

BAY POINT WATERFRONT AND CANALFRONT PROPERTY OWNERS ASSOCIATION

The following pages contain rules and specifications governing the Bay Point Canal. The Bay Point Waterfront and Canalfront Property Owners Association Board of Trustees, [hereinafter known as "the Board"] The Corporate Community of Bay Point, Bay County, Florida will hereinafter be known as "Bay Point". Board Incorporation Documents and Bylaws are on file at the BPCA offices.

A. RULES FOR KEEPING WATERCRAFT IN THE BAY POINT WATERFRONT AND CANAL

1. Vessel and PWC Decals. All motorized watercraft in the Canal, for a period exceeding 30 days, shall display the Bay Point Canal Decal, available without charge, from the BPCA Office. This decal shall be displayed on the port side of the watercraft. Renter's watercraft kept in the Canal must display the Decal. Such Decal shall be obtained by the Lot owner, who is responsible for the proper keeping and operation of the renter's watercraft.
2. Hazard to Navigation. No watercraft kept in the Canal shall interfere with navigation, become a hazard to others or the environment, or become unsightly. No anchoring is allowed except during storm closings of the canal.

B. RULES ADDRESSING SEAWALLS, PROPERTY LINES, AND RELATED MATTERS.

1. Ownership. Bulkheads, seawalls, docks or retaining walls which are situated on the waterward side of any lot within Bay Point shall be deemed to be titled to the Owner of each said lot and the maintenance of said bulkhead, seawall, dock or retaining wall shall be the responsibility of the titled Owner. For the purpose of construction, as defined in the Bay Point Covenants and restrictions, minimum building set back limitations and easements from the waterward side of any canal or waterfront lot shall henceforth be measured from the outer edge of the existing seawall cap.
2. Maintenance. Each seawall on the Canal shall be maintained:
 - a. In good condition so that soil does not leak or erode through or over the seawall into the Canal, and
 - b. So as to be cosmetically harmonious with nearby seawalls that are in good condition.
3. Responsibility. It is the duty and responsibility of each Owner whose lot adjoins the Canal to maintain a seawall across his or her entire property line adjoining the Canal, from, and to the neighboring seawall on each side of his or her lot, in good condition as described in 2. above.
4. Permits. A permit from the Board is required to construct, replace, or make changes to any seawall, dock, davit, or lift along the waterward side of any Canal lot. [See *Canal Construction Specifications.*] All Canal contractors must be Florida licensed and approved by the Board.
5. Failure to Comply. In the event the Board shall determine that a seawall, dock, davit, or lift, has not been installed or maintained in accordance with the standards and conditions in 2, 3, 4 above and also in accordance with Canal Construction Specifications, the Board shall provide the lot Owner written notice of the deficient condition[s] and provide a time limit within which the Owner shall remedy the deficient condition[s]. In the event the notice of deficient condition[s] requires complete replacement of a seawall, the required remedy shall be that the lot Owner produce an executed contract with an approved contractor, with said contract providing that the seawall replacement be completed within one hundred twenty [120] days of the execution of the contract.

- a. Deficient Conditions, Failure to Remedy. If after having been notified of a deficient condition, the Owner fails to remedy the deficient condition within the time required in the notice, a second, notice, sent by certified mail, shall be provided the Owner. The second notice shall set forth a required date to remedy the deficiencies and shall provide notice that Fines and/or Suspensions may be imposed by the Board for the failure to remedy the said deficiencies and that liens may be imposed against the owner's lot for failure to pay the Fines.
- b. Levy of Fines. After having received the second notice, should the Owner not remedy the deficiencies within the time set forth in the second notice, by an affirmative vote of the Board, Fines and/or Suspensions shall be levied against the lot owner. Fines levied shall be as follows: \$100.00 per day, per deficiency, not to exceed thirty [30] days or \$3,000.00, per deficiency, until deficiencies are remedied. In the event of a complete seawall replacement the remedy shall be as in 5. above. After fines or suspensions are imposed, the owner may appeal the fine or suspension, within 14 days, to the Canal Association's "Fines and Suspension Committee".
- c. Administering Fines and Suspensions.. If appealed, only those Fines or Suspensions that have been approved by a majority vote of the "Fines and Suspension Committee" may be imposed.
- d. Placement of Lien. If within thirty [30] days, an Owner so fined above still fails to comply, including payment of Fines, a lien shall be placed upon the subject lot for the amount of all Fines, plus attorney's fees and court costs incurred in connection with enforcement of said lien. The above lien shall be recorded with the Bay County Court Clerk, and Notice of Lien, if not satisfied due to full payment, within twelve [12] months, shall be foreclosed.
- e. Emergency Repairs. Upon the Board's finding that a seawall, davit, dock, or lift is in such condition that it constitutes a danger, threat, or severe imposition to neighboring properties and that emergency repairs are needed, the Board shall provide forty-eight [48] hours notice to the lot Owner that emergency repairs are necessary. If written notice and delivery is not practical, notice may be given by phone. If a phone message is not possible, then a notice shall be posted on the lot. If the lot owner does not commence repairs within the time period contained in the notice and complete said repairs in a reasonable time, the Board may undertake repairs, for which it shall have a lien placed against the subject lot, such lien being foreclosed in the manner as provided in d. above.

C. CANAL CONSTRUCTION SPECIFICATIONS (FOR CANAL DOCKS, SEAWALLS, CULVERTS, DAVITS, AND LIFTS)

1. All canal and lagoon seawalls, docks, davits, boat lifts, or other similar construction related to the canal and lagoon shall have a permit for construction, repair or modification submitted for approval by the Bay Point Waterfront and Canalfront Property Owners' Association and shall be reviewed by that Association for conformance with these Canal Construction Specifications.

2. Purpose. These standards are to provide minimum guidance to Owners and installers for walls, docks, davits, culverts and lifts and do not relieve Owners and installers from the responsibility to follow manufacturers' specifications and proper design and installation for the specific job location. These specifications supersede and replace all previous Canal specifications.

3. Permits. All installations, repairs or modifications listed above require permits from the Canal Association before any installation has begun. Permit applicants shall submit drawing to include site plans, cross sections and details showing installation in accordance with all Canal Association and manufacturers' requirements. Rules of the Bay Point Community Association and the Bay Point West Association may apply, such as, use of lots owned by others, road impact fees, on street parking limitations and refuse removal.

a. Permit Submission. A Permit request shall be submitted by the lot owner or his/her selected Bay Point approved marine contractor. The Permit request shall be delivered to the Bay Point Community Office or directly to the Canal Association's Seawall Chairman.

b. Permit Approval. The Canal Board of Trustees, at its sole discretion, may designate the Seawall Chairman (or other Canal Trustee in his absence) as the single point of contact for approval, modification or rejection of submitted Permit requests. This designation shall be approved by motion of the Board and codified in writing for the record.

4. Canal Seawalls. New walls shall be of Shoreguard or equivalent vinyl only, and shall be "Shoreguard grey" in color. New wood walls are not allowed. All manufacturers' specifications are to be followed.

a. Construction Specifications. Walls shall be of sufficient strength to stand 7 to 10 feet with only top wales.

- No wood is to be installed below mean high tide line except for sealed wooden returns to adjacent wooden walls. Wales shall be minimum 2x6 rough, minimum .80CCA, with outside wale doubled.
- All fittings shall be of galvanized steel. Tie rods shall be minimum diameter of one inch, twelve feet long, and attached to deadmen. Tie rods of SS316 only, minimum diameter of $\frac{3}{4}$ inch may also be used. Any tie rod that passes through concrete shall be encased in a plastic type material like PVC to prevent the concrete from touching the steel.
- Deadmen shall be constructed of minimum .80CCA lumber, sized with the equivalent frontal area of at least six square feet. Variances for other types of deadmen will be considered by the Canal Board on a case-by-case basis. Each deadman shall withstand a pull force of at least 6000 lbs. and be placed every five feet.
- New walls shall be capped. Caps shall be treated wood, aluminum, concrete or composite material.
- Walls must interlock with adjacent wooden walls, so as not to leak soil.
- Installation of the new wall shall disturb the older existing wall to a minimum, the older wall being necessary to hold soil during any future replacement of the vinyl wall.
- The void between the new wall and the wooden wall is to be back filled to the wall top. Backfill shall be watered in so as to not unduly settle during later rains.

b. Accessories.

- New seawalls shall have hydraulic pressure relief valves (equivalent to "Jet Brand") shall be installed at a maximum of 6 foot intervals. Existing vinyl seawalls may have pressure relief valves installed without a Permit.
- Each new wall installation shall include a minimum of two storm anchors, 10,000 lbs holding capacity each, minimum, located within 10 feet of each side property line, but not more than one hundred feet apart. Longer waterfronts will require three such anchors. Anchors' eyes or cleats are to be kept accessible at all times.
- Each new wall shall have permanent, water accessible ladder, made of a durable material, not wood. Each ladder shall extend down from the wall cap, a minimum of four rungs.

5. Docks. Decking material for new docks and replacement docks shall be of treated wood, concrete or composite material (composite surge blow-through decking panels may be approved). All metal fittings shall be of stainless steel or galvanized. Decks and docks shall be maintained in a safe condition and kept clean and orderly.

a. Construction.

- Docks, including pilings and any attached fender material, shall extend into the Canal a maximum of four feet measured from the seawall edge. An exception to the four foot rule shall apply to those four properties immediately adjacent to the Bonefish Bridge and any and all other properties where a four foot dock would impede large boat passage. At these excepted properties, a two foot dock or less will be considered by the Canal Board on a case-by-case basis.
- Pilings shall be 25 feet long by 6" minimum top diameter, imbedded 10 feet into Canal bottom. Pilings shall be placed 8 feet apart, and shall stand 6 feet above the wall. Pilings are to be part of dock or placed alongside of, and attached to the wall, free standing pilings are not permitted. Pilings shall remain unpainted but may be capped with black, white or a natural color.
- Docked watercraft of any type shall not extend across adjacent property lines.
- Dock frame shall be of treated wood, minimum size 2x8, and shall be through bolted to pilings. All metal fittings shall be of stainless steel or galvanized.
- No roofed structures shall be placed on decks or docks. Lamps shall not be so bright as to disturb others or hinder navigation.
- Floating docks used to support a single PWC or vessel may be permitted but only if installed in such a manner and at those locations where such installation would not hinder navigation or cross property lines.

6. Culverts and Stormwater Drainage Pipes. All BPCA stormwater outfall drains and pipes shall be extended through the new wall and shall be sealed to the new wall as specified below. Those storm drains belonging to Bay Point Community Association shall be extended by contract with the Bay Point Community Association Manager.

a. BPCA stormwater outfall pipes and culverts that are extended through a seawall shall be double sealed with a concrete collar, one on the water side and one on the land side to ensure a lifetime seal is installed. The collar shall be not less than 2 inches thick (per side), square in shape and the outer edges of the collar shall not be less than 3 inches from the outer circumference of the protruding pipe.

b. Pipes that are personal property and have a specific function for drainage of the upland structures (pool pump outs, deck drains, rain gutter drains, and yard/street drains) shall be schedule 40 pvc pipe and be sealed with an all weather foam or equivalent, and maintained by the land owner to prevent upland soil loss around the pipe's exit point.

7. Boat and jet ski (PWC) lifts and davits shall be maintained in good working order by the property owner. All lifts and davits must be permitted by the Canal Association and installed by a licensed contractor approved by the Association.

a. Davits shall be mounted on or landward of the wall. Swing type PWC lifts may be mounted on the dock pilings but lift and PWC must be stored over the dock when not in use. No lift or davit with or without a boat or PWC on it shall extend across adjacent property lines.

b. No four or more post lifts are allowed and will not be permitted.

c. No lift or davit shall pose a hazard to navigation or become unsightly.

d. No lift or davit shall have a maximum capacity exceeding 20,000 lbs. No watercraft shall overload the davit or lift used for that watercraft.

D. SPEED LIMIT OR EXCESSIVE WAKE IN THE BAY POINT CANAL

1. The Bay Point Canal is designated a NO WAKE ZONE. The maximum speed limit in the Bay Point Canal System shall be five miles per hour (5 mph).

2. Excessive Wake. Any person exceeding 5mph or creating an excessive wake shall be "warned" for the first occurrence and fined \$100.00 dollars at the second and future occurrences, payable to the Bay Point Canalfront and Waterfront Property Owners Association. Excessive wake is defined as that wake creating waves over 6 inches at the Canal wall or against the hull of boats properly moored in the Canal.

3. Wake or Speed Violations. Violators shall be reported to Bay Point Security, and a report submitted in writing to the Waterway Chairman. Owners of the Lot, where the violating watercraft is kept, shall be responsible for paying the fines.

4. Fines or Suspensions Appeals. Within 14 days of notice of a Fine or Suspension being imposed, the violator may appeal the Fine or Suspension to the Canal Association's "Fines and Suspensions Committee". Only fines approved by a majority vote of the Committee may be imposed.

5. Failure to Pay Fines. Fines not paid within 60 days of notice, shall result in BPCA Bar Code suspension.

E. RULE PROHIBITING DISCHARGE OR DUMPING INTO THE CANAL

1. Discharge or dumping into the Canal. Discharge or dumping of anything other than clean water into the Canal is prohibited.
2. Fines. Any person or business found in violation of 1. Above, shall be fined \$300.00 payable to the Canal Board. Fines may be appealed within 14 days of notice, to the Canal Association's "Fines and Suspensions Committee". At the discretion of the Canal Board, such violator shall be required to remove such pollution.
3. Second and succeeding violations of 1. Above, shall result in additional fines, and the amount of such fines will be determined by the Canal Board.

F. CANAL RULES FOR NAMED STORMS

1. Official Notice. When an Official Named Storm is forecast to strike Bay County, the Canal Board will place signs at all three gates and the Post Office indicating the closing time of the Canal.
2. Canal Closing Time. Canal closing time will be no later than 24 hours before forecast landfall of the named storm. Earlier Canal closing times may be possible, depending on forecast certainty. At Canal closing time and not before, Canal Owner's watercraft may be tied off in the center of the Canal. Any lifted watercraft shall be raised and lashed to their lifts.
3. Responsibility. It is the responsibility of all Canal Owners to allow other Canal Owner's watercraft to be tied to suitable points on their Canal lot. Security of all watercraft tied off shall be the sole responsibility of the watercraft Owner, not the lot Owner to whose property the watercraft is tied. Watercraft Owners are also responsible for any damages to the host lot Owner's property caused by the tie offs.
4. Non-Canal Owners' Vessels. Except when human life is at stake, Canal Owners have no responsibility to allow tie offs to watercraft not displaying a Canal Decal, see "Rules for keeping watercraft in the Bay Point Canal". The Bay Point Canal is a private waterway, maintained entirely at the expense of and for the Canal lot Owners only!
5. Vessel Safety. Any person "Setting Adrift" a watercraft may be charged with "Felony Criminal Mischief", under Florida Law. Such persons convicted as above will also be held liable for any damage caused by the drifting watercraft. This applies, even if the person who tied off the above watercraft has trespassed on the lot to which the watercraft was tied!
6. Reopening Canal. When it is safe to do so, the Canal Board shall reopen the Canal, by removing the signs at the gates and Post Office. All watercraft and lines must be promptly returned to docks. All Canal Owners who have evacuated the area must appoint someone who will promptly return their watercraft and lines to a dock. Any watercraft still blocking the Canal 24 hours after the Canal has been declared reopened, shall be moved by a contractor. The expense of such move by a contractor shall be repaid by the watercraft Owner.

Modified and approved by the Board of Trustees, August 10, 2016