

Revision Number: Month/Year: 11-28-2024 <u>18-2024</u>	 BBVCC General Rules and Regulations As adopted by the BBVCC Board of Directors	Page 1 of 32
Review Cycle: Annual		Approved: NOT Approved BBVCC Board of Directors

These General Rules and Regulations replace all General Rules and Regulations and Revisions once signed by the President and Secretary of the BBVCC Board of Directors. Previous changes to the General Rules and Regulations are outlined on the back pages of this document.

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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 lot, 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 oversees the Harbormaster and all associated Marina activities.

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 / Accounting:

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 Supervisor

Responsible for the direct supervision of all maintenance activities throughout BBVCC and all maintenance employees while under the direct supervision of the General Manager.

Mechanic:

Responsible for fixing and preserving the BBVCC equipment and vehicles; under the direction and supervision of the **Maintenance Supervisor (or designee).**

Maintenance Staff:

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

Harbormaster/Compliance Technician: This is two different roles...

Under the direction of the Manager; responsible for marina ~~and architectural control~~ as well as the enforcement of BBVCC Marina Rules & Regulations.
~~Regulations and Architectural Rules & Regulations.~~

Golf Staff:

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

Maintenance Supervisor

~~Responsible for the direct supervision of all maintenance activities throughout BBVCC and all maintenance employees while under the direct supervision of the General Manager.~~

Mechanic:

~~Responsible for fixing and preserving the BBVCC equipment and vehicles; under the direction and supervision of the Maintenance Supervisor (or designee).~~
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Security:

BBVCC Safety/Security is comprised of a robust integrated system that includes, but is not limited to:

1. Front gate security guards working day, swing and graveyard shifts, 7 days a week.
2. BBVCC Safety/Compliance officers working shifts and patrols as assigned by the BBVCC General Manager.
3. An advanced surveillance camera system that covers roadways and all common areas, front gate, and emergency gate, monitored 24/7 by front gate security personnel.
4. Speed radar signs/cameras.

~~(removed "subcontracted") This to be updated for current situation and planned SecPol~~

~~BBVCC 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.~~ Public Safety / Compliance:

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.

BBVCC Office Hours:

Monday thru Friday ~~8:30~~9:00am – 4:00

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 Definitions

Owners / Member

As used herein, be synonymous terms for owner of a lot in the community. Members shall consist exclusively of owners of real property, developed and undeveloped, over which the Club has jurisdiction (RCW64.38.015). 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 [7.94.5](#)).

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.

Rental Transfer Fee

All rental transactions are subject to a rental transfer fee. The Board of Directors will establish such fees and establish a policy by which such fees are collected.

Gatekey

Entry access software for use by Owners/Renters to manage guest and service access to the community.

Visitors/Guests

A visitor/guest is any person(s) visiting any ~~Owner~~/~~R~~enter in BBV. Visitors/guests must be listed on ~~a Guest Authorization Card signed by the owner or called in by the owner.~~[Gatekey \(BBVCC gate access software\).](#)

Common Areas

Property owned, maintained and administrated by the Club for the benefit of the owners. Common areas include but are not limited to recreational amenities, maintenance areas, roads, parking lots, walkways/pathways, lighting, signs, lakes, ponds, greenbelt areas, planted landscape, playgrounds, parks, swimming pool, golf course, marina, club house and tennis courts.

Parking Strip

Parking strip is defined as; that section of property directly in front of the homeowner's residence (or rental property) and stretches out to the five-foot easement line running adjacent to the paved road and is under the ownership/strict control of that particular homeowner/or renter. However, the homeowner does NOT maintain strict control over the 5-foot easement section, which is considered a "Common Area" and under the control of BBVCC.

Easement

Easement is defined as; A five (5) foot section (by the entire width) of the homeowner's property that parallels the paved road maintained by BBVCC. This "Easement" has been granted by the home/property owner to BBVCC as part of the Covenants for maintaining drainage and piping systems as well as routine maintenance.

Regularly parked

“Regularly parked is defined as; the homeowner parking his/her vehicle(s) on his/her **own** parking strip on a routine basis.

Vehicles

Vehicles are defined as; Cars, trucks, motorcycles, RV's, boats/trailers, utility trailers etc.

Security:

Refer to the Safety and Security Manual.

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 / renters.
 - Maximum capacity is ~~60-99~~ persons the Clubhouse
- 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, executive~~ course, normally playable year-round. The Pro Shop/Recreation Center is open daily during summer months and Monday – Friday for limited hours in the off season months. Refer to the Golf Rules and Regulations for additional information. Private tournaments may be booked. 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

- 2.1 Owners of Birch Bay Village properties shall abide by the BBVCC governing documents at all times.
- 2.2 Owners leasing or renting their BBV Property shall be responsible for advising occupants of these Rules and Regulations. Refer to section 9 for more regulations.
- 2.3 Owners and/or occupants of the property shall be responsible at all times for the conduct of their family members and guests.
- 2.4 Complaints regarding violations of these rules shall be submitted to the Manager.
- 2.5 Activities that may cause damage to BBV common ~~property area~~ are strictly forbidden.
- 2.6 Common ~~property area~~ includes, but is not limited to, the buildings, landscaping, pool, courts, roads (including 5-foot easement) and other areas. Damage to any part of BBV common ~~property area~~ shall be the financial responsibility of the owner and/or tenant.
- 2.7 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. EMERGIENCIES/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 particular situation (public safety, rescue, fire, law enforcement).~~

~~3.32~~—The Manager should be advised of any threat to the community safety and security.

3.34 Residents are advised that Security guards and cCompliance officers may not accept messages, keys, packages, money, or other items for residents.

3.5 4 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 Agencies may enter BBV without preauthorization. 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 and/or Compliance will ~~(UPDATED 6/22/18 General R&R's Page 8 of 22)~~ 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 Bbarcode on their vehicle, which will open the gate automatically. Barcodes may be obtained by qualified eOwners/Rrenters at the Club Office. Owners may obtain up to 8 barcodes for use by family or friends whom the owner has approved on their permanent list in Gatekey. A copy of current vehicle registration in the eOwners/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 eOwners/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 mMember, 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 and ID.

4.4.1 The Visitor’s name must be on ~~a Guest Card or guest list supplied by the member or called in by the member~~Gatekey. Gatekey can be updated by

~~the member. Guest Cards may be obtained at the BBV office. The Guest Card may not exceed 12 names, and 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 in Gatekey.

4.4.3 If the Visitor's name is not on ~~the guest card or call-in log~~ Gatekey; 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. 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 add to Gatekey by the Owner/Renter and/or contractor have filled out completed on Gatekey~~, listing all subcontractors and suppliers. If a tradesman is not listed as authorized for entry, the resident for whom he/she is doing work will be contacted to give approval for entry.

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, t w o (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)

4.7.8 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. Delivering items to residents in BBV shall be handled the same as Visitors.

4.8 Realtors and Appraisers:

4.8.1 Must show a business license or other form of identification and inform the guard what property they plan to view.

4.8.2 The real estate agent or appraiser will sign an acknowledgement of receipt of regulations governing real estate agents or appraisers within BBV boundaries.

4.8.3 Once the above acknowledgement is signed, and the employing company is confirmed as in good standing.

4.8.4 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.

4.8.5 If the company with whom the agent is affiliated is not in good standing, then the agents may not be admitted for business purposes.

4.8.6 Open Houses

4.8.6.1 Open houses are limited to Saturday and Sunday ONLY, no holidays.

4.8.6.2 Open houses are limited to three (3) per Saturday or Sunday with each UPDATED 6/22/18 General R&R's Page 9 of 22

4.8.6.3 Agents may schedule one, two (2) hour, open house during the following times;

➤ ~~10 A.M. to 12 noon~~

➤ ~~12 noon to 2 P.M.~~ and

➤ ~~2 P.M. to 4 P.M.~~

~~4.8.6.4 Agents must sign up at the office and schedule their open houses on a first come, first served basis. The Office telephone is: (360) 371-7744~~

~~4.8.6.5 There must be an agent at the open house and another agent at the BBVCC Entry Gate to escort clients to the open house clients.~~

4.99 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.

4.1010 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.

4.11 Community Events

Any event that may impact gate operations, either by inviting owner guests or by promoting outside of Birch Bay Village in anyway must be approved by the Board of Directors coordinated with Birch Bay Village staff to ensure adequate staffing and sufficient responsibility for guest management is accepted by organizers and participants so as not to hinder the safety and ingress/egress of the community.

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) The BBVCC Compliance Officer does not apprehend, detain or arrest! If a resident/member (or guest) is pulled over by the BBVCC Compliance Officer for a specific reason (speeding, running a stop sign, driving erratically etc.), it must

be clearly understood by all members/guests that doing so is “strictly on a voluntary basis” and NOT mandatory.

However, should the member or guest choose to not pull their vehicle over they must also understand that the Compliance Officer has some other options as follows:

Ø Follow the vehicle to the residence to discuss the concerns and request permission to enter onto the property for discussions/resolutions or if refused,

Ø Send a citation (with evidence) by mail to the member if a violation of BBVCC rules did in fact occur as possibly evidenced by the Officer.

Compliance employees shall not have physical contact with any person unless there is a self-defense situation or to prevent others from bodily harm, permanent disfigurement or death.

~~b) Drivers must pull their vehicles over at the earliest opportunity when directed by a security officer.~~

~~e) If a traffic violation has occurred the driver has to identify himself, or herself, to the security officer.~~

~~d)a) The security officer will inform the driver of the violation. The driver may be cited or warned depending on the circumstances. Automated speed signs and speed cameras may take pictures of speed violations, which may result in a mail citation.~~

~~e)b) Any citation may be appealed to the Board of Directors or traffic court.~~

~~f) After three (3) speeding citations in two (2) years, the violator shall appear before the Board for determination of possible penalties.~~

c)

~~h)d~~ _____ 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.

~~i)e~~ 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 [UPDATED 6/22/18 General R&R's Page 10 of 22](#)
- 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. We don't have crosswalks.~~

~~h)g~~ _____ Passing vehicles - in excess of the Basic Speed Limit (20 MPH)

~~i)h~~ Improper or unsafe parking within the Village (including 1 hour parking in loading zones)

~~j)i~~ Unlicensed operator of motor vehicle or golf cart

~~k)j~~ _____ Unlicensed motor vehicles (except golf carts)

~~l)k~~ Failure to properly display barcode

~~l~~ _____ For parking regulations see Section 6.

~~m~~ [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.)

~~5.4 RV, Boat and Trailer parking is not allowed on any BBV Roads, road shoulders, or 25-foot setbacks of roads. Offenders will be fined. (See Fine Schedule.)~~

| 6.

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 (own) lot, which has his/her home on it. A maximum of five (5) vehicles may be regularly parked outside the garage on the owner's (own) property, including those parked on the gravel parking strip next to the street.

6.1.1 Property owners/or their renters may park more than 5 vehicles in front of their own home on the graveled right-of-way (parking strip) for up to 72 hours. Parking more than 5 vehicles for longer than 72 hours is considered storage and is not allowed.

A short-term special parking pass may be applied for at the office for extraordinary circumstances but cannot exceed an additional five (5) days and has to be approved by the Board President.

All vehicles must be parked three (3) feet or more from the hard/paved road edge for safety reasons.

Any vehicle deemed a safety hazard must be removed immediately.

~~6.1.2 One or more of the five vehicles regularly parked on a resident's own lot may be a boat, trailer, or other recreational type of vehicle.~~

~~6.1.2 One or more of the five vehicles regularly parked on a resident's resident's own lot may be a boat, trailer, or other recreational type of vehicle.~~

~~6.1.3 In addition to the five vehicles regularly parked on a resident's own lot, one of the five vehicles may be a 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. W~~

6.1.43 No personal vehicles (including boats, RV's, trailers, motorcycles etc) may be parked on another homeowner's property, (including the parking strip along the street in front of another person's property) without that homeowner's permission to do so. **Refer to parking strip and Easement Definitions!.**

Note: (1) Neighbors, (including their friends/relatives) Real Estate Agents, Contractors, Subcontractors etc. must all request permission (from the homeowner/or renter) to park their vehicles on the homeowner's private property. Failure to do so may subject the violator to fines and penalties.

Note: (2) The 5-foot easement section running alongside the street in front of the homeowner's property is considered a "Common Area" and not subject to the above permission requirements.

An owner may grant written permission for another person to regularly park on their private property, so long as his/her own five vehicle total is

not exceeded by doing so.

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-eight~~ front gate barcode stickers will be issued per Lot; vehicles must be registered with address on file. ~~One additional barcode sticker (UPDATED 6/22/18 General R&R's Page 11 of 22) 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. No resident will be issued more than five barcode stickers~~

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. Also refer to Marina Rules & Regulations.

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). Also refer to Marina Rules & Regulations.

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 road ways 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. Also refer to Marina Rules & Regulations.

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.

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 be leashed and under direct control of a responsible person at all times when off the owner's property.~~ 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~~Animals at large are in violation of the ~~Bylaws~~ governing documents of BBV. The Bylaws require all property owners and tenants to keep their pets under control. No dogs are allowed to roam at large within the confines of BBV. (See Fine Schedule)
- 7.2.1 Dogs off the ~~e~~Owners/tenantrenter's property must be on a leash. ~~This is a Whateom 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. Refer to fine schedule and section 7.9 of the Bylaws.
- 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 (~~UPDATED 6/22/18 General R&R's Page 12 of 22~~) 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 and such documentation that said animal has received related training. Such documentation shall be consistent with HUD guidelines.
- 7.6 ~~No animals, 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.~~ 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. Unsightly conditions are not allowed and will not be tolerated. 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. 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.~~
- 8.2 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. For any unsightly conditions, a letter will be mailed to the owner of record within two (2) weeks, describing the unsightly conditions. Failure to remove or rectify the unsightly conditions and improve the appearance of the property will result in fines being levied, as well as other recourse detailed in the BBVCC Governing Documents, at the election of BBVCC.

~~If the property is not improved within fifteen (15) days of the date in the letter, a progressive level of fines will occur per the following:~~

~~1st letter—Warning (See 8.2 above)~~

~~Further letters will be sent if the unsightly items are not removed or efforts made to fix the offending unsightly condition within that 15 day period from the date set in the letter. Each letter thereafter will include progressive monetary fines as follows:~~

~~2nd Letter—\$100.00 Fine & Vehicle Bar Codes will be deactivated and the owners will have to enter BBV through the Guest (Visitors) Gate. If the situation is still not remedied (or contact is not made and arrangements are not made with the BBVCC office) within the 15 days of the date set in the letter, progressive letters will be sent after each 15 day period after the date set in the letter with fines as outlined below:~~

~~3rd Letter—\$300.00 Fine~~

~~4th Letter—\$500.00 Fine~~

~~➤—5th Letter—\$1,000.00 Fine~~

~~Failure to comply with these fines may lead to other recourse being pursued, including legal action. All Fines may be appealed to the General Manager and/or the Board of Directors.~~

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.

8.34 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.

8.45 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, playground sets, chairs, garbage cans, garden tools, bicycles, freezers, and other exterior or interior oriented items. Members may be cited per “unsightly conditions” if articles/items can be seen by the general public. Items/articles must be stored in a screened storage area so as not to be visible from the roadways.

8.56 Vacant Lot Maintenance – Vacant lot owners are expected to make arrangements to have their lots maintained. Lot maintenance/Mowing is the responsibility of the lot owner!. ~~If the home/or property owner is out of town or otherwise unavailable, arrangements must be made to maintain the property in accordance with these R&R’s.~~

~~Obstructed lots shall be mowed (or cleaned up) by the lot owner!.~~ ~~If the lot owner does not mow (or clean up) the lot, in emergency situations only, BBVCC will clean up the lot, including use of outside contractors, and the cleanup charges will be assessed against the lot. Additionally, the BBVCC, or outside contractor will continue mowing and cleanup of the lot and also assess those charges to owner.~~

8.67 *No sign of any kind shall be displayed to the public view on any home/residence or -lot except for the following (for political signs, see 8.78).*

All signs must meet general time, place and manner guidelines as documented in RCW 64.38.034(1).

- 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.
- f) ~~The BBVCC management office without notice, shall remove any sign not conforming to these regulations.~~Non-conforming signs or flags will be subject to fines per the Fine Schedule.

8.78—Political Signs - Flags will be considered a form of political sign, when the flag represents an issue or individual on any local, state or federal ballot. 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 ~~is~~administered by 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.

f) .

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). Further, no commercial short term rentals (less than 30 days) are allowed per the governing documents as provided in the Bylaws section 11 and in the Covenants section 8a.

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. Refer to the fee schedule.

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 (whether stationary or in a vehicle), operated at a volume so as 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 is prohibited 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~~BBV.
 - 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 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.
- 10.3.1 Hostile Work Environment & Harassment The Board of Directors has a legal requirement to act should any employee feel that they are in a hostile work environment, whether it is caused by a co-worker, supervisor, committee member, resident or guest. Unlawful harassment is defined as behavior that is considered intimidating, hostile, or abusive, or in circumstances where offensive conduct is a condition of continued employment. Behavior on social media, verbally, or in other manner is included.

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.

~~10.10.55~~ _____ It is a violation of BBVCC Rules and Regulations to trespass, when areas are closed, on, over, around or through any of the fenced community property areas including, but not limited to:

- a) The marina
- b) The maintenance yard
- c) The swimming pool and
- d) The lower perimeter gate

Violators shall be cited and charged a fine for each violation. (See Fine Schedule).

10.6 _____ ~~OBJ~~ It is a violation of BBVCC Rules and Regulations to trespass on privately owned properties within BBV (including parking strips). 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, with the exception of 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:

- No Swimming
- No raking for golf balls
- No bathing
- No dragging for golf balls
- No wading and
- No fishing

All offenders will be fined for each offense. (See Fine Schedule.)

11.3 The ~~M~~aintenance ~~S~~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 or 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 ~~o~~Owners/~~lessees~~Renters 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 and are also outlined below:

1. All those entering the pool area must follow the pool rules.
2. Schedules for pool hours may be picked up at the BBVCC office.
3. Guests must be accompanied by and remain with a BBV member.
4. No ~~D~~iving, ~~R~~unning or ~~H~~orseplay is allowed.
5. 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).
6. No one under the influence of alcohol or drugs may use the pool.
7. Everyone MUST take a cleansing shower before using the pool.

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~~9.8.~~ Food is allowed ONLY in the picnic area. ONLY plastic beverage containers allowed on pool deck.

~~10.9.~~ A responsible adult (18+) MUST accompany children less than 13 years of age & MUST be at the pool at all times.

~~11.10.~~ 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.

~~12.11.~~ Reserving of chairs is not permitted.

~~13.12.~~ Swimmer of all ages must wear appropriate swimming attire. Nudity is NOT allowed. NO diapers are permitted in the pool. (This includes swim diapers)

~~14.13.~~ Only toys & equipment approved by BBVCC may be used in the pool.

~~15.14.~~ Only life preserver vests approved by the coast guard & water wings on children are permitted in the pool.

~~16.15.~~ Lounge chairs are not permitted in the kiddie pool area.

~~17.16.~~ Diaper changing areas are located in each locker room.

~~18.17.~~ Our pool staff are not lifeguards; they supervise users and enforce rules.

~~19.18.~~ The pool may be closed for adverse/unsafe conditions at ~~managements~~management's discretion.

~~20.19.~~ Anyone refusing to obey the regulations is subject to removal from the premises.

~~21.20.~~ Pool staff will turn away users once pool is at maximum occupancy.
Please check back later.

~~22.21.~~ 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.

11.6.1 There is NO overnight camping in motor homes, trailers, campers or tents allowed. Violators will be cited, ~~the fine is \$100.00~~ [refer to the fine schedule](#).

11.6.2 Refuse is to be disposed of in containers provided for that purpose.

~~11.6.3 Pets are to be on a leash at all times when on BBV property and owners must clean up after their dogs. Violators will be cited \$50.00 refer to the fine schedule.~~

11.6.4 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 [sections](#); 10/10.1 [through](#) 10.2).

11.6.5 No Parking allowed in common areas between midnight and dawn.

~~11.6.6 No Trespassing allowed along the bluff~~

11.7 The Tennis, Pickle Ball and Basketball court rules are posted at the courts.

[11.7.1 The village currently has one court designated for exclusive use for each of tennis, pickleball, and basketball.](#)

[11.7.2 Additionally, we also have one additional court that can be used for either tennis or pickleball.](#)

[11.7.3 Because of the popularity of our courts, and particularly of pickleball, guest usage is limited to only those playing with an owner/resident on one court with that same owner/resident. For guests that wish to play with others and/or play on our courts without the owner/resident present, they must purchase a sponsored pass.](#)

[11.7.4 In order to provide reasonable court access to all groups and players of all levels, the General Manager or proxy reserves the right to limit court reservations to groups consistently booking out available court times.](#)

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 Compliance 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, without a valid burn permit, is strictly prohibited.

12.1.2 Only properly dried and seasoned wood may be burned outdoors, in a contained fire pit.

12.1.3 Outdoor fires shall be attended/guarded at all times.

12.1.4 All burning must conform to applicable government and Birch Bay Village regulations.

12.1.5 A valid fire permit must be on-hand when such is required for outdoor burning.

12.1.6 When a designated “burn ban” is in effect, the outdoor burning of any material whatsoever is prohibited.

12.2 Garbage, Refuse:

~~12.2.1 Disposal of garbage, household waste or any other type of refuse (“Refuse”) shall be the responsibility of the lot owner~~

~~12.2.2 No lot shall be used or maintained as a dumping ground for refuse.~~

~~12.2.3 Household refuse shall be kept in closed containers. Heavy duty refuse containers provided by SSC and others, may be stored at the side of the garage or dwelling provided the lid is closed & refuse is not overflowing. Other containers such as recycling boxes or privately purchased containers, must be stored behind ACC approved fence screening.~~

~~12.2.4 Refuse placed curbside prior to and after scheduled pick-up: The expectation is that the owner shall make all reasonable efforts to minimize the time where the containers stand at curbside, prior and subsequent to pick up. Owners who are traveling, or only present for portions of the week, should make suitable arrangements to ensure that containers are moved as necessary to meet the abovementioned expectation.~~

12.2.5 Composting is an acceptable means of on-site disposal of non-toxic organic waste.

12.2.6 Incineration of any type of household refuse is prohibited.

~~12.2.1[081] No lot shall be used or maintained as a dumping ground for rubbish, refuse, or garbage.~~

~~12.2.2[081] Household garbage shall be kept in closed containers.~~

~~12.2.3[081] Composting is an acceptable means of on-site disposal of non-toxic organic waste.~~

~~12.2.4[081] Incineration of any type of household refuse is prohibited.~~

~~12.2.5[081] 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

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 and in the Schedule of Fines.

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.

~~14.2 All fines may be appealed to the General Manager and/or the Board of Directors.~~

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) and if required a building permit from the county.

For approval and installation requirements see the Architectural Rules and Regulations (AR&Rs) Section 3.15.5.8.10

- 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

- 17.1.1 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).
- 17.1.2 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.
- 17.1.3 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) Refer to the Architectural Rules and Regulations for additional information.
- b)d) _____
- ~~e) 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.

- 19.2 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.
- 19.3 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 can be located at; www.halfstaff.org

- 19.4 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.
 - UPDATED 6/22/18 General R&R's Page 19 of 22
 - Upon presidential proclamation, usually after the death of other notable figures or tragic events.
- 19.5 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.
- 19.6 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.

APPENDIX “A”

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(s)	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
Failure to wear a helmet while riding a motorcycle, scooter or moped	\$50.00
Improper use of skateboards and or scooters	\$50.00
Improper parking (including neighbors parking strip)	\$50.00
Reckless Driving	Up to \$500
Improper entrance	Up to \$500

- Note:**
1. A warning may be issued, at the officer, manager, or board's discretion for _____ speeding 21 -25 MPH.
 2. Infractions of 40 MPH and above carry a mandatory Traffic Court appearance fine and review of Member in Good Standing.
 3. Repeated infractions within 12 month carry incremental doubling of fines and/or loss of "Member in Good Standing".

Pets	
Infraction(s)	Fine
Unattended pets away from owner's property:	
1 st offense	Warning
2 nd offense	\$50.00
3 rd offense	Removal of pet from BBVC
Not cleaning up after your pet:	
1 st offense	Warning
2 nd offense	\$50.00
3 rd offense	\$100.00
Barking Dog:	
1 st offense	Warning
2 nd offense	\$50.00
3 rd offense:	Incremental doubling of previous fines <u>and/or Bark collar</u> and /or removal of dog from BBV.

NOISE/DISORDERLY CONDUCT/TRESPASS

Infraction(s)	Fine
Profane or abusive language or behavior- <u>NO WARNING</u>	\$100.00
Disorderly conduct- NO WARNING	\$100.00
Trespass (including parking strip violations)	\$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 / or Fireworks	\$250.00 each offense

Note: Repeated infractions, within 12 months, carry incremental doubling of fines and/or loss of "Member in Good Standing".

Golf Course Lakes

Infraction(s)	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(s)	Fine
Refer to the Marina Rules & Regulations	

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

Dumping

Infraction(s)	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 containers (Including all facilities, recreational areas, parks, maintenance shop, etc.)	\$50.00 minimum

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

Architectural

Infraction(s)	Fine
Begin construction of an unapproved structure	Double applicable permit fee
Noncompliance with a Cure Notice	Double applicable permit fee and \$100.00 each day that exceeds the Cure Notice deadline.
Failure to obtain an extension on a project	\$500.00 per week
Unauthorized tree removal <u>Trunk Diameter</u>	
6 to 12 inches	\$2,000
12 to 18 inches	\$3,000
18 to 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(s)	Fine
Unauthorized renting of BBVCC Homes	\$1,000 per occurrence

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

Unsightly Properties/Lots

Infraction(s)	Fine
1 st Letter	Warning
2 nd Letter	\$100.00/Barcode deactivation
3 rd Letter	\$300.00
4 th Letter	\$500.00
5 th Letter	Failure to comply will lead to further recourse, including legal action.

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

ALL	
Infraction(s)	Fine
All other infractions and Violations	\$50.00 (minimum)

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

BBVCC Rules and Regulations Change Log

Change Number	Date	Section(s)	Subject	Replace-Add or Delete
1	12-18-03	All	All	Revisions
2	11-18-04	Section 7	Section 7	Revisions
3	11-18-04	Section 12	Section 13 & 14	Added
4	2-17-05	Section 8	5.2	Revised
5	2-17-05	Section 10	9.2.2	Revised
6	10-20-05	Appendix A	Fines	Changed
7	8-17-06	Section 14	Section 15	Added
8	2-15-07	Section 9	Vehicle Storage/Parking	Change/Renumber
9	3-15-07	Section 17/18	Appendix A	Amended
10	4-19-07	Sections 11/12	Exterior Appearance	Changed/Added
11	7-19-07	Section 6.3	Vehicle Storage/Parking	Changed
12	8-16-07	Section 6.1	Vehicle Storage/Parking	Revised
13	8-16-07	Section 8.1	Exterior Appearance	Revised
14	01-17-08	Section 11.6	Recreational Area	Revised
15	3-20-08	Section 8.2	Exterior Appearance of Lots	Added
16	3-20-08	Section 8.3	Exterior Appearance of Lots	Change/Add
17	6-19-08	Section 6.3.1	Visitors	Change
18	11-20-08	Fine Schedule	Other Violations	Add
19	1-16-09	Section 6.1	Vehicle Storage/Parking	Change/Add
20	5-21-09	Section 6.1A	Vehicle Storage/Parking	Change
21	4-15-10	Section 5.1.2A	Reckless Driving	Add
22	5-20-10	Appendix A	Pets	Change
23	5-20-10	Appendix A	Yard Waste Dumping	Add
24	7-15-10	Section 8.3	Signs	Add/Change
25	7-15-10	Section 8.2	Mowing	Add

26	7-15-10	Section 7.5	Animals/Livestock	Add
27	7-15-10	Section 12	Fires, Garbage/Refuse	Add
28	7-15-10	Section 6.2	Boat Private Storage	Change
29	7-15-10	Appendix B	ACC Fines	Add
30	10-21-10	Section 10.6	Trespassing	Add
31	10-21-10	Section 5.1.2	Traffic Code Violations	Change/Add
32	12-16-10	Section 5.1.2/Appendix A	Failure to yield to a Pedestrian	Add
33	3-17-11	Section 6.1E	Vehicle Storage/Parking	Change
34	9-15-11	Section 11.8	Beach Fires	Change/Add
35	9-15-11	Section 6	Vehicle Parking	Change/Add
36	2-16-12	Appendix A	Speed Fine Schedule	Change
37	5-17-12	Section 8.4	Sign Rule	Change
38	11-15-12	Section 8.2	Unightly Conditions	Change/Add
39	1-17-13	Section 4.3.1	Visitors	Change
40	1-17-13	Section 1.4	Definition "House Sitter"	Delete
41	1-17-13	Section 6.1.1	Vehicle Parking	Add
42	1-17-13	Section 8.1	Unightly Conditions	Change
43	2-21-13	Section 4.2	No Solicitation	Add
44	11-21-13	Appendix A	Unauthorized Rentals	Add
45	3-20-14	Appendix A	No Decals/Fees Not paid	Add
46	3-20-14	Appendix A	No Dumping Household Garbage	Add
47	9-19-14	Section 5.1	Driver's License	Change
48	6-18-15	Section 8.1	Unightly Conditions	Change
49	12-17-15	Section 12	Fires, Garbage, Refuse	Change
50	12-17-15	Section 17	Fishing	Add
51	12-17-15	Section 4.3/4.9.2	Barcodes/Decals	Change/Add
52	7-21-16	Section 16.3	Hold Harmless	Delete

53	7-21-16	Section 18	Architectural	Addition
54	7-21-16	Appendix	Schedule of Fines	Format Change/Addition
55	3-16-17	Appendix	Schedule of Fines	Speeding Addition
56	6-2-17	Section 7.5/7.6	Pets/Dogs/Assistant Animals	Change/Addition
57	4-19-18	Section 11.5	Pool Rules	Addition
58	4-19-18	Appendix	ACC Fines	Addition
59	6-13-18	Section 19	Flags	Addition
60	6-21-18	Appendix	Schedule of Fines Discharge of Weapons/Fireworks	Change
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Approved By:

(Board President)

(Board Secretary)

Date: _____

Date: _____