

BIRCH BAY VILLAGE COMMUNITY CLUB

GENERAL RULES & REGULATIONS

As adopted by the Birch Bay Village Board of Directors

**Date: December 18, 2003
Revised and Restated July 15, 2010**

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		All	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	2/17/05	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	3/20/08	8.2	Exterior Appearance of Lots...	Add
#16	3/20/08	8.3	Exterior Appearance of Lots...	Change/Add
#17	6/19/08	4.3.1	Visitors	Change
#18	11/20/08	Fine Schedule	Other Violations	Add
#19	1/16/09	6.1	Vehicle Storage/Parking	Change/Add
#20	5/21/09	6.1A	Vehicle Storage/Parking	Change
#21	4/15/10	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	8.3	Signs	Add/Change
#25	7/15/10	8.2	Mowing	Add
#26	7/15/10	7.5	Animals & Livestock	Add
#27	7/15/10	12	Fires, Garbage, & Refuse	Add
#28	7/15/10	6.2	Boat Private Storage	Change
#29	7/15/10	Appendix B	ACC Fines	Add

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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 serves as Harbormaster.

Administrative Assistant 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.

Bookkeeper:

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.

Architectural Control Committee Coordinator:

Under the direction of the Manager, responsible for architectural control and enforcement of BBVCC Architectural Rules and Regulations, as well as road and drainage issues.

BBVCC Office Hours:

Monday thru Friday
8:00 A.M. – 4:00 P.M.
Saturday
9:00 A.M. – 2:00 P.M.

Closed 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 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 entry 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.

House Sitters

A house sitter (or long term guest) is one who will be in BBV for a period of 30 days or longer may have some of the privileges of an owner. For detailed information contact the Manager.

Visitors/Guests

A visitor/guest is any person(s) visiting any owner/renter in BBV.

1.5 Amenities

The BBVCC Office is located at 8055 Cowichan 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 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 abide by the BBVCC governing documents at all times.

- 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 be responsible at all times 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 particular 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 Agencies may enter BBV without a Visitor Pass.
- 4.2 Owners and Renters may enter the Village through the right lane at the Security 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 is required to receive a barcode. (For renters, a copy of the rental/lease agreement on file is required, as well as registration.)
- 4.3 Visitors, unless they are arriving in the company of a member, must stop at the Security Gate. Visitors will be required to give the guard their name and the name and address of the person he/she wishes to visit.
 - 4.3.1 The Visitor's name must be on a Guest Card or guest list supplied 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. (updated 6/19/08)

 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.
 - 4.3.2 If the visitor's name is on the list of those individuals authorized entry; a Visitor Pass will be issued to the visitor.
 - 4.3.3 If the name is not on the list, the owner will be telephoned for authorization. The visitor may present written authorization from the owner/resident, the signature of which will be verified against the Guest Card. In the absence written permission to enter, the visitor may use the telephone outside the gate to call the owner and arrange entry.
 - 4.3.4 Visitors are required to display a current pass on the vehicle dashboard before leaving the gate to enter the village.
 - 4.3.5 The Visitor Pass grants permission for that particular entry only. The Pass must be returned when the visitor exits the Village. Except by prior arrangement, Visitor Passes may not be used for multiple entries.

4.4 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.

4.5 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. 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.

Contractor Passes: Contractors may obtain passes through the main office, according to rules and regulations in effect. Contractors who have obtained such passes must display the pass by placing same on the rear view mirror of the vehicle.

4.6 Deliverymen :

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

4.7 Realtors and Appraisers

4.7.1 Must show a business license or other form of identification and inform the guard what 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 confirmed as in good standing, a Visitor Pass will be issued.

4.7.4 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.

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

4.7.6 Open Houses

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

4.7.6.2 Open houses are limited to three (3) per Saturday or Sunday with each being no more than two (2) hours.

4.7.6.3 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.
2 p.m. to 4 p.m.

4.7.6.4 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

4.7.6.5 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.

- 4.8 For any boat to enter BBV they must first meet the following criteria:
 - 4.8.1 Car toppers may come and go without decals.
 - 4.8.2 All other boats must show a current Launch or Moorage decal.
 - 4.8.3 Boats of Guests/Visitors are not allowed to enter BBV and must be parked outside BBV. Information shall be provided to guests/visitors as a courtesy to inform them of alternate locations where boats may be stored, or launched.
- 4.9 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 and all drivers in BBV require a valid driver's license and vehicle license plate.
 - 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. The security officer will inform the driver of the violation. The driver may be cited or warned depending on the circumstances.
 - B. Any citation may be appealed to the Board of Directors or traffic court.
 - C. After three (3) speeding citations in two (2) years, the violator shall appear before the Board for determination of possible penalties.
 - 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.
 - 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 – any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving
 - A. Speeding – per fine schedule
 - B. Running stop signs (including bicyclists)
 - C. Failure to yield right-of-way
 - D. Passing vehicles - in excess of the Basic Speed Limit (20 MPH)
 - E. Improper or unsafe parking within the Village (including 1 hour parking in loading zones)
 - F. Unlicensed operator of motor vehicle

- G. Unlicensed motor vehicles (except golf carts)
 - H. Failure to properly display barcode or Visitor Pass
 - I. For parking regulations see Section 6.
- 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 Golf Carts will be treated like other motor vehicles; they are also required to display a current BBV decal.
- 5.4 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, guard shack) is prohibited. Offenders will be fined. (See Fine Schedule.) 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. VEHICLE STORAGE/PARKING

- 6.1 Personal vehicles, recreational vehicles, motor homes, trailers, boats, boat trailers, and single commercial vehicles may be parked or stored 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 parked or stored outside the garage on the owner's property. Storage or parking on vacant lots, BBVCC roads, rights-of-way, or any part thereof will not be permitted except:
- A. Vehicles may be parked in front of the owner's home on the graveled right-a-way for up to 72 hours. Parking for longer than 72 hours will require a special parking pass that is only available from the BBVCC Office. 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.
 - B. Boats, trailers, and motor homes must be parked in the driveway or along the side of the house on a village approved area.
 - C. 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.
 - D. 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).
 - E. Commercial vehicles such as, but not limited to, trucks, truck tractors, semi-trailers, 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.

7. PETS AND DOGS

- 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.

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 are allowed to roam at large within the confines of BBV.

7.2.1 Dogs off the owners/tenants 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 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 purpose.

8. EXTERIOR APPEARANCE OF STRUCTURES AND LOTS

- 8.1 Unsightly conditions will not be allowed. Debris, trash or vehicles that detract from the overall appearance of BBV must be removed. A letter will be mailed to the owner of record, describing the unsightly conditions. Failure to remove the unsightly items and improve the appearance of the property will result in fines being levied. If the property is not improved within 30-days of the date set in the letter, a progressive level of fines will occur per the following:

1st Letter - Vehicle Bar Codes will be deactivated and owners will have to enter BBV through the Guest Gate.

Further letters will be sent if the unsightly items are not removed. Each letter thereafter will include monetary fines as follows:

2nd Letter - \$100.00

3rd Letter - \$300.00

4th Letter - \$500.00

5th Letter - \$1,000.00

Failure to comply with these fines will lead to legal actions.

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

- 8.2 Mowing is the responsibility of the lot owner. The BBVCC will mow 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 clean up charges will be assessed against the lot. Additionally, the BBVCC will begin mowing the lot and also assess those charges to owner.

- 8.3 Only signs that comply with the following are allowed, except for political signs; see below:

- 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.
- 8.4 Political signs, in accordance with the RCW 64.38.034, may be displayed on a homeowners lot with the following restrictions:
- a) signs can be no longer 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 election;
 - d) signs must be removed the next day following the election;
 - e) only one sign per lot allowed. (added 3/20/08)
- 8.5 It is required that each residence maintain a screened storage area suitable to screen such exterior oriented items as garbage cans, garden tools, freezers, bicycles, etc. so as not to be visible from the roadways.

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, motor-cycle, 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 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 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 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;
- 10.4.2 Intentionally obstructs pedestrian or vehicular traffic;

- 10.4.3 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)

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.
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 and their guests.
 - Owners must accompany their guests.
 - Children, 13 years and under, must be accompanied by an adult.
 - Adults must supervise their children.
 - 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.
- 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 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.
- 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). (changed 1-21-08)
- No Parking allowed in common areas between midnight and dawn.
- No Trespassing allowed along the bluff.

11.7 The Tennis, Pickle Ball and Basket Ball court rules are posted at the courts and use is scheduled through the Golf Pro.

11.8 In the beach areas, private property extends to the high water 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 high water line, as per State Regulations.
- No fires are allowed in the logs.

12. FIRES, GARBAGE, REFUSE

No outdoor fires for burning wood, trash or debris shall be started without first obtaining a valid fire permit during seasons when such is required. Be aware that outdoor fires may be considered a smoke nuisance and/or health hazard to neighbors. Burning of any trash except paper, wood or brush is strictly prohibited, as is burning anything whatsoever during those times designated "burn bans" are in effect. No lot shall be used or maintained as a dumping ground for rubbish, refuse or garbage. Garbage or other waste shall be kept in sanitary containers. Composting shall be an acceptable mode of on-site disposal of non-toxic, organic waste (plant material and food refuse only). 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. All burning must conform to applicable governmental regulations.

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.

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). For approval and installation requirements see the Architectural Rules and Regulations (AR&Rs) Section 12.15.
- 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 The owner(s) of the floating dock will sign a hold harmless agreement to release BBVCC from legal action as a result of any incident involving the floating dock. The owner(s) will also present proof of current liability insurance and agree to maintain such insurance coverage.
- 16.4 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).
- 16.5 No motorized devices of any kind are allowed on Kwann or Thunderbird Lake.

NOISE/DISORDERLY CONDUCT/TRESPASS:

Profane or abusive language or behavior	\$100.00 (no warning)
Disorderly Conduct	\$100.00 (no warning)
Trespass	\$ 50.00 each offense
Public Disturbance Noise/Behavior	
(1st offense)	Warning
(2 nd offense)	\$ 50.00
(3 rd offense)	\$100.00
Discharge of Fireworks	\$ 50.00 each offense

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

GOLF COURSE LAKES

\$50.00 each offense

- a) No swimming, bathing or wading is allowed
- b) No raking or dragging for golf balls,
- c) No fishing

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

MARINA

- | | |
|--|-------------------|
| a) Unauthorized use of the Launch Ramp | \$150.00 |
| b) Unauthorized use of the Marina Storage Yard | \$ 50.00 (+ fees) |
| c) Violation of the "No Wake" rule | \$ 50.00 |

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

ARCHITECTURAL CONTROL COMMITTEE

If a small project's construction commences prior to approval, the fine is double the permit fee and/or the bond, if paid, may be forfeited. In some instances, a change in the subject structure may be required.

DUMPING

\$250.00 Minimum fine

No dumping of yard waste on community property including ditches and all bodies of water (Lakes, ponds, Marina, etc.)

FINES

Any other violation(s) of BBVCC Rules & Regulations subject to a minimum fine of \$50.00.

For repeated infractions of the same order, fines may be doubled (or trebled); fees and bonds forfeited and/or the offender may lose "Member in Good Standing" status.

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

APPENDIX B - ACC Fines

Unauthorized Tree Removal Fines/Small Projects Fines

- a. If a small project's construction commences prior to approval, the fine is double the permit fee and/or the bond, if paid, may be forfeited. In some instances a change in the subject structure may be required.
- b. Unauthorized tree removal:

Tree Trunk Diameter*	Fine
6-12 inches	\$2,000
12-18 inches	\$3,000
18-24 inches	\$4,000
Greater than 24 inches	\$5,000
* Trunk diameter measured one foot above ground level	

Note: The BBVCC office will approximate tree trunk diameters for fine assessment purposes when required (such as all tree stump evidence destroyed or removed).

Repeated infractions carry incremental doubling of fines and/or loss of 'member in Good Standing.'

FINES FOR DUMPING INTO BBV LAKES

Fines for dumping debris or yard waste into the BBV lakes will be the same fines as for Vehicle infractions. (see the General Rules and Regulations schedule of fines)