

BIRCH BAY VILLAGE COMMUNITY CLUB

GENERAL RULES & REGULATIONS

As adopted by the Birch Bay Village Board of Directors

Revised and Restated February 16, 2011

Last amended: November 20, 2020

These General Rules and Regulations replace all General Rules and Regulations and Revisions. Changes to the General Rules and Regulations following the adoption date are listed below. Please replace/add/delete pages as indicated.

General Rules and Regulations Change Log

<u>Change #</u>	<u>Date</u>	<u>Section</u>	<u>Subject</u>	<u>Revise/Add/Delete</u>
#1	12/18/03	AI		Revisions
#2	11/18/04	9	Section 7	Revised
#3	11/18/04	12	Section 13 & 14	Added
#4	02/17/05	8	5.2	Revised
#5	02/17/05	10	9.2.2	Revised
#6	10/20/05	Appendix A	Fines	Changed
#7	08/17/06	14	Section 15	Added
#8	02/15/07	9	Vehicle Storage/Parking	Change & renumber
#9	03/15/07	17/18	Appendix A	Amended
#10	04/19/07	11/12	Exterior Appearance	Change & Added
#11	07/19/07	6.3	Vehicle Storage/Parking	Change
#12	08/16/07	6.1	Vehicle Storage/Parking	Revised
#13	08/16/07	8.1	Exterior Appearance	Revised
#14	01/17/08	11.6	Recreational Areas	Revised
#15	03/20/08	8.2	Exterior Appearance of Lots...	Add
#16	03/20/08	8.3	Exterior Appearance of Lots...	Change/Add
#17	06/19/08	4.3.1	Visitors	Change
#18	11/20/08	Fine Schedule	Other Violations	Add
#19	01/16/09	6.1	Vehicle Storage/Parking	Change/Add
#20	05/21/09	6.1A	Vehicle Storage/Parking	Change
#21	04/15/10	5.1.2A	Reckless Driving	Add
#22	05/20/10	Appendix A	Pets	Change
#23	05/20/10	Appendix A	Yard Waste Dumping	Add
#24	07/15/10	8.3	Signs	Add/Change
#25	07/15/10	8.2	Mowing	Add
#26	07/15/10	7.5	Animals & Livestock	Add
#27	07/15/10	12	Fires, Garbage, & Refuse	Add
#28	07/15/10	6.2	Boat Private Storage	Change
#29	07/15/10	Appendix B	ACC Fines	Add
#30	10/21/10	10.6	Trespassing	Add
#31	10/21/10	5.1.2	Traffic Code Violations	Change/Add
#32	12/16/10	5.1.2/Appendix	Failure to yield to pedestrian	Add
#33	03/17/11	6.1E	Vehicle Storage/Parking	Change
#34	09/15/11	11.8	Beach Fires	Change/Add

#35	09/15/11	6	Vehicle Parking	Change/Add
#36	02/16/12	Appendix A	Speed Fine Schedule	Change
#37	5/17/12	8.4	Sign Rule	Change
#38	11/15/12	8.2	Unsightly Conditions	Change/Add
#39	01/17/13	4.3.1	Visitor's	Change
#40	01/17/13	1.4	Definition "House Sitter"	Delete
#41	01/17/13	6.1.1	Vehicle Parking	Add
#42	01/17/13	8.1	Unsightly Conditions	Change
#43	02/21/13	4.2	No Solicitation	Add
#44-	11/21/13	Appendix A	Unauthorized Rentals	Add
#45	03/20/14	Appendix A	No decals/fees not paid	Add
#46	03/20/14	Appendix A	No dumping household garbage	Add
#47-	09/19/14	5.1	Driver's License	Change
#48-	06/18/15	8.1	Unsightly Conditions	Change
#49-	12/17/15	12	Fires, Garbage, Refuse	Change
#50-	12/17/15	17	Fishing	Add
#51-	12/17/15	4.3/4.9.2	Barcodes & Decals	Change/Add
#52-	07/21/16	16.3	Hold Harmless	Delete
#53	07/21/16	18	Architectural	Addition
#54	07/21/16	Appendix	Schedule of Fines	Format change/Addition
#55-	03/16/17	Appendix	Schedule of Fines	Speeding addition
#56-	06/2/17	7.5/7.6	Pets/Dogs/Assistant Animals	Change/Addition
#57-	04/19/18	11.5	Pool Rules	Addition
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#61	08/15/19	4.7.1	Open House Policy	Change
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1. INTRODUCTION

1.1 Description of Birch Bay Village

Birch Bay Village (BBV) is a community association composed of 1132 lots, of which nearly 900 have homes constructed upon them. BBV is a private community, which is not open to the general public. Unauthorized visitors are not allowed entry.

When purchasing a property, a person automatically becomes a member of the Birch Bay Village Community Club (BBVCC), i.e., membership is not optional.

The BBVCC is an association of all property owners. BBVCC owns, maintains and administers the common assets and facilities within BBV, which includes thirteen (13) miles of roads, multiple recreational areas and facilities listed below. These facilities are available to all property owners in good standing.

1.2 **BBVCC Management and Personnel**

The Board of seven (7) Directors manages the affairs of BBVCC:

The Board of Directors hires and supervises the BBVCC General Manager, who implements and enforces Board Policies. The manager is responsible for the day-to-day administration of BBVCC assets and facilities. The staff consists of:

General Manager:

(Hereinafter called "the Manager") Responsible for all operational matters of BBVCC, including architectural control, maintenance, rules enforcement, golf, marina and administrative functions. The Manager also serves as Harbormaster.

Office and Clerical Support:

Responsible for all administrative and record keeping operations of BBVCC files, names and addresses of owners, receipting all money coming into BBVCC and recording minutes of Board and Committee Meetings.

Bookkeeping:

Responsible for recording and accounting of all income, preparation of monthly, quarterly and yearly financial statements, invoicing members for dues, moorage, traffic fines, marina fuel and paying of all vendor invoices and payroll.

Maintenance Staff:

Maintains the common areas and facilities of BBVCC, under the direction and supervision of the Manager.

Public Safety/Compliance Coordinator:

Under the direction of the Manager; responsible for marina and architectural control as well as the enforcement of BBVCC Marina Rules & Regulations and Architectural Rules & Regulations. This staff member also serves as liaison between BBV Manager and Subcontracted Security as well as patrols community for General Rules & Regulations enforcement.

Golf Staff:

Maintains the BBVCC golf course and facilities; under the direction and supervision of the Manager.

Pro Shop Staff:

Provides golf play support services as well as snack bar service at the Golf & Grille; under the direction and supervision of the Manager.

Security:

Subcontracted employees responsible for policing and monitoring front gate entry as well as the BBVCC private and community properties. Both the front gate and patrol are on duty 24 hours a day, 7 days a week.

BBVCC Office Hours:

Monday thru Friday 8:30am – 4:30pm
Closed Saturday and Sunday and Selected American Holidays.

1.3 **BBVCC Governing Documents:**

1. Articles of Incorporation of Birch Bay Village Community Club, Inc.
2. Declaration of Rights, Reservations, Restrictions and Covenants of Birch Bay Village
3. Revised and Restated Bylaws of Birch Bay Village Community Club
4. Birch Bay Village Community Club General Rules & Regulations
5. Birch Bay Village Community Club Architectural Rules and Regulations
6. Birch Bay Village Community Club Marina Rules and Regulations
7. Birch Bay Village Community Club Golf Course Rules and Regulations

1.4 **Definition of Owners/Renters**

Owners

For all purposes, are the parties that are listed on the property deed recorded at the Whatcom County Courthouse and recorded at the BBVCC Office.

Children and relatives of owners, unless listed on the deed, do not qualify as owners and, therefore, do not have any authority pertaining to the property and amenities of BBV.

Owners in Good Standing

Property owners whose dues are current and whose privileges of using the facilities of BBV have not been revoked or in any way limited as a result of action of the Board of Directors because of that property owner's violation of rules or regulations of BBV, shall be considered "Members in good standing".

Owners declared "Not in good standing" will not be allowed access to amenities or entrance with their vehicle. (See Revised and Restated Bylaws of BBVCC Inc., Section 7.9).

Renters

A renter is any person(s) renting property in BBV for 30 days or more. The BBVCC requires a copy of the lease/rental agreement and payment of the Rental Transfer Fee.

Visitors/Guests

A visitor/guest is any person(s) visiting any owner/renter in BBV. Visitors/guests must be listed on a Guest Authorization Card signed by the owner or called in by the owner.

1.5 **Amenities**

The BBVCC Office is located at 8055 Cowichan Road.

The Security Facility (Front Gate) is located at 8290 Sehome Road

The BBVCC Clubhouse is located at 8181 Cowichan Road. The Clubhouse is available for the exclusive use of Club owners. Maximum capacity is 60 persons. It is also used as a meeting room for Board of Directors, Committee meetings and scheduled BBV social activities.

The BBVCC golf course is a 9-hole, par 3, course, normally playable year-round. The Pro Shop is located at 8169 Cowichan Road and is open daily during summer months. During spring and fall, the Pro Shop is open on weekends. The Pro Shop is closed in the winter. Private tournaments may be booked.

The Marina contains four (4) docks and a launch ramp. Two community docks, located in the Marina basin, are available for temporary use by guests of members, or by members of reciprocal yacht clubs. There is a gas dock that is available as a service to owners only.

The pool is located adjacent to the Clubhouse at 8195 Cowichan Road. Its dimensions are 75 ft. in length, 35 ft. in width. The depth is 3 ft. at each end and 5 ft. in the center. Change rooms are available for users.

The BBVCC also owns beachfront, recreational areas, basketball, pickle ball and tennis courts. The recreational areas contain restrooms, a barbeque shelter, and in two locations, a "Big Toy" playground structure.

2. GENERAL

Owners of Birch Bay Village properties shall always abide by the BBVCC governing documents.

- 2.1 Owners leasing or renting their BBV Property shall be responsible for advising occupants of these Rules and Regulations.
- 2.2 Owners and/or occupants of the property shall always be responsible for the conduct of their family members and guests.
- 2.3 Complaints regarding violations of these rules shall be submitted to the Manager.
- 2.4 Activities that may cause damage to BBV common property are strictly forbidden. Common property includes, but is not limited to, the buildings, landscaping, pool, courts, roads and other areas. Damage to any part of BBV common property shall be the financial responsibility of the owner and/or tenant.
- 2.5 No noxious or offensive activity shall be carried on in BBV nor shall anything be done therein which may be, or may become, an annoyance to other occupants. The Board of Directors, or the Manager, shall determine what constitutes noxious or offensive activity, at its discretion.

3. EMERGENCIES/SECURITY

3.1 In emergency, CALL 911.

- 3.2 When dealing with emergencies every attempt must be made to obtain the immediate involvement of professionals who are trained to respond to the situation (public safety, rescue, fire, law enforcement).
- 3.3 The Manager should be advised of any threat to the community safety and security.
- 3.4 Residents are advised that Security guards may not accept messages, keys, packages, money, or other items for residents.
- 3.5 Residents are advised that security guards are not allowed to give roadside, or other,

assistance or service on a personal level to any resident, unless the lack of such action will cause a safety hazard or further jeopardize property of others.

4. ENTRY

- 4.1 Utility, Emergency, Law Enforcement, Governmental Agencies, and process servers may enter BBV without preauthorization, but will be required to show identification and, when necessary, proof of purpose.
- 4.2 Outside solicitation is prohibited within Birch Bay Village. Sales representatives will not be allowed entry, and if outside solicitation is found within the Village, Security will require that they cease immediately and if necessary, escort them from BBV.
- 4.3 Owners and Renters may enter the Village through the right lane at the Security Facility Gate, which is marked "Members". In order to use the "Member" lane, residents must have a valid Barcode on their vehicle, which will open the gate automatically. Barcodes may be obtained by qualified owners/renters at the Club Office. A copy of current vehicle registration in the owners/renter's name is required to receive a barcode. (Barcodes are non-transferable.)
- For renters: a copy of the rental/lease agreement on file is required.
 - For other occupants: the owners/renters Guest Card must list the person as "other occupant" and the address on the vehicle registration must match the owners/renters address.
 - For company vehicles: proof of ownership of the company is required (e.g. business card, etc.).
- 4.4 Visitors, unless they are arriving in the company of a member, must stop at the Security Facility Gate. Visitors will be required to give the guard their name and the name and address of the person he/she wishes to visit.
- 4.4.1 The Visitor's name must be on a Guest Card or guest list supplied by the member, called in by the member or added online through the owner portal. Guest Cards may be obtained at the BBV office. No "open" or "anyone who asks" authorizations will be accepted. Guest Cards are available only to owners of record, residents of record and/or renters who have a renter agreement on file in the BBV office.
- 4.4.2 If the visitor's name is on the list of those individuals authorized entry.
- 4.4.3 If the Visitor's name is not on the guest card or call-in log; the visitor may use the telephone outside the gate to call the owner and arrange entry.
- 4.5 Special Occasions – Guest Lists:
Residents may give a list of prospective guests to Security for a single entry for special occasions, such as Golf Tournaments, Bazaars, Birthday Parties, and so forth or may be added by the resident through the online portal. This list must be authorized by an owner/resident, or by a functionary of BBVCC. The list must be dated and alphabetized, if more than twenty (20) names.
- 4.6 Tradesmen:
Reporting to perform a job at a location within BBV must be on a Construction List that the owner and/or contractor have filled out, listing all subcontractors and suppliers. Company names are sufficient provided the employees have proper identification when attempting to check in at the gate. If a tradesman is not listed as authorized for entry he/she will be turned away.
- 4.7 Realtors and Appraisers
- 4.7.1 Must show a business license or other form of identification and inform the guard of the primary property they plan to view.
- 4.7.2 The real estate agent or appraiser will sign an acknowledgement of receipt of regulations governing real estate agents or appraisers within BBV boundaries.
- 4.7.3 Once the above acknowledgement is signed, and the employing company is

verified as in good standing, the agent will be granted access to BBV. If the company or agent is not in good standing with BBV they may not be admitted for business purposes.

- 4.7.4 Agents are responsible for their client's activities within BBV boundaries. All clients must sign-in with security at the front gate. The agent may bring the client in while riding in the same vehicle or the client may follow the agent to the property driving their own vehicle. The agent is responsible for escorting their client into and out of BBV.
- 4.7.5 If an agent or appraiser is a resident in BBV he/she may come and go as any member can. If the agent has a client with them, he/she must enter on the visitor side and show credentials the same as any other agent.
- 4.7.6 Open Houses
 - 4.7.6.1 Open house may be held on any day of the week.
 - 4.7.6.2 Open houses are limited to (4) pre-scheduled time slots per day.
 - 4.7.6.3 Agents may schedule one, two (2) hour, open house during the following time slots.
 - 10 a.m. to 12 p.m.
 - 12 p.m. to 2 p.m.
 - 2 p.m. to 4 p.m.
 - 4 p.m. to 6 p.m. (During daylight savings time)
 - 4.7.6.4 Agents must sign up at the BBV Office and schedule their open houses on a first come, first served basis. The open houses may be scheduled no sooner than (2) weeks prior to the open house and the agent may pick only (1) slot per day at a time. Additional time slots may be scheduled if still available within 5 days of the proposed open house.
 - 4.7.6.5 There must be a minimum of two agents to conduct an open house. One must always be at the BBVCC Entry gate to greet and escort clients to / from the open house.
 - 4.7.6.6 The agent holding the open house must be the listing agent or an assigned agent affiliated with the exclusive listing brokerage.
 - 4.7.6.7 Open house signage on BBV property is restricted to (1) sign in the BBVCC front parking lot to identify the greeting realtor who is hosting the open house. (No other open house signage is to be disbursed within BBV)

4.8 Deliverymen/ride share

Delivering items to residents in BBV shall be handled the same as Visitors. Standard delivery companies that do not need to be called in, but will be allowed with proper identification:

Amazon, DHL, FedEx, UPS

Other deliverymen and/or ride share companies need to be called in.

4.9 Boats/Trailer Entry

For any boat or trailer to enter BBV they must enter through the "visitor lane" and meet the following criteria:

- 4.9.1 Car toppers may come and go without decals.
- 4.9.2 Current Launch, Moorage or Entry decal must be attached to the boat and trailer. Decals must be obtained at the BBV Office with registration/title in the owners/renter's name (company trailers/boats must provide proof of ownership of the company).
- 4.9.3 Boats of Guests/Visitors are not allowed to enter BBV unless pre-authorization has been given by management. Information shall be provided to guests/visitors as a courtesy to inform them of alternate locations where boats may be stored or launched.

4.10 Fee for Broken Gate Arms

The gate arms may occasionally be broken either accidentally or intentionally. The Board of Directors has established a fee to cover the replacement cost of each broken gate. Security Officers will stop anyone observed breaking a gate arm, inform him or her of the fee and that the fee must be paid within 24 hours or the matter will be turned over to the County Sheriff.

5. VEHICLES

5.1 Laws of the State of Washington will apply to use of BBV roads, a valid Driver's License is required for all drivers of motor vehicles and golf carts in BBV.

5.1.1 The speed limit on all roads within BBV is 20 MPH. Violators will be subject to citations.

- a) Drivers must pull their vehicles over at the earliest opportunity when directed by a security officer. If a traffic violation has occurred the driver has to identify himself, or herself, to the security officer.
- b) The security officer will inform the driver of the violation. The driver may be cited or warned depending on the circumstances.
- c) Any citation may be appealed to the Board of Directors or Security Court (See GR&R 20 and Schedule of Fines).
- d) After three (3) speeding citations in two (2) years, the violator shall appear before the Board for determination of possible penalties.
- e) After four (4) speeding citations in three (3) years, the violator may lose Village driving privileges after the appropriate Board hearing per Bylaws 4.5.2 & 7.9. Following the Board hearing where the violator was given an opportunity to comment on the violation, the Board shall notify the violator/owner in writing of the Board decision.
- f) This policy shall not limit Board discretion in suspending driving privilege in BBV prior to a violator accumulating four (4) citations, after a Board hearing pursuant to Bylaws 4.5.2 & 7.9.

5.1.2 The violations of the traffic code of BBV are:

- a) Reckless Driving, as defined by Washington State Law
- b) Negligent Driving, First Degree as defined by Washington State Law
- c) Negligent Driving, Second Degree as defined by Washington State Law
- d) Speeding – per fine schedule
- e) Running stop signs (including bicyclists)
- f) Failure to yield right-of-way
- g) Failure to yield to a pedestrian in a crosswalk
- h) Passing vehicles - in excess of the Basic Speed Limit (20 MPH)
- i) Improper or unsafe parking within the Village (including 1 hour parking in loading zones)
- j) Unlicensed operator of motor vehicle or golf cart
- k) Unlicensed motor vehicles (except golf carts)
- l) Failure to properly display barcode
- m) For parking regulations see Section 6.
- n) Intentional/Excessive automotive noise

5.2 The use of motorized scooters/mopeds, or small two wheeled vehicles, will be allowed only if they are registered and a decal obtained (with the exception of 'mini-cycles' or 'pocket rockets' or similar vehicles which are banned from Birch Bay Village) at the BBVCC office under the same requirements as other vehicles. No rental scooter/mopeds will be allowed to enter BBV.

5.3 The unsafe use of skateboards and scooters (motorized or not) on BBV Community roads is prohibited. The use of skateboards and/or scooters around common areas and/or facilities

(such as tennis and basketball courts, pool, pro shop, golf course, clubhouse, marina, security facility) is prohibited. Offenders will be fined. (See Fine Schedule.)

6. VEHICLE STORAGE/PARKING

- 6.1 Personal vehicles, recreational vehicles, motor homes, trailers, boat trailers, and one light duty commercial vehicle may be parked or stored in an orderly manner only within a village approved, designated and properly maintained gravel or paved area on the owner's lot which has his home on it. A maximum of four (4) vehicles may be regularly parked outside the garage on the owner's property, including those parked on the gravel parking strip next to the street
 - 6.1.1 Vehicles may be parked in front of the owner's home on the graveled right-of-way (parking strip) for up to 72 hours. Parking for longer than 72 hours is considered storage and is not allowed. A short-term special parking pass may be applied at the office for extraordinary circumstances but cannot exceed an additional five (5) days and has approved by the Board President. All vehicles must be completely off road edge . Any vehicle deemed a safety hazard must be removed immediately. Vehicles parked in violation of this section will be fined and subject to towing.
 - 6.1.2 One or more of the four vehicles regularly parked on a resident's lot may be a boat, trailer, or other recreational type of vehicle. RV, Boat, and Trailer parking is not allowed on any BBV Roads, road shoulders, or parking strips.
 - 6.1.3 In addition to the four vehicles regularly parked on a resident's lot, one RV, be it motor home or trailer, may be parked or stored in the driveway, alongside the house on a BBVCC approved gravel or paved area of the lot.
 - 6.1.4 No personal vehicles may be regularly parked on another owner's property, including the parking strip along the street in front of another person's property. An owner may grant written permission for another person to regularly park on their private property, so long as his own five vehicle total is not exceeded by doing so but cannot grant permission to park in the parking strip in front of their home. A copy of the written permission to park on private property must be provided to, and on file in, the BBV Office before such parking occurs.
 - 6.1.5 A maximum of four complimentary front gate barcode stickers will be issued per Lot ; vehicles must be registered with address on file. One additional barcode sticker may be applied for if the fifth vehicle stored on the lot is of a type that would require one, such as a motor home or vehicle other than a trailer. Additional bar codes may be issued for an annual fee provided extra vehicles are not in violation of any parking regulations.
 - 6.1.6 Boaters leaving BBV Marina on a boat trip may leave one passenger vehicle (or pickup) at the designated Marina Parking Lot for the duration of the trip.
 - 6.1.7 Boats and boat trailers (with proper decals and owners having paid a current launch or moorage fee) may be stored in the BBV boat storage yard at the marina for a fee (contact BBVCC office for further Information).
 - 6.1.8 Commercial vehicles such as, but not limited to, trucks, truck tractors, semitrailers, implement trailers, heavy equipment, compressors, back hoes, cement mixers and rolling stock, or any other equipment used for construction, or commercial boats may be parked or stored on Birch Bay Village Community Club property or rights of way only when authorized by the BBVCC Management.
- 6.2 Boats/boat trailers (with proper decals and owners having paid a current launch or moorage fee) may be stored in the boat storage yard adjacent to the marina. The BBVCC management office controls the allocation of each parking space. Only boat trailers may be used for dry land storage of boats. Temporary or permanent storage support for boats such as large metal drums, cinder blocks, wooden supports, etc. are forbidden for use in

BBVCC.

6.3 Unlicensed and/or inoperable vehicles shall be considered abandoned and not allowed on any Lot, Track or Parcel of said land in Birch Bay Village unless permitted by BBVCC Management.

6.4 Storage Pods

Temporary storage pods up to 20 feet may be used, with management approval and pass displayed, for up to three months provided pod is stored on the owners driveway and not in the right of way. Extension for remodeling month by month upon request

7. DOGS/OTHER PETS

7.1 Only generally accepted **household** pets (i.e., dogs and cats) are allowed in BBV.

7.1.1 All pets must always be leashed and under direct control of a responsible person when off the owner's property. Use of others' private property or vacant lots for off leash time is only allowed with express permission on file with the office of that property owner and acceptance of liability of any issue that may arise from the use of that property in such a manner.

7.1.2 Owners are obligated to clean up after their animals on all BBV property and on properties other than their own. Offenders will be fined. (See Fine Schedule.)

7.2 Dogs at large are in violation of the Bylaws governing BBV. The Bylaws require all property owners and tenants to keep their pets under control. No dogs can roam at large within the confines of BBV. (see Fine Schedule)

7.2.1 Dogs off the owners/tenant's property must be on a leash. This is a Whatcom County Regulation.

7.2.2 Property owners whose dog is observed at large in BBV are subject to fines and/or privileges to use the facilities and amenities BBV may be revoked. (See Fine Schedule and notification and hearing regulations pursuant to Section 7.9 of the Bylaws.)

7.3 It is unlawful to harbor or keep a dog that frequently, or habitually, howls, barks, or otherwise produces loud noises that unreasonably annoy or disturb another resident. Infractions of this regulation shall receive a written warning for the first offense, a fine for the second offense, and incremental doubling of the previous fine for infractions thereafter.

7.4 BBVCC shall require all dangerous dogs, guard and/or attack dogs to be registered with the Manager. The Manager shall advise of restrictions and requirements as well as enforcement regarding dangerous dogs, guard and/or attack dogs. Definitions are below.

7.4.1 "Dangerous dog" means any dog that, according to records of the animal's behavior:

- Has inflicted severe injury on a human being without provocation on community, or private property;
- Has killed a domestic animal without provocation while off the owner's property;
- Has been previously found to be potentially dangerous, the owner having received notice and the dog again has bitten, attacked or endangered the safety of humans, or domestic animals.

7.4.2 "Guard or attack dog" means any dog which has been trained and used for protection of persons or property by exhibiting hostile or aggressive propensities, or which will attack on signal or command, except those dogs owned/used for law enforcement.

7.4.3 "Potentially dangerous dog" means any dog that when unprovoked:

- Inflicts bites on a human or a domestic animal either on community or private property; or,
- Chases or approaches in a menacing fashion or apparent attitude of attack

- any person on the roadways, or any community grounds; or,
 - Any dog with a known propensity, or disposition, to attack without provocation, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- 7.5 Assistant animal of any kind are allowed in BBV, as long as the person seeking a reasonable accommodation for an assistance animal provides documentation from a health professional that the animal provides support that alleviates one or more of the identified symptoms or effects of an existing disability. Such documentation shall be consistent with HUD guidelines.
- 7.6 No animals, beekeeping, poultry or livestock of any kind shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes.

8. EXTERIOR APPEARANCE OF STRUCTURES AND LOTS

- 8.1 Refuse & Debris Debris, trash, rubbish, vehicles of any kind shall not be dumped, placed or permitted to accumulate on any lot, tract, or parcel or any portion thereof.
- 8.2 Home/Structure Exteriors - The exteriors of all structures must be maintained in a neat and orderly condition. Any other unsightly condition or exterior appearance that detracts from the overall appearance of BBV is not allowed.
- 8.3 Landscape/Lawn Maintenance – Lawns & landscape areas are expected to be maintained in a trim/clean/weed-free manner, including parking strips in front of property.
- 8.4 Nothing can be done to any portion of a lot, tract or parcel or any portion thereof that is unsanitary, unsightly, offensive, or detrimental to persons using or occupying any other portions of BBVCC. Any disorderly, unsightly, or unkempt conditions that would cause embarrassment, discomfort, annoyance or nuisance to occupants of other portions of BBVCC or would be in violation of any law or governmental code or regulation is not allowed.
- 8.5 Outside Storage not allowed - No other articles/equipment can be stored in front of the dwelling visible from the roadway Items include, but are not limited to: barbeque grills, swinging benches, trampolines, playground sets, chairs, garbage cans, garden tools, bicycles, freezers, and other exterior or interior oriented items.
- 8.6 Vacant Lot Maintenance - The BBVCC will mow vacant lots that do not contain obstructions when requested by the lot owner or when the lot owner fails to keep their lot mowed. An annual fee for mowing will be billed per the BBVCC fee schedule. Obstructed lots shall be mowed by the lot owner. If the lot owner does not mow the lot the BBVCC will clean up the lot and the cleanup charges will be assessed against the lot. Additionally, the BBVCC will begin mowing the lot and also assess those charges to owner.
- 8.7 **No sign of any kind shall be displayed to the public view on any lot except for the following** (for political signs, see 8.7):
 - a) Signs must be placed so they do not interfere with the mowing of vacant lots, easements, etc.
 - b) Signs must be professional in appearance with stenciled appearing letters and graphics. Hand drawn signs are allowed only when they meet professional aesthetics. The BBVCC management office has final determination of professional appearance.
 - c) Private contractor signs can be no larger than five (5) square feet. These signs may be placed on or adjacent to a structure while the contractor is performing physical work. One sign is allowed per contractor with a maximum of two signs

per lot.

- d) For Sale and or Rental Signs are to be twelve (12) inches by eighteen (18) inches, white with red lettering, and limited to one sign per lot.
- e) Signs are to be promptly removed upon the completion of private contractor work, sale or rental of property, or expiration of listing.

8.8 Political signs, in accordance with the RCW 64.38.034, may be displayed on a homeowner's lot with the following restrictions:

- a) Signs can be no larger than 18 inches X 24 inches;
- b) Signs must be at least 15 feet from the hard edge of the road;
- c) Signs can be displayed no sooner than 30 days before any General, Primary, or special election in Whatcom County;
- d) Signs must be concerning a ballot (voting) issue of © above;
- e) Signs must be removed the next day following the election;
- f) Only one sign per ballot issue per lot allowed.

9. RENTAL PROPERTIES

- 9.1 A member may rent, lease, or otherwise transfer use of occupancy of their home for residential purposes. However, a member may not rent/lease or otherwise transfer use or occupancy of any home for a period of less than thirty (30) days. (Policy Resolution No. 8-08-15-02)
- 9.2 **Any owner renting/leasing shall be deemed to have assigned membership privileges to use the Common Areas to the tenant. Subleasing is prohibited.** (Bylaws, Section 11.1)
- 9.3 Prior to occupancy by anyone other than the owner BBVCC requires a copy of the lease or rental agreement to be filed with the BBV office and the payment of the rental transfer fee.
- 9.4 Owners who rent or lease their property shall remain ultimately responsible for the actions of their lessee, including damage caused by, or violations of BBV Governing Documents.
- 9.5 It is the responsibility of the owners to ensure that the users of the property are familiar with the governing documents.
- 9.6 Fees assessed for any violations, if unpaid by the lessee/occupant, will become a charge against the owner.

10. NOISE, LANGUAGE, DISORDERLY CONDUCT, TRESPASS

- 10.1 It is a violation for any person to cause or allow to be caused sound that is a public disturbance, or which unreasonably disturbs or interferes with the peace, comfort and/or repose of others in the Village. Offenders are subject to fines. (See Fine Schedule.) The following sounds are determined to be public disturbance noises:
 - 10.1.1 Repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law;
 - 10.1.2 Frequent, repetitive or continuous sounds in connection with any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine;
 - 10.1.3 Frequent, repetitive or continuous loud sounds which emanate from any building, structure, or property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings;
 - 10.1.4 Sound from audio sound systems (whether stationary or in a vehicle), such as tape players, radios and compact disc players, operated at an excess volume;
 - 10.1.5 Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume to reasonably disturb peace and comfort beyond the property source.

- 10.2 Construction, construction deliveries and industrial noises, including but not limited to, motorized construction and equipment operation, hammering, blasting, drilling, and sawing in BBV between the hours of 7:00 PM & 7:00 AM
- 10.2.1 This subsection shall not apply to noises caused by projects required in an emergency to repair public facilities or utilities or to prevent immediate damage or harm to persons or property in the Village.
- 10.2.2 Radios are banned from construction sites; this includes the use of car radios, boom boxes etc. unless they are being used with headsets. Construction crews are expected to comply with BBVCC Rules and Regulations, especially regarding pets. (see 6.1.1)
- 10.2.3 These rules regarding loud noise shall not apply to regularly scheduled events or maintenance at parks, such as public address systems for games, common area activities or concerts.
- 10.3 Persons using profane or abusive language or behavior toward the Board of Directors, Committee members, BBV Staff, Security, or anyone interfering with the performance of their duties are subject to a fine. (See Fine Schedule.) No warnings will be issued for first offenses. Assault on Board and Committee Members, the BBV staff, or Security Officers is subject to criminal prosecution.
- 10.4 Disorderly conduct will not be tolerated within BBV. Fines will be applied to any violators.
A person is guilty of disorderly conduct if he/she, without lawful authority:
- 10.4.1 Uses abusive language
- 10.4.2 Intentionally disrupts any lawful assembly or meeting of persons;
- 10.4.3 Intentionally obstructs pedestrian or vehicular traffic;
- 10.4.4 Causes, provokes or engages in any fight or brawl;
- 10.4.5 Makes or causes to be made any behavior that disturbs the peace, comfort and repose of the residents and/or the Village.
- 10.5 It is a violation of BBVCC Rules and Regulations to trespass on, over, around or through any of the fenced community property areas including, but not limited to: the marina, the maintenance yard, the swimming pool and the lower perimeter gate. Violators shall be cited and charged a fine for each violation. (See Fine Schedule)
- 10.6 It is a violation of BBVCC Rules and Regulations to trespass on privately owned properties within BBV. This rule will be enforced, and a citation issued only upon official complaint of the property owner (see Fine Schedule).

11. FACILITIES

- 11.1 The BBVCC Clubhouse is available for rental by Club members on those days when no Club events are scheduled, except for U.S. and Canadian holidays. Rental of the Clubhouse may be scheduled, and a key obtained through the BBV office.
- 11.2 The rules governing use of the golf course are listed in Golf Course Rules and Regulations, which can be obtained at the BBV office. Only golfers actively playing a round are allowed on the course. The following activities will not be allowed in the golf course lakes. All offenders will be fined for each offense. (See Fine Schedule.)
- | | |
|-------------|----------------------------|
| No Swimming | No raking for golf balls |
| No bathing | No dragging for golf balls |
| No wading | No fishing |
- 11.3 The Maintenance Shop houses tools and equipment used by the BBV staff in the performance of their duties. No tools or equipment belonging to BBVCC will be loaned to residents.
- 11.4 Rules governing use of the Marina are listed in the Marina Rules & Regulations obtained

at the BBV office. All questions concerning marina matters should be referred to the Harbormaster (the General Manager).

11.4.1 Boat owners must notify Security of an impending visit by a contractor, or broker, and provide the name, slip number, and expected time of arrival.

11.4.2 If an owner has granted permission for an individual to enter BBV for the purpose of removing his/her boat from the marina, advance notification must be given.

11.4.3 Unauthorized use of the launch ramp is prohibited and will result in a fine. (See Fine Schedule.)

11.5 The pool is available to all owners/lessees with their guests.

Owners must obtain a pool pass, for a fee, from the office PRIOR to use of the pool.

- The pool rules are displayed in the pool area
- All those entering the pool area must follow the pool rules.
- Schedules for pool hours may be picked up at the BBVCC office.
 1. Guest must be accompanied by and remain with a BBV member.
 2. No Diving, Running or Horseplay is allowed.
 3. No one with a disease spread by water may use the pool. (This includes diarrhea, vomiting, open sores/wounds, skin infections, ear infections or eye infections).
 4. No one under the influence of alcohol or drugs may use the pool.
 5. Everyone MUST take a cleansing shower before using the pool.
 6. Food is allowed ONLY in the picnic area. ONLY plastic beverage containers allowed on pool deck.
 7. A responsible adult (18+) MUST accompany children less than 13 years of age & MUST be at the pool at all times.
 8. When person 13 to 17 years are using the pool, they MUST come in a group of at least two (2) people & remain together while at the pool.
 9. Reserving of chairs is not permitted.
 10. Swimmer of all ages must wear appropriate swimming attire. Nudity is NOT allowed. NO diapers are permitted in the pool. (This includes swim diapers)
 11. Only toys & equipment approved by BBVCC may be used in the pool.
 12. Only life preserver vests approved by the coast guard & water wings on children are permitted in the pool.
 13. Lounge chairs are not permitted in the kiddie pool area.
 14. Diaper changing areas are located in each locker room.
 15. Our pool staff are not lifeguards, they supervise users and enforce rules.
 16. The pool may be closed for adverse/unsafe conditions at managements discretion.
 17. Anyone refusing to obey the regulations is subject to removal from the premises.
 18. Pool staff will turn away users once pool is at maximum occupancy. Please check back later.
 19. The General Manager & pool operators have the authority to enforce more stringent rules than those listed above to ensure the health, safety & comfort of all patrons.

11.6 Recreational areas are for the enjoyment of owners/lessees and their guests.

- There is NO overnight camping in motor homes, trailers, campers or tents allowed. Violators will be cited; the fine is \$100.00.
- Refuse is to be disposed of in containers provided for that purpose.

- Pets are always to be on a leash when on BBV property and owners must clean up after their dogs. Violators will be cited \$50.00.
 - Common areas are to be deemed a "Quiet Zone" between the hours of 7:00 pm and 7:00 am ("Quiet Zone" is a zone that adheres to the General Rules 10/10.1 to 10.1.5).
 - No Parking allowed in common areas between midnight and dawn.
 - No Trespassing allowed along the bluff.
- 11.7 The Tennis, Pickle Ball and Basketball court rules are posted at the courts.
- 11.8 In the beach areas, private property extends to the higher high tide line in front of the beachfront lots.
- Owners/lessees must keep off the private property of other members.
 - Driftwood shall not be removed from the beach areas.
 - Campfires are allowed on the Club beaches provided they have a maximum diameter of two (2) feet and are maintained below the higher high tide line, as per State Regulations.
 - No fires are allowed in the logs or other debris which would provide fuel for the fire.
 - No fires are allowed where the smoke issuing from the fire is a nuisance or health hazard to nearby residents. BBV Security personnel will make the determination as to whether the smoke in question is a nuisance or health hazard.

12. FIRES, GARBAGE, REFUSE

- 12.1 Fires: Outdoor fires may be considered a smoke nuisance or health hazard to neighbors; complaints made to Security or the Office will be promptly investigated to determine if the cited burning must cease immediately or if it can continue.
- 12.1.1 Burning of lumber or any other construction materials is strictly prohibited. Only properly dried and seasoned wood may be burned outdoors.
- 12.1.2. Outdoor fires shall always be attended/guarded.
- 12.1.3. All burning must conform to applicable Whatcom County Recreational fire regulations.
- 12.1.4. When a county "burn ban" is in effect, the outdoor burning of any material whatsoever is prohibited.
- 12.2 Garbage, Refuse: No lot shall be used or maintained as a dumping ground for rubbish, refuse, or garbage. Household garbage shall be kept in closed containers. Composting is an acceptable means of on-site disposal of non-toxic organic waste. Incineration of any type of household refuse is prohibited. Disposal of household waste or any other type of refuse shall be the responsibility of the lot owner.

13. WEAPONS/FIREWORKS

- 13.1 The discharge of any weapon, including BB gun, air gun, bow and arrow, firearms, or slingshot etc., is prohibited.
- 13.2 The discharge of any fireworks is prohibited.

14. VIOLATIONS/ENFORCEMENT

Any violations of the governing documents will be subject to a fine and/or losing the status as a "Member in Good Standing" status.

- 14.1 Fines may be doubled, or tripled, as noted in this document.
- 14.2 For all citations, owners have 14 days to submit a request for a hearing to appeal the violation. Should this period pass, the fine as proposed will be deemed collectable. Otherwise, a hearing will be scheduled and collection actions will cease until the hearing has concluded.

- 14.3 Once a fine has been assessed (either through failure to request a hearing or as a result of the hearing), owner has 30 days to pay fines or late fees, interest, and other legal fees that have been incurred.
- 14.4 Failure to come into compliance within 3 attempts/citations and/or failure to pay accumulated fines may result in the Board taking legal action and pursuing all remedies allowable by law.

15. RESIDENTIAL PURPOSE ONLY

- 15.1 Each lot, tract or parcel shall be used for single-family residential purposes only (the operation of a business or other commercial enterprise from a Birch Bay Village residence or vacant lot is prohibited), unless otherwise provided.
- 15.2 No structure of a temporary character, trailer, motor home, fifth wheel, basement, tent, shack, garage, barn or other outbuilding shall be used or placed on any lot, tract or parcel at any time as a residence, except Mobile Homes for residential purposes may be located on any lot, tract or parcel which is designated as a Mobile Division lot, in accordance with the Declaration of Rights, Restrictions, and Covenants of Birch Bay Village.
- 15.3 Visible vehicle repairs and maintenance is considered a nuisance to the neighborhood and is prohibited on any lot, tract or parcel of said land in Birch Bay Village.

16. DOCKS ON KWANN LAKE AND THUNDERBIRD LAKE

- 16.1 Prior to installing a floating dock on Kwann or Thunderbird Lake, the owner must have obtained written approval from the Architectural Control Committee (ACC). For approval and installation requirements see the Architectural Rules and Regulations (AR&Rs) Section 3.15.
- 16.2 The owner of the floating dock shall maintain the dock in a safe operating condition and shall remove it from the water upon management's request.
- 16.3 Since the floating docks are in the community areas, then these docks would and should be available as "limited access community property;" in other words the public may dock onto these private 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 choose).
- 16.4 No motorized devices of any kind are allowed on Kwann or Thunderbird Lake.

17. FISHING

Fishing is not allowed on the Lakes, Ponds, or Docks, except that fishing is permitted past the blue line marked on the Marina Gas/Pump-out/Guest Dock (by Lighthouse Park). When a boat approaches the Gas/Pump-out/Guest Dock, the person(s) fishing must reel in their lines and give the boat the right of way. All children under 12 years old must wear a life jacket and be accompanied and supervised by an adult (18 years old or older).

18. ARCHITECTURAL

The BBVCC Architectural Rules and Regulations contain the procedures for approval of the following:

- a. Creation, replacement or renovation of structures (homes, sheds, fences, walls, docks, etc.).
- b. Tree removal.
- c. Resolution of exterior lighting disputes.

19. FLAGS

- 19.1 Members of the BBVCC security staff are responsible for maintaining the flag at the entrance to the Village. Security staff will follow the federal guidelines as outlined below to determine when the flag of the United States will be flown at half-staff.

The United States flag shall be flown at half-staff as follows;

- May 15 (Peace Officers Memorial Day, unless that day is also Armed Forces Day)
- Memorial Day (until noon)
- September 11 (Remembrance Day)
- December 7 (Pearl Harbor Remembrance Day)

Up to date information and daily reminders of when to fly the flag at half-staff at...

www.halfstaff.org

Under 4 U.S.C. § 7(m) and established traditions by Presidential proclamations, the flag of the United States is to be flown at half-staff on rare occasions, in the following circumstances:

- For thirty days after the death of a current or former president or president-elect.
- For ten days after the death of a current vice president, current or retired chief justice, or current Speaker of the House of Representatives.
- From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, a former vice president, the President Pro Tempore of the Senate, or the governor of a state, territory, or possession.
- On the day of death and the following day for a Member of Congress.
- On Memorial Day until noon.
- Every September 11 in remembrance of the September 11 attacks.
- Upon presidential proclamation, usually after the death of other notable figures or tragic events.

Federal law includes a Congressional request that the flag be flown at half-staff on Peace Officers Memorial Day (May 15), unless that day is also Armed Forces Day. Presidential proclamations also call for the flag to be flown at half-staff on Pearl Harbor Remembrance Day (December 7) and Patriot Day (September 11).

Governors of U.S. states and territories are authorized by federal law to order all U.S. and state flags in their jurisdiction flown at half-staff as a mark of respect for a former or current state official who has died, or for a member of the armed forces who has died in active duty. The governor's authority to issue the order is more restricted than the president's and does not include discretion to issue the order for state residents who do not meet the criteria stated. Since a governor's executive order affects only his or her state, not the entire country, these orders are distinguished from presidential proclamations.

20. SECURITY COURT

- 20.1 Members or Guests who receive a non-property related citation and wish to contest the citation and/or do not pay the citation will be scheduled to appear at the earliest Security Court.
- 20.2 Members will receive a notice of their hearing at least fourteen (14) days in advance of the hearing.
The notice shall include:
 - a) The place, day and hour of the hearing;
 - b) A copy of the citation and incident report if applicable.
- 20.3 A third party, contracted by the Village, will preside at the hearing and will make a determination on the citation.
- 20.4 Failure to appear at the hearing will result in the upholding of the citation and a fine (see fine schedule)
- 20.5 If a guest is the offending party, it is recommended to also have the guest present, but it isn't required. Members are ultimately responsible for the fine.

APPENDIX - SCHEDULE OF FINES

The Board of Directors has approved the below list of fines for infractions of BBVCC Bylaws, General Rules and Regulations, AR&Rs, Marina Rules and Regulations, Golf Rules and Regulations, and all other governing documents.

VEHICLES

Infraction	Fine
Speeding: 21-25 MPH	\$75.00
26-30 MPH	\$100.00
31-40 MPH	\$150.00
41 MPH and above	\$500.00
Speeding in School Bus Zone	Fines doubled
Failure to yield to a pedestrian in a crosswalk	\$100.00
Improper use of skateboards and or scooters	\$50.00
Improper parking	\$50.00
Reckless Driving	Up to \$500.00
Improper entrance	Up to \$500.00

- Note:**
1. A warning may be issued, at the officer's discretion for speeding 21 -25 MPH.
 2. Infractions of 40 MPH and above carry a mandatory Security Court appearance.
 3. Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

PETS

Infraction	Fine
Unattended Pets away from owner's Property:	
1 st Offense	Warning
2 nd Offense	\$50.00
3 rd Offense	Removal of pet from BBVCC
Not cleaning up after your pet:	
1 st Offense	Warning
2 nd Offense	\$50.00
3 rd Offense	\$100.00
Barking Dogs:	
1 st Offense	Warning
2 nd Offense	\$50.00
3 rd Offense	Incremental doubling of previous fines and / or Bark collar and / or removal of dog from BBV.

NOISE/DISORDERLY CONDUCT/TRESPASS

Infraction	Fine
Profane or abusive language or behavior—no warning	\$100.00
Disorderly Conduct—no warning	\$100.00
Trespass	\$50.00 up to \$500.00 each offense
Public Disturbance Noise/Behavior:	
1 st Offense	Warning
2 nd Offense	\$50.00
3 rd Offense	\$100.00
Discharge of Weapons/Fireworks	\$250.00 each offense

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

GOLF COURSE LAKES

Infraction	Fine
Swimming, bathing or wading	\$50.00
Raking or dragging for golf balls	\$50.00
Fishing	\$50.00

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

MARINA

Infraction	Fine
Unauthorized use of the Launch Ramp	\$150.00 + fees
Unauthorized use of the Marina Storage Yard	\$50.00 + fees
Violation of the "No Wake" rule	\$50.00
No decals; fees not paid (impound)	\$50.00 + fees

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

DUMPING

Infraction	Fine
No dumping on properties, including ditches & bodies of water (lakes, ponds, marina, etc.)	\$250.00 minimum
No disposal of household waste/refuse in community garbage containers (including all facilities, recreational areas, parks, maintenance shop, etc.)	\$50.00 Minimum

SECURITY COURT

Infraction	Fine
Failure to Appear	\$200.00

ARCHITECTURAL

Infraction	Fine
Begin construction of an unapproved structure	Double applicable permit fee
Noncompliance with a Stop Work Order	Double applicable permit fee and \$100.00 each day work continues in violation of the Stop Work Order
Noncompliance with a Cure Notice	Double applicable permit fee and \$100.00 each day that exceeds the Cure Notice correction deadline.
Failure to obtain an extension on a project	\$500 per week
Unauthorized tree removal - Trunk Diameter:	
6-12 inches	\$2,000
12-18 inches	\$3,000
18-24 inches	\$4,000
Greater than 24 inches	\$5,000

- Note:**
1. Trunk diameter measured one foot above ground level.
 2. BBVCC office personnel will estimate tree trunk diameters for fine assessment purposes when required (such as tree stump evidence destroyed or removed).
 3. Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

UNAUTHORIZED RENTING

Infraction	Fine
Unauthorized Renting of BBVCC Homes	\$1,000.00 per occurrence

EXTERIOR APPEARANCE CITATIONS

Infraction	Fine
1 st letter	Warning
2 nd letter	\$100.00 (barcode deactivation)
3 rd letter	\$300.00
3 rd letter	\$500.00
5 th letter	\$1,000.00
Failure to comply will lead to other recourse being pursued, including legal action.	

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

ALL:

Infraction	Fine
ALL OTHER INFRACTIONS/VIOLATIONS	\$50.00 (minimum)

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".