

APPENDIX C

Birch Bay Village Community Club Thunderbird & Kwann Dock Space Rules and Regulations

The Introduction

1) Purpose of dock space Rules and Regulations

The purpose of the Thunderbird & Kwann Lakes Rules and Regulations is to promote safety.

2) Rules and Regulations Applicability

These Rules and Regulations apply to all users of the Kwann & Thunderbird Lakes. They govern Birch Bay Village lot owners, renters, and guests while on the property of the homeowner who has the floating dock. All persons using BBVCC these floating docks are subject to all rules and regulations, and changes thereto, prescribed by the Birch Bay Village Community Club Board of Directors.

3) Definitions

A. Vessels:

Refers to the variety of watercraft that can be used on Thunderbird & Kwann Lake. No motorized floating vessel of any kind shall be allowed on Thunderbird & Kwann Lake.

B. Dock:

- i. Due to the fluctuation of the water level of the lakes between summer and winter, all docks shall be floating and have an access ramp. To minimize the protrusion into lake, the dock shall only be far enough from the shoreline to keep the floats from resting on the bottom when the lake is at its lowest level.
- ii. The maximum size shall be six (6) feet wide and twelve (12) feet long and be constructed of pressure treated lumber. The flotation shall be sufficient enough to keep the treated wood from making contact with the water. All flotation shall be of closed cell foam covered with an impervious material or equivalent. No metal drums shall be used. (See design guidelines for docks)
- iii. The docks shall be secured by driving two or more galvanized pipes, two or more inches in diameter, far enough into the lake bottom to hold the dock in place during the highest winds.
- iv. The owner of the dock shall maintain the dock in a safe operating condition and shall remove it from the water upon management's request.
- v. The dock, the ramp to it, and the bank access shall conform to ACC Rules and Regulations, and must first be approved by the Architectural Control Committee.
- vi. Prior to installing the dock the two property corner stakes adjacent to Thunderbird & Kwann Lake are to be located and marked.

4) Dock Insurance Requirements

All property owners are to present proof of current liability insurance in the amount of \$300,000 at the time of the permit application and agree to maintain such insurance coverage during the lifetime of lot ownership.

APPENDIX C (Con't)

**Thunderbird & Kwann Lakes Floating Dock Agreement
with Hold Harmless and Indemnity Provisions**

This agreement made and entered into on this day of _____ by and between Birch Bay Village Community Club, and _____ a Birch Bay Village Community Club member.

1. BBVCC is the owner of Thunderbird & Kwann Lakes at Birch Bay Village, Whatcom County, WA. The following BBV member _____ agrees to be bound by the terms of this agreement and the payment of applicable fees as set forth in the AR&R's and the BBV fee schedule.
2. BBV member _____ shall abide by and comply with all rules and regulations concerning the use or occupancy of dock space on Thunderbird or Kwann lakes that may exist at the time of execution of this agreement or as the same may hereafter be amended by the Board of Directors of Birch Bay Village or its authorized representative.
3. Each property owner on Thunderbird & Kwann Lakes who wishes to install a floating dock shall submit plans to the Architectural Control Committee for approval. Said floating dock shall be no longer than twelve (12) feet in length and six (6) feet in width. Only one (1) floating dock per division and lot will be allowed.
4. BBV member _____ agrees to sign a Hold Harmless and indemnifies Birch Bay Village from any claim arising from any damage of whatever nature and from whatever cause arising out of the BBV member's use of the floating dock. This indemnity shall extend to property damage or bodily injury, which is a result of the operation of the BBV member's floating dock by any person or any other damage or injury to any person or entity including the BBV member, arising out of the BBV member's use or occupation of dock space on Thunderbird & Kwann Lakes.
5. BBV member _____ agrees that maintenance of the floating dock and the area surrounding the floating dock is the responsibility of the BBV member.
6. BBV member _____ agrees that BBV member's rights herein are personal to that division and lot and may not be transferred or assigned to any other person without prior approval of BBVCC.

Entered into on this date of _____

Birch Bay Village Community Club: _____

Birch Bay Village member: _____

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BIRCH BAY VILLAGE COMMUNITY CLUB

POLICY RESOLUTION NO. 10-08-17-06

PURPOSE: To Establish A Policy which will allow Birch Bay Village Community Club, Inc. members who reside on Kwann Lake and Thunderbird Lake to build floating docks..

WHEREAS, there is a need to establish a policy for the building and usage of floating docks on Kwann Lake and Thunderbird Lake.

NOW, THEREFORE, BE IT RESOLVED:

1. Floating docks on Kwann Lake and Thunderbird Lake must be approved by the BBVCC Architectural Control Committee (ACC) prior to the start of construction. The Process of Approval outlined in the AR&R's (section 2) must be followed.
2. All floating Docks on Kwann and Thunderbird Lakes must be built in accordance with the BBVCC Architectural Rules and Regulations (AR&R's)
3. A "Kwann Lake and Thunderbird Lake Dock Space Agreement with Hold Harmless and Indemnity Provisions" must be signed by the BBV homeowner who intends to build a Floating Dock.
4. Floating Dock owners are to present proof of current liability insurance.
5. No Floating Docks are allowed on vacant lots.
6. Since the Floating Docks are in the community areas, then these docks would and should be available a "limited access community property"; in other words the public may dock onto these private floating docks, but may not enter the private property without owner's consent (just as someone could paddle up to a set of stairs and rest there if they chose).
7. "Kwann Lake and Thunderbird Lake Dock Space Rules and Regulations" are outlined in the "Birch Bay Village Community Club General Rules & Regulations" and must be followed.

DATE OF ADOPTION

ATTEST:

August 17, 2006



BBVCC SECRETARY