock, launch ramp, or crab boat moorage) may not use the Guest Dock for moorage. Guest Dock usage is for use by guests of BBVCC members who are in good standing except that a BBVCC member who is in good standing and is not a current BBV Marina member may use the Guest Dock under the same terms as a guest, but only if such member's boat has current moorage in another, outside marina location.

Maximum Length of stay is 72 hours with the maximum number of stays of three (3) per calendar year for guests of Birch Bay Village members. BBVCC members who are not BBV Marina patrons but have current moorage in another, outside marina location, are allowed a

maximum length of stay of 72 hours with a maximum of six (6) non-consecutive stays permitted per year.

11.2 Registration

Immediately upon docking in the guest area the skipper is to complete a Guest Registration form per instructions; the forms are located in a visible holder on the side of the gas dock building.

BBV property owner should notify the office and make a reservation for their guest prior to arrival.