



*Bay Point*

**RULES AND REGULATIONS OF**

BAY POINT COMMUNITY ASSOCIATION, INC.

BAY POINT WEST PROPERTY OWNERS ORGANIZATION INC.

BAY POINT WATERFRONT AND CANALFRONT PROPERTY  
OWNERS ASSOCIATION, INC.

Approved by the BPCA Board of Directors.

May 16, 2024



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ASSOCIATION, INC.**

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## INTRODUCTION

Welcome to Bay Point!

To create a harmonious and well-maintained community for all, the Bay Point Community Association Board Members have drafted and approved these Rules and Regulations. By adhering to these rules, we all do our part to ensure a pleasant experience for ourselves, neighbors, and guests.

The powers and duties of community associations include those set forth in Chapters 617, 718, and 720, Florida Statutes, and the governing documents. Each member and the member's tenants, guests, invitees, vendors, and contractors are governed by and must comply with the governing documents of the community and these rules. Enforcement by the Association may occur for rule violations. In addition, individuals are expected to comply with all federal, state, and local laws as may be applicable to their activities within the community and may be reported to any relevant authority having appropriate jurisdiction to investigate any suspected violation of law.

Bay Point has a long history of being a beautiful and prestigious neighborhood that is enjoyed by its owners, tenants, and guests. We welcome you and hope you enjoy our community as much as we do.

## DEFINITIONS

The following definitions shall apply to the Rules and Regulations and to all parts of Bay Point:

- A. **ABANDONED VEHICLE:** Any motor vehicle, car, truck, or trailer which is not under current registration with the Florida Department of Motor Vehicles or which by outward appearance is not operable, and which is not within an enclosed garage.
- B. **BAY POINT:** The areas developed by The Grand Lagoon Company in Township 4 South, Range 15 West, Bay County, Florida, as defined in the Declaration of Bay Point recorded in the official records of Bay County, Florida, and submitted to the governance of BPCA.
- C. **BAY POINT SECURITY:** The department or office within BPCA employing all security personnel and responsible for the day-to-day security within Bay Point.
- D. **BAY POINT WEST:** Bay Point West Property Owners Organization, Inc., a Florida not-for-profit corporation.
- E. **BPCA:** Bay Point Improvement Association, Inc., a/k/a Bay Point Community Association, a Florida not-for-profit corporation that is the Master Homeowners' Association within Bay Point, and of which all non-commercial property owners within Bay Point are and shall be members.
- F. **CANAL ASSOCIATION:** Bay Point Waterfront & Canalfront Property Owners Association, Inc., a Florida not-for-profit corporation.
- G. **COMMERCIAL/REDEVELOPMENT PROJECT:** This shall be defined as any new construction project situated in an area where: (1) No specific ARC or CA exists or has jurisdiction; or (2) Existing "rules and regulations" governing construction may not be applicable or are not adequately far-reaching to include said construction in Bay Point.
- H. **SECURITY OFFICER:** Any person employed by BPCA to provide security monitoring and services in accordance with these Rules.
- I. **SIGN:** Any writing, pictorial presentation, number, illustration, decoration, flag, banner or pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known or communicate a message, whether political, commercial, or otherwise, that is visible from the exterior of any home, lot, building, dock, or watercraft.
- J. **VEHICLE:** All devices, by which any person or property is or may be transported, including motorized and non-motorized devices, cars, trucks, trailers, recreational vehicles, motorcycles, motorbikes, motor scooters, "three wheelers," "four

wheelers,” golf carts, skateboards, roller blades, roller skates, low speed vehicles and bicycles or as defined by Florida Statutes, and any other transportation device referenced in these Rules and Regulations.

- i. **ALL TERRAIN VEHICLES (ATV) or OFF-ROAD VEHICLES (ORV):** Vehicles designed to be used on trails and other areas where roads do not exist. For the purposes of these rules, ATVs are vehicles that can exceed speeds of 30 MPF and cannot be legally operated on Bay Point, or any other Florida paved roads.
- ii. **ELECTRIC BIKE:** A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and powered by electrical, mechanical, or other power source.
- iii. **ELECTRIC SCOOTER / MOTORIZED SCOOTER:** Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.
- iv. **ELECTRIC SKATEBOARD:** Any object without a steering column, not having a seat or saddle for the use of the rider, designed for travel by human propulsion, and powered by electrical, mechanical, or other power source.
- v. **GOLF CART:** A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.
- vi. **LOW-SPEED VEHICLES (LSV):** Any four-wheeled vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour.
- vii. **MOTORCYCLE:** Any motor vehicle powered by an engine with cylinder displacement of more than forty-nine (49) cubic centimeters, having a seat or saddle for use of the rider and designed to travel on no more than three wheels in contact with the ground, but excluding a “moped” or as defined by Florida Statutes.
- viii. **MOTOR SCOOTER / MOPED:** Any motor vehicle powered by an engine with cylinder displacement of less than forty-nine (49) cubic centimeters, having a seat or saddle for use by the rider and designed to travel on no more than three wheels.
- ix. **MOTOR VEHICLE:** An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.
- x. **TRUCK:** Any motor vehicle designed or used principally for commercial or business purposes, including the carriage of goods, workers, or equipment,

which has a bed, cabinet box, platform, rack, or other equipment. This definition does not include a motor vehicle used solely for personal or noncommercial purposes by residents or their guests.

- xi. **UTILITY-TERRAIN VEHICLE (UTV):** A vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner, is operated by foot controls and a steering wheel, and is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn.

**RULES AND REGULATIONS OF  
BAY POINT COMMUNITY ASSOCIATION, INC.**

**1. TRAFFIC.**

- A. All vehicles operated on Bay Point roads must adhere to all Florida traffic laws, posted speed limits, and the rules contained herein.
- B. All vehicles shall be operated in a safe and courteous manner at all times. The reckless, careless, or dangerous operation of a vehicle is prohibited. Vehicles may be operated within Bay Point only upon paved streets and roadways, paved drives, paved parking areas, and any other areas specifically designated with signage.
- C. Vehicles in use between sunset and sunrise shall be equipped with illuminated lamps, front and rear.
- D. All- Terrain Vehicles (ATV) or Off-Road Vehicles (ORV) may not be operated on Bay Point roads.
- E. All pedestrians, bicyclists, and golf carts have the right-of-way superior to all motor vehicles on the roadways, expressly including the pavement and the shoulders, throughout Bay Point. Pedestrians shall walk on the safety paths when available.
- F. All Security Officers are authorized to stop any driver violating, or suspected of violating, these traffic rules. Security Officers are further authorized to file written reports, identifying each violation of any traffic control regulation, the name of the driver of the motor vehicle, the type of motor vehicle, the license number of the motor vehicle, and such other information as may be deemed appropriate.
- G. Each vehicle occupant must be seated in a proper seat.
- H. Individuals shall not “hitch a ride” by holding onto another vehicle.
- I. Vehicles must enter through the access gates one vehicle at a time, with each vehicle gaining its own authorized entry. “Tailgating” or “piggy backing” another vehicle through an open gate arm is strictly prohibited. Any damage to the gate will be cited according to Rule 3.D.
- J. The below table outlines driving ages and vehicle specific rules:



<b>Vehicle Type</b>	<b>Minimum Driving Age</b>	<b>License Requirement</b>	<b>Maximum Allowable Speed</b>	<b>Registration Requirement</b>
ATV	Not allowed on Bay Point roads			
Electric Bike, Skateboard, or Scooter	None	None	20 MPH	None
Golf Cart	15	Learner's Permit	20 MPH	BPCA Golf Cart Registration with valid decal
Low Speed Vehicle	16	Driver's License	25 MPH	BPCA Office and State Registration
Moped	16	Driver's License	25 MPH	State Registration
Motorcycle	16	Driver's License w/ Motorcycle Endorsement	25 MPH	State Registration
Motor Vehicle	16	Driver's License	25 MPH	State Registration
UTV (Excluding Swamp Buggies)	16	Driver's License	25 MPH	State Registration

K. Violations by any driver of any vehicle will be cited and fined according to the table below. Multiple citations may be issued when multiple violations occur simultaneously.

<b>Violation</b>	<b>Fine</b>	<b>Resident RFID Suspension</b>	<b>Non-Resident Driving Suspension</b>
First Violation	\$50	After 30 days of unpaid fine until repaid	Until fine is paid
Second Violation, within one year of First Violation	\$75		
Third Violation, within one year of First Violation	\$100		
Fourth or More Violations, within the past 12 months	\$150		
Speeding in excess of 40 MPH	Add \$50		

Reckless Driving	\$100		
Operating Vehicle without Proper Lights	\$50		
Overloading vehicle or holding onto another vehicle	\$50		
Tailgating or Piggy Backing	\$250		
Violation of Age, License, and Registration	\$50		

L. If a non-resident continues to drive within the Bay Point community during a period of suspension, the Bay Point entry privileges of said individual shall be revoked until reinstated by the BPCA Board.

M. Contractors and their employees and/or contracted laborers are subject to all traffic rules, including violations and subsequent appeal and fine procedures.

**2. PARKING.**

A. Vehicle parking is limited to enclosed garages, paved driveways or parking areas as specified in these Rules. Parking on grass is prohibited unless authorized by Bay Point Security.

B. No vehicle of any type may be parked overnight on any road, including cul-de-sacs, in Bay Point.

C. Under no circumstances shall a vehicle or trailer obstruct the normal flow of traffic on the roadway or present a hazard in any way to pedestrian or vehicular traffic. Lawn care services and other vendors shall park in the owner’s driveway if space allows. Otherwise, the vendor shall park on nearby side roads to limit obstruction of Bay Point Road, Marlin Circle, and Wahoo Road. If street parking is necessary, the vendor is required to park in one lane and must place a minimum of two traffic cones.

D. Unless located within an enclosed garage, the overnight parking of any vehicle displaying lettering, signs, commercial advertisements, and/or logos is prohibited. Customary vehicle dealer or manufacturer’s identification labels and license plates are exempt from the above restriction.

E. Unless located within an enclosed garage, the overnight parking of habitable motor vehicles (including RVs), boats, storage PODs, and trailers, including but not limited to boat, camper, and utility trailers, is prohibited. Overnight parking may be approved on a case-by-case basis.

- i. A temporary overnight parking pass for 1-3 nights may be provided by Security, with prior notification from the owner.
  - ii. A long-term parking waiver, for up to 30 nights, may be provided under special circumstances by the BPCA General Manager, with prior notification from the owner.
- F. The overnight parking of motor vehicles is restricted to a resident's own garage, paved driveway, or Condominium Association's parking. A resident may not park any vehicle on the property of another resident nor in any Condominium Association's parking lot without the property owners' express written permission filed in advance with the Bay Point Security Office and the BPCA General Manager.
- G. When hosting an event that requires parking beyond what the owner's own driveway or parking spaces can accommodate, the owner must notify Security in writing at least 48 hours in advance. Security will attempt to find parking for the vehicles as they arrive at the event. If an owner has an event and does not provide prior notification to Security, any vehicles illegally parked may be issued a citation for illegal parking and may be towed if parked in a tow-away zone.

**3. VEHICULAR AND PEDESTRIAN ACCESS.**

- A. Vehicular and pedestrian entry to and exit from Bay Point is restricted to and controlled by the six security access gates at Bay Point.

<b>Gate Name</b>	<b>Location</b>	<b>RFID Required for Entry</b>
Delwood Entrance	Delwood Beach Rd & Bay Point Rd	No
Jan Cooley Entrance	Jan Cooley Dr & Marriott Dr	No
Legend Hills Entrance	Jan Cooley Dr & Dragon Ridge Rd	No
Reflections Gate	Marriott Dr	Yes
Bar 72	Bay Point Rd @ Golf Club	Yes
Thomas Drive	Thomas Dr & Wahoo Rd	Yes

- B. Electronic gate access via an RFID sticker is a privilege provided to owners, their tenants, and Owner Sponsored Guests. This privilege can be suspended and/or revoked as a result of any violations to the BPCA rules and regulations.
- C. Each Bay Point property owner in good standing may sponsor two (2) non-owners, hereafter referred to as Owner Sponsored Guests, for the purchase of one RFID sticker each for a cost of \$250 for the first year and a renewal fee of \$200 for each

additional year. The Bay Point property owner assumes full liability and responsibility for their Owner Sponsored Guests while on Bay Point property.

- i. An owner may not sponsor a building contractor or lawn care contractor to work in Bay Point.
  - ii. An owner may not sponsor any owner or tenant who is otherwise ineligible to receive an RFID of their own for any reason.
  - iii. If a sponsor's RFID privileges are canceled or suspended for any reason, all owner-sponsored RFIDs will be suspended until the sponsoring owner's privilege is reinstated.
  - iv. The owner-sponsored RFID sticker will activate all the gates used by the sponsoring property owner.
- D. The penalty for making unauthorized entry or exit via any gate by damaging, manually manipulating, or willfully knocking off or removing the gate arms or by any means shall be a \$1,000 fine plus all reasonable costs to repair and restore the gate arms and/or electronic gate apparatus.

#### **4. ROAD IMPACT FEES.**

- A. BPCA will charge road impact fees for approved Bay Point West ARC projects, as specified in ARC Rule 20(B).
- B. For all others, the Road Impact Fee is \$120 for each time a designated heavy truck enters Bay Point property. The Road Impact Fees are supported by an independent engineering study.
- C. Designated heavy trucks include (a) trucks delivering concrete, roofing material, dumpsters, pavers, gunite, or sod; (b) heavy equipment such as bull dozers; and (c) dump trucks.

#### **5. NOISE AND NUISANCE.**

- A. Refer to Bay County Ordinance 17-72, Noise Nuisances Prohibited, and 17-73, Civil penalty and Enforcement as amended (22-13): which are incorporated herein by reference.
- B. Construction workers will be allowed on the property between 7:00 am and 6:00 pm. No construction work will be permitted on Sundays or the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.
- C. Door-to-door, house-by-house, car-by-car, and common area solicitation of residents or guests for business or personal activity is prohibited.

- D. Exterior lighting shall not create a nuisance or hazard and shall only be white in color and non-flashing. Temporary and seasonal holiday lighting may be colored and animated.

## **6. REGULATION OF PETS.**

- A. Only dogs, cats, and pet birds are permitted. Owners are required to control their pets and not permit them to be a nuisance to other owners, guests, or tenants.
- B. Any dog beyond a single-family home's physically fenced in yard or outside of a multi-unit shall be on a leash.
- C. Owners are required to dispose of any pet feces.

## **7. DISPLAY OF FIREARMS.**

- A. All persons within the Bay Point property boundaries are governed by and must abide by all local, state, and federal firearms-related laws. An individual who possesses a firearm is responsible for knowing the local, state, and federal firearm laws at any given time.

## **8. COMMERCIAL USE OF RESIDENCES.**

- A. Residential use shall be the primary purpose of every home and unit. Commercial activities are permitted if those activities are subordinate to the residential purpose and do not change the residential character of the premises. Increased traffic, visible storage, or other visible evidence of commercial activity is prohibited.

## **9. PUBLIC EVENTS AND OPEN HOUSES.**

- A. Hosting any public event within Bay Point is prohibited. Public events include, but are not limited to, open houses, yard sales, garage sales, estate sales or any other type of activity that is open to the public and a Bay Point address is advertised to the general public.
- B. Prospective purchasers of real estate in Bay Point must be accompanied within Bay Point by a licensed realtor or broker who must provide their business card to the gate guard.

## **10. RENTALS.**

Rental terms are controlled by the governing documents for the parcel or unit in question. However, the roadways, rights-of-way, security gates, visitor management system and all associated infrastructure are under the control of BPCA. Thereby, the following rules apply to all rentals within the Bay Point community:

A. Short Term Rentals (180 days or less):

- i. Property owners must provide the BPCA office with a copy of, Short-Term Vacation Rental Certificate or proof of application thereof issued by Bay County, Florida in compliance with Bay County Ordinance 23-18, which is incorporated herein by reference, prior to allowing rentals on the property in question.
- ii. The owner(s), or their designated property manager must notify BPCA at least one business day prior to the check-in date and provide the following information.
  1. The full names of all occupants authorized to reside under the rental agreement for the parcel / unit.
  2. The license plate, state of issue, model, and color of all authorized vehicles to be parked on the parcel or at the unit. If renters are also using rental cars the driver's license number and state of issue for each driver shall be required.

B. Long Term Rentals (181 days or more):

- i. Property owners are required to register all leases by providing a copy to BPCA at least one business day prior to occupancy. If not stated in said lease, the owner shall provide BPCA all the renters' name(s), vehicle information, property address, and dates of lease period.

C. Property owners are required to provide a set of these rules to each rental tenant, as these rules apply to all guests and tenants of a BPCA property owner. Property owners will be held responsible for the violations of their Lessee(s) and for all penalties for violations of these rules.

**11. REGULATION OF SIGNS AND FLAGS.**

A. The following types of signs are not permitted: Commercial, advertisement, and political. This includes "For Sale," "Parade of Homes," contractor, vendor, political, or campaign signage and imagery of any kind.

B. The following types of signs are permitted: Maximum 18" by 12" sign in accordance with Bay County Ordinance 23-18 at a location approved by BPCA, or appropriate association's ARC, approved address signs, and one security services sign no more than 10" x 10" placed within 10 feet of the entrance. Temporary celebration signage (for example, graduation, birthday, new baby) are permitted for 14 days.

C. Each residence must prominently display a house **number**.

- D. Homeowner's may still display in a respectful manner up to two of the following portable, removable flags, not larger than 4 1/2 feet by 6 feet in accordance with FLS 720.

## **12. UNSIGHTLY OR UNSAFE PROPERTY CONDITIONS.**

- A. Properties in Bay Point must be kept in a clean and attractive condition.
- B. Yards must be fully sodded with no dying grass, bare spots, or weeds. Grass must be no more than 6" high.
- C. Lots cleared for more than three months without commencing construction must be sodded and grass maintained. All other undeveloped lots must be maintained without underbrush or unsightly growth, including before and during construction where applicable.
- D. All buildings and exterior features must be properly maintained and kept clean and painted.
- E. All landscaping must be kept tidy and without weeds.

## **13. PROHIBITION AGAINST LITTERING, TRASH AND JUNK.**

- A. The discarding of litter, yard debris, or grass clippings upon the roadways, rights-of way, common areas, canal, and private lots within Bay Point is prohibited.
- B. Keeping junk, furniture, appliances, or other household items or abandoned vehicles outside of the house or an enclosed garage is strictly prohibited.

## **14. GARBAGE PICK-UP.**

- A. Garbage pick-up is permitted by authorized contractors only.
- B. All household garbage shall be placed in contractors' bins or other sealed receptacles. Plastic bags are permitted only when they accompany the contractor's bin. Yard trash must be stacked neatly near the bin.
- C. Garbage bins may be placed on driveways and easements after 5:00 pm the evening before the garbage service day. All garbage bins shall be removed within 24 hours of the garbage pick-up. All bins must be stored out of view from the street, golf course, or waterfront.

## **15. RADIO/TELEVISION AERIALS AND SATELLITE DISHES.**

- A. Outside antennas and antenna poles/masts/towers are prohibited, except that satellite dishes one meter or smaller in diameter may be permissible with prior written approval of the applicable association architectural review committee.

## 16. DRONE OPERATION

- A. Drones may only be operated if written approval is granted in advance by the BPCA General Manager.

## 17. FINE AND SUSPENSION PROCEDURES.

- A. A form notice will be provided by the BPCA Board of Directors, or its designee, to an owner/member and/or the tenant, occupant, licensee, or invitee of the levy of a fine or suspension of a right of use, and of an opportunity for a hearing with at least 14 days of notice.
- B. The role of the Fine and Suspension Committee is limited to determining whether to confirm or reject any fine or suspension levied by the BPCA Board of Directors, or its designee.
- C. Following the committee decision, a form notice will be provided by the BPCA Board of Directors to an owner/member and/or the tenant, occupant, licensee, or invitee of the imposition of a fine or suspension of a right of use, as applicable.
- D. Owner shall remit payment within five days of the notice date. Failure to remit the fine payment may result in suspension of use rights.
- E. If the total outstanding fine(s) against a property owner have reached \$1,000 or more, the association imposing the fine may, in its discretion, record a lien against the owner's real property and pursue collection by lien foreclosure through the procedures set forth in Chapter 720, Florida Statutes. A lien may be re-recorded annually if the debt remains unpaid.
- F. In addition to the forgoing, the association imposing the fine or sanction may pursue any legal or equitable relief available in Court or through the Florida Department of Business and Professional Regulation as permitted under Chapter 720, Florida Statutes. In any collection or enforcement proceeding of any type, the prevailing party shall be entitled to recover attorneys' fees and costs. All monetary debts shall accrue interest at 18% per year or the maximum rate allowable by Florida law.

## 18. VIOLATION AND FINES TABLE.

<b>Violation</b>	<b>Schedule of Fines</b>			
Failure to Cooperate with Security Officer	\$100 / Incident			
Traffic Violations	First: \$50	Second: \$75	Third: \$100	Additional: \$150



Careless Driving (40 MPH)	Additional \$50	
Parking	\$100 / Day	
Gate Damage	\$1,000 plus repairs	
Noise & Nuisance Violation	\$150 / Incident	
Pet Violation	First: \$50	Additional: \$100
Hosting Public Event	\$500	
Failure to Register Rental	\$250 / Incident	
Unallowed Signage	\$50 / Day	
Unsightly/Unsafe Property	\$50 / Day	
Failure to Display House #	\$50 / Day	
Litter, Trash, or Junk	\$50 / Day	
Failure to Store Garbage Bin	\$50 / Day	
Unauthorized Drone Operation	\$100 / Incident	

**ARCHITECTURAL RULES AND REGULATIONS OF  
BAY POINT WEST PROPERTY AND BAY POINT COMMUNITY ASSOCIATION**

**1. ARCHITECTURAL REVIEW COMMITTEE.**

- A. It is the function and purpose of the Bay Point West Architectural Review Committee (ARC) to implement and enforce rules providing reasonable regulations for aesthetic and architectural standards set forth in the Covenants and Restrictions. The BPCA General Manager and the ARC Chairman shall have the authority to issue a stop work order. The BPCA Board and/or its designee shall have the authority to levy ARC fines.
- B. Any new construction or any alteration, renovation, modification, or addition to the exterior of a property will require ARC approval. General maintenance does not require approval from the ARC.
- C. A property owner shall submit his/her proposal per the submittal requirements in Section 20.

- D. Decisions by the ARC shall be communicated to the property owner in writing. Work shall not commence until the ARC approval has been granted.
- E. An ARC approval will establish a time frame for initiating and completing the approved scope of work. Once initiated, all new construction shall be completed within eight months. The owner may request an extension prior to the originally approved completion date. Extensions will be considered on a case-by-case basis.
- F. Throughout the construction period and including the completion and clean-up of construction, the property owner and his contractor shall comply with the requirements of these rules and all construction shall be in accordance with the plans and specifications as approved by the ARC.

## **2. REGULATION OF BUILDING CONTRACTORS.**

The following Construction Rules shall apply to construction within Bay Point:

- A. A dumpster must be placed on the lot prior to the start of framing and remain until construction is completed. The dumpster must be emptied often enough to maintain the construction site in a neat condition.
- B. A Port-O-Let or similar toilet facility must be placed on the lot at the time construction begins and remain until construction is completed. Toilet facilities shall be placed no more than 15 feet from the dwelling's foundation and must be screened from view.
- C. Construction workers will be allowed on Bay Point property between 7:00 a.m. and 6:00 p.m. No construction work will be permitted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.
- D. Contractors shall park in the owner's driveway if space allows. Otherwise, the contractor may park in one lane of the paved roadway and is required to place a minimum two traffic cones at the corners of his vehicle. When possible, the vendor shall park on nearby side roads to limit obstruction of Bay Point Road, Marlin Circle, and Wahoo Road. Contractors are allowed to park one trailer (with no advertising) at a construction site for new home construction and major remodeling only.
- E. Sufficient fill dirt must be placed on the property to bring the berm up to the level of the paved roadway so that the edge of the pavement will not be broken off by heavy equipment entering or leaving the construction site. The owner is responsible to BPCA in the event that any pavement edge is broken at the construction site.
- F. Prior to a contractor using any vacant lot for project access, storage or stockpiling of material, parking of vehicles, or any other use related to a construction project, the contractor shall obtain written permission from the owner of the vacant lot and provide said permission to the BPCA General Manager.

### **3. SITE PLAN.**

- A. Rainwater runoff onto neighboring residential lots is prohibited.
- B. Building setbacks shall be measured from the platted property lines to the outside face of the exterior wall construction and, for storied dwellings, to the outside face of roofed porch supports or upper story balconies or decks. Setbacks must be clearly indicated on the site plan.
- C. The setbacks are 10 feet at each side and 25 feet at the front and rear. The front is considered to be the streetside which includes the front door.
- D. A property owner shall not be burdened with more than two 25-foot setbacks.
- E. Fireplaces or other similar items shall be considered part of the exterior wall construction and shall not encroach into these setbacks.
- F. Roof overhangs may project four feet into the setbacks.
- G. A property owner with two or more adjoining lots may build on these lots together provided the proper legal documents are provided and provided all other conditions of the Covenants and Restrictions, the rules, and of the ARC guidelines are met.

### **4. BUILDING DESIGN.**

- A. The building height shall be limited to 37 feet measured vertically from the highest point of the roof to the ground floor slab level. Fireplace chimneys, roof railings, or other decorative roof finials may extend beyond the maximum height.
- B. No detached buildings may be constructed on any lot.
- C. No drives, walks, fences, or walls shall be constructed prior to the initiation of construction of the residential dwelling.

### **5. APPROVED COLORS.**

- A. Earth-tone colors are acceptable for exterior color schemes. All exterior color schemes, which includes roofing, house, or trim colors, must be approved by the ARC prior to their installation.
- B. Whole house repainting must receive prior approval. Maintenance painting (less than 25% of the total painted area) using the same color and material does not require ARC approval.

### **6. EXTERIOR MATERIALS.**

- A. Approved exterior materials are solid wood siding, fiber cement siding, stucco, earthtone brick, and stone. Aluminum vinyl, plywood, or asphalt siding materials are prohibited. Aluminum fascia and aluminum or vinyl soffits are allowed.

## **7. ROOFING MATERIALS.**

- A. Durable “lifetime architectural or designer” roofing materials are required. Materials shall be:
- i. Cedar shakes or shingles
  - ii. Finished metals
    - a. Metals must be 26 gauge or thicker
    - b. Corrugated “S Deck” rolling roof is not allowed
    - c. ZAC (Zinc Alloy Cap) screws with EPDM (ethylene-propylene diene monomer) sealing washer with a minimum thickness of .14 inches (standard for ZAC screws) or fasteners with improved technology as accepted as roofing standard
  - iii. Glazed or unglazed clay or cement tiles
  - iv. Fiberglass or other composite shingles
- B. Roofing colors must be approved by the ARC.
- C. All sloping roofs on any single residence shall be of the same or compatible pitches and all shall be finished with the same roofing material and the same color.
- D. Complementary allowable roofing materials may be approved for architectural accents, on a case-by-case basis.

## **8. FENCES AND WALLS.**

- A. All fences and walls must be approved by the ARC prior to installation or replacement.
- B. No fence or wall shall exceed six feet in height, except as described in paragraphs C, D, and E below, above the lowest adjacent property owner's grade elevation at the property line. Finials on posts or support columns, light fixtures, or other similar adornments may extend vertically a maximum of 12 inches above the fence or wall. Metal gates may extend 12 Inches above the fence, wall, or adjoining fence.
- C. Fences or walls extending beyond the front of the house may not exceed four feet in height above the lowest adjacent property owner's grade elevation at the property line, except where grade variations in the yard level may necessitate a variance of up to six inches to maintain a uniform crown level.

- D. On canal, lagoon, and operational golf course lots, fences and walls not exceeding four feet in height measured from adjacent owner's grade elevation at the property line may extend beyond the rear corner of the house along side lines to the rear property line and may be built along the rear property line provided they are designed so as not to obstruct the adjacent property owner's views. Picket and see-through metal fences may be granted a variance of up to six inches to allow for varying ground elevations to maintain a uniform crown level. Solid fences may be granted no more than a three-inch variance allowing for varying ground elevations. Following any change in land use of adjacent property, homeowners will be granted a two-year grace period to adhere to height restrictions as per this section.
- E. Residences on the perimeter of Bay Point, adjoining Non-Bay Point Residential or Commercial properties, may be granted a two-foot variance to allow an eight-foot fence along the adjacent property line. Public roadways or right of ways are not considered commercial or non-Bay Point residential properties.
- F. The fencing of small areas to be utilized as "dog runs" is prohibited.
- G. No portion of a fence or wall, including its footings, support columns, and adornments, shall extend beyond platted property lines of the lot on which the fence or wall is built, and it shall be the responsibility of the property owner building the fence or wall to verify the location of those platted property lines by survey or other acceptable methods.
- H. Fences may be of wood in shadow box, picket, or split-rail style. Ornamental painted wrought iron or other similar finished metal fences with a design or pattern as well as vinyl fences will be reviewed on a case-by-case basis. Material submissions and/or manufacturer pictures and specifications are required for vinyl fences.
- I. Wood fences may be finished or painted or stained or may be left unfinished if built of a wood suitable for natural weathering. If painted or stained, it is desirable to finish both sides; if only one side is to be finished, the finished side will be on the outside and the unfinished interior side shall not be visible from any adjoining property. Wood fencing on supports shall have the supports on the inside.
- J. Chain link or other similar metal wire fences are prohibited.
- K. Walls shall be constructed of brick or finished concrete block. All concrete block walls shall have all their exposed surfaces finished with stucco or other similar materials in keeping with the residence. Solid poured concrete walls, except where required for retaining walls, or stucco on wood framed walls are prohibited.
- L. Walls shall not exceed a thickness of eight inches, except for support columns as required for retaining walls.

## **9. DRIVEWAYS.**

- A. New, modified, or expanded driveways must be approved by the ARC.
- B. Location of all driveways shall be compatible with the design of the house and the configuration of the lot and shall provide access to the street without creating a traffic hazard.
- C. Approved driveway materials include plain or exposed aggregate concrete, brick, pavers, tile, or patterns impressed in a finished cement topping. Asphalt paving or loose gravel is prohibited. Driveway staining shall be allowed using a solid-base stain or a transparent stain. Colors must be approved before work begins.
- D. Construction of driveways shall be accomplished in conjunction with the house construction.
- E. The entire driveway must be the same material, color, and texture.

**10. PORCHES, DECKS, AND PATIOS.**

- A. New, modified, or expanded porches, decks, and patios must be approved by the ARC.

	<b>Definition</b>	<b>Approved Placement</b>	<b>Placement Exception</b>
<b>Porch</b>	Hardscape surface with a roof covering. Built at the first-floor level of the dwelling as an extension of the house. May be screened or open air.	May not be built within setbacks.	None
<b>Deck</b>	Hardscape surface, built at the first-floor level of the dwelling. No roof covering.	May not be built within setbacks.	Canal lots may extend deck to rear property line.
<b>Patio</b>	Hardscape surface, built at the yard level of the dwelling.	May extend up to the property lines.	None

**11. SWIMMING POOLS AND SPAS.**

- A. Outdoor swimming pools and spas are not subject to the building setbacks and may be installed up to the property lines. On canal and lagoon lots, it is preferred that a minimum of 14 feet be provided between the seawall and the pool shell so as not to interfere with the seawall's tiebacks or deadmen. If the pool or spa is to be closer than 14 feet to the seawall, it shall be completely elevated above the seawall's

tiebacks and deadmen or engineering drawings shall be provided for the relocation of these tiebacks and deadmen.

- B. Swimming pools and spas shall be installed at ground or deck level. Exceptions, because of ground contours or other reasons, will be considered on a case-by-case basis. Spas, if above grade, shall be shielded from public view by privacy fencing or walls.
- C. Pumps, filters, and heating equipment shall be screened from view from adjoining lots, roads, the golf course, and the canal or lagoon by fences, walls, or landscaping sufficient to provide visual shielding.
- D. All excess material from the pool excavation, excess gunite, or other excess materials that cannot be utilized on the lot shall be removed and properly disposed of outside Bay Point, not on any vacant lot.
- E. Swimming pools shall be designed in such a manner that any backwash water shall not be disposed onto any adjoining lot.

## **12. SCREENED ENCLOSURES.**

- A. Screening material and framing shall be compatible in color with the house exterior.
- B. Screening of porches shall conform to the setback requirements.
- C. Screening of swimming pools and hot tubs will be reviewed on a case-by-case basis. Any screened pool or hot tub enclosure shall be an integral part of the house construction, opening directly to the house's porch, patio, or living areas. They may not be separated or detached from the main house structure.
- D. Screened pool or hot tub enclosures shall have all their sides and roofs screened.

## **13. PLAYGROUND APPARATUS.**

- A. Playground equipment, defined as apparatus that is easily moveable such as basketball hoops, plastic play equipment, and "A" frame metal swing sets, does not require ARC approval.
- B. Playground fixtures, defined as apparatus that is semi-permanent in nature and is heavy / large enough that is not easily moveable, must be approved by the ARC prior to installation and/or placement.
- C. Playground equipment and fixtures must be located in the back yard, except basketball hoops may be placed in the front of the dwelling on the resident's property.
- D. Playground equipment and fixtures must be situated in a location that it will not invade the privacy of adjacent property owners or create a noise or lighting nuisance.

- E. The platform height on a playground fixture may not exceed eight feet above the ground, and the overall height of a playground fixture may not exceed 12 feet.

#### **14. OUTDOOR ENTERTAINMENT FEATURES.**

ARC approval is needed for all outdoor entertainment features as outlined below.

- A. Outdoor entertainment features such as outdoor kitchens, gazebos, pergolas, and patio shade features. These features may be freestanding or added to the house structure.
- B. Outdoor entertainment features must be in the rear of the home and may not extend beyond the side corner of a house, nor extend further than a 15' setback. If the roof is non-sloping, to allow water runoff may not drop greater than 2" per 10', otherwise slope must match the slope design of the existing roof.
- C. Roofing materials must follow those defined in 7.0 Roofing Materials.
- D. The outdoor entertainment feature may not have any enclosed walls.
- E. Features must be constructed within county building codes.

#### **15. LANDSCAPING AND IRRIGATION.**

- A. All significant (30% or more) modifications to the current landscaping design require that a plan be submitted for ARC approval. All plans must be submitted to and approved by ARC prior to starting.
- B. All grassed areas shall be solid-sodded.
- C. All lots shall have an automatic, underground irrigation system.
- D. Landscaping is required between the front property line and the edge of the pavement. Consideration, however, should be given to pedestrian safety along the road edges when contemplating the use of landscaping timbers, pavers, or the like. Any barriers placed in the right-of-way must be break-away or, if not break-away, must be no higher than three inches above ground level. Consideration should also be given to vehicular lines of sight when considering the placement of large shrubs close to the street.
- E. All backflow preventers must be screened from view.

#### **16. TREES.**



- A. ARC approval must be granted in advance before removing any tree 12” or more in diameter. In most instances, stump removal will also be required. Removal of shrubs and smaller trees does not require ARC approval.
- B. No clear-cutting of any property, including vacant lots, will be permitted.
- C. Approval for tree removal is given for a period of 60 days from date of approval, after which time request must be resubmitted.
- D. The ARC may require submission of a landscape plan prior to approval of tree removal.
- E. Owners are strongly encouraged and may be required to plant a new tree for each removed tree.

#### **17. SEAWALLS, DOCKS, AND BOATLIFTS.**

- A. All canal and lagoon seawalls, docks, davits, boat lifts, or other similar construction related to the canal and lagoon shall be submitted to the Canal Association. Proposals will be reviewed for compliance with the Canal Association’s stated rules and guidelines. Owners may not begin such construction without approval in writing from the Canal Association.
- B. Boat houses are prohibited.
- C. Any construction on the Bay Point Canal system for a new house shall be constructed so that most of the rainwater from the house and yard is channeled through the canal sea wall. This shall be accomplished with the following additions/requirements:
  - i. Gutters shall be added to the house to collect the rainwater and flow it through the canal wall. The downspouts from the gutter system shall be attached to non-metallic solid wall 6” tubing such as PVC to provide full flow of all rainwater. The tubing shall be installed under the back yard and penetrate the sea wall to disperse any water from the roof directly into the canal. The tubing shall be sealed properly at the sea wall to prevent soil or water leakage.
  - ii. If the sea wall for the new house does not have relief filters installed to reduce the hydraulic water pressure build up, such filters shall be installed. The filters should be “Jet Filter” brand, or an equivalent, installed no more than six feet apart.

#### **18. EXTERIOR AMENITIES.**

- A. Mailboxes or other similar receptacles for the receipt of mail, newspapers, magazines, or other similar material are prohibited.

- B. Signs on properties are prohibited except those bearing the name and/or street address of the property owner. Such signs are subject to approval by the ARC.
- C. Exterior lighting shall not create a nuisance or hazard and shall only be white in color and non-flashing.
- D. LP gas tanks must be approved by the ARC and shall be buried or shielded from public view by fences or walls.
- E. Generators must be shielded from public view.
- F. Exterior television and radio antennas for reception of commercial broadcasts and emergency short wave and ship-to-shore antennas will be reviewed on a case-by-case basis.
- G. Outside antennas and antenna poles/masts/towers are prohibited, except that satellite dishes one meter or smaller in diameter may be permissible with prior written approval of the ARC.
- H. No individual water supply system shall be permitted except non-potable systems for lawn irrigation and water-to-air heating and air conditioning systems.
- I. Heating and air conditioning equipment as well as pool pumps and related equipment shall be located so as not to create a noise nuisance for adjoining property owners.
- J. Heating and air conditioning equipment, pool pumps and related equipment, and storage containers shall be screened from view from adjoining lots, roads, the golf course, and the canal or lagoon by fences, walls, or landscaping sufficient to provide visual shielding.
- K. In-ground fire pits will be considered by the ARC on a case-by-case basis.

## **19. RENEWABLE ENERGY RESOURCES.**

- A. A property owner may not be denied approval to install solar collectors or other renewable energy devices. Nonetheless, ARC approval is required prior to installation of any such system.

## **20. SUBMITTAL REQUIREMENTS.**

- A. Below (on the following page) are the required documents and payments for a project proposal for ARC approval. These documents should be submitted to the BPCA office by noon the Friday prior to the ARC's next regularly scheduled meeting.

## Existing Home Changes

	Web link to manufacturer specific product or color/material sample or design photo	Professionally prepared or well documented plans with dimension and/or setbacks	Photo of existing items to be removed, repaired, replaced	Copy of contract	Height 6'4' canal and active golf course	Equipment screened
Awnings	x	x				
Carport/Garage Enclosure	x	x				
Driveway or Walkway	x	x				
Fencing	x	x			x	
Generator						x
Gutters	x					
Landscaping		x	x			
Outdoor Entertainment Feature	x	x				
Painting Doors/Trim	x					
Painting/Resurface Exterior	x					
Pool		x		x		x
Roofing	x					
Screened Enclosure		x				
Solar		x				x
Sprinkler System		x				
Tree Removal			x			
Windows/Doors	x					

New Home Construction

- Site plan w 25' front and rear setback, 10' side setback and elevations
- Architectural drawings
- Sample exterior materials & colors, web links
- Storm drainage plan
- Dumpster & PortOLet placement
- Contractor/Vendor parking plan

- Fencing plan
- Pool contract w plan
- Deck plan
- Screened enclosure plan
- Landscaping plan
- Project timeline
- Builder credentials
- Dock/Lifts must submit a project proposal to the Canal Association

B. A road impact fee will be determined by the work plan submitted, per the below schedule. This non-refundable road impact fee shall be payable to BPCA at the time the ARC approval is granted.

Project Type	Road Impact Fee
New Home Construction	\$3,000
Awnings	\$0
Carport/Garage Enclosure	\$240
Driveway	\$360
Walkway	\$120
Fencing	\$0
Generator	\$0
Gutters	\$0
Landscaping	\$0
Sod	\$120

Project Type	Road Impact Fee
Outdoor Entertainment Feature	\$120
Painting Doors/Trim	\$0
Painting/Resurface Exterior	\$0
Pool	\$480
Roofing	\$120
Screened Enclosure	\$0
Solar	\$0
Sprinkler System	\$0
Tree Removal	\$120
Windows/Doors	\$0

**21. APPEAL PROCEDURE FOR ARC DECISION.**

A. Any ARC decision regarding a submitted project proposal may be appealed by the property owner.

- B. The first appeal is to the ARC for reconsideration of their decision.
- C. The second appeal is to the BPCA Board. An appeal request shall be submitted in writing to the BPCA General Manager. The appeal shall be considered at the next regular Board meeting, or earlier at a special meeting if called by the Association President.
- D. The role of the BPCA Board is limited to determining whether to uphold or reject the ARC decision on the submitted project proposal.

## **22. FINE AND SUSPENSION PROCEDURES.**

- A. A form notice will be provided by the BPCA Board of Directors to an owner of the levy of a fine and of an opportunity for a hearing with at least 14 days of notice.
- B. The role of the Fine and Suspension Committee is limited to determining whether to confirm or reject any fine levied by the BPCA Board of Directors.
- C. Following the committee decision, a form notice will be provided by the BPCA Board of Directors to an owner of the imposition of a fine, as applicable.
- D. Owner shall remit payment within five days of notice date. Failure to remit the fine payment may result in suspension of use rights.
- E. If the total outstanding fine(s) against a property owner have reached \$1,000 or more, the association imposing the fine may, in its discretion, record a lien against the owner's real property and pursue collection by lien foreclosure through the procedures set forth in Chapter 720, Florida Statutes. A lien may be re-recorded annually if the debt remains unpaid.
- F. In addition to the forgoing, the association imposing the fine or sanction may pursue any legal or equitable relief available in Court or through the Florida Department of Business and Professional Regulation as permitted under Chapter 720, Florida Statutes. In any collection or enforcement proceeding of any type, the prevailing party shall be entitled to recover attorneys' fees and costs. All monetary debts shall accrue interest at 18% per year or the maximum rate allowable by Florida law.

## **23. VIOLATION AND FINES TABLE.**

<b>Violation</b>	<b>Schedule of Fines</b>
Violation of ARC rules or guidelines	\$150 / Incident
Commencement of work without ARC approval	\$150 plus stop work order. Additional \$20 / Day until ARC proposal is submitted. Work shall cease until ARC approval is granted in writing.
Work is out of compliance with ARC Guidelines	\$20 / Day until the project is brought into compliance.
Failure to complete work within approved timeline	\$100 / Day
Tree removal without ARC approval	\$500 / Tree

**RULES AND REGULATIONS OF  
BAY POINT WATERFRONT and CANALFRONT PROPERTY OWNERS  
ASSOCIATION, INC.**

**1. BAY POINT CANAL DECAL.**

- A. All motorized watercraft in the Canal for a period exceeding 30 days shall display the Bay Point Canal Decal from the BPCA Office.
- B. This decal shall be displayed on the port side of the watercraft.

**2. WATERCRAFT DOCKAGE.**

- A. No watercraft kept in the Canal shall interfere with navigation.
- B. No anchoring is allowed except during storm closings of the Canal.
- C. Docked watercraft of any type shall not extend across adjacent property lines.
- D. Watercraft with a beam exceeding 18 feet is prohibited from passing under the north side of the Bonefish bridge.
- E. "Setting adrift" a watercraft is prohibited.

### **3. WATERCRAFT CONDITION.**

- A. No watercraft shall become a hazard to others or the environment.
- B. Watercraft must be kept in clean, neat, and tidy condition.

### **4. SPEED LIMIT OR EXCESSIVE WAKE IN THE BAY POINT CANAL.**

- A. The Bay Point Canal is designated a NO WAKE ZONE, with a maximum speed at idle of five miles per hour (5 mph).
- B. Watercraft in the NO WAKE ZONE must operate at a speed no greater than is necessary to maintain steerage and headway. The watercraft should not produce any excessive wake.
- C. Excessive wake is defined as that wake which creates waves at the Canal wall or against the hull of boats, properly moored in the Canal, that excessively rock the boats.

### **5. NO COMMERCIAL ACTIVITY.**

- A. Commercial activity that is initiated, launched, or conducted from any Bay Point Canal property is prohibited.

### **6. NO DISCHARGE OR DUMPING INTO THE CANAL.**

- A. Discharge or dumping of anything other than clean water into the Canal is prohibited.
- B. Fish carcasses may be disposed of in the Canal, provided that the owner takes necessary measures to ensure that the carcass does not float on the Canal surface.

### **7. CANAL RULES FOR NAMED STORMS.**

- A. The Canal Association will announce the Canal closing and reopening dates and times in accordance with the BPCA Disaster Preparedness Plan and Canal Hurricane Procedures.
- B. At or after the Canal closing time:
  - i. Watercraft may be tied off in the center of the Canal.
  - ii. Canal Lot Owners shall allow other resident or tenant watercraft, displaying a Bay Point Canal Decal, to be tied to storm anchors located on their lot.

- ii. Security of watercraft shall be the sole responsibility of the watercraft owner.
- iii. Any watercraft on a lift shall be raised and lashed to the lift.

C. At Canal reopening time:

- i. All watercraft and storm tie-off lines must be returned to their docks within 24 hours of the declared reopening time.
- ii. Any watercraft blocking the Canal 24 hours after the Canal reopening may be moved by the Canal Association at the watercraft owners' expense.

**8. SEAWALLS.**

- A. This section shall refer to seawalls, bulkheads, or other retaining walls (collectively, "Seawalls") situated on the waterward side of the Bay Point Canal or lagoon lot.
- B. Seawalls shall be titled to each Canal Lot Owner who is responsible for maintenance, upkeep, and compliance with these guidelines.
- C. Seawalls shall be maintained in good condition prohibiting soil erosion through, under, or over the seawall.
- D. A seawall must extend across the entire Canal lot property line, adjoining to neighboring seawalls on each side of the lot.
- E. Setbacks shall be measured from the outer edge of the seawall cap.
- F. In the event a seawall replacement is required, the Canal Lot Owner or its designated marine contractor, prior to commencement of seawall replacement, shall submit to the Canal Association an executed contract with a Florida licensed marine contractor for replacement with completion within 120 days.

**9. DOCKS.**

- A. Decks and docks shall be maintained in a safe condition and kept clean and orderly.
- B. Floating docs shall not hinder navigation.

**10. LIFTS and DAVITS.**



- A. All lifts and davits shall be maintained in good working order and may not become unsightly.
- B. Swing type personal watercraft lifts must be stored over the dock when not in use.
- C. No lifted boat or personal watercraft shall extend across adjacent property lines.
- D. No watercraft shall overload the davit or lift.
- E. Lifts shall be completely disconnected from their power source when not in use, either by disconnecting the power source (electrical plug) or installing an electrical isolator switch.
- F. Zinc anodes shall be installed and replaced when necessary.

## **11. CONSTRUCTION GUIDELINES.**

- A. These construction guidelines do not relieve Canal Lot Owners and contractors from their responsibility to adhere to manufacturers' specifications and proper design and installation techniques. It is the responsibility of the Canal Lot Owner to ensure that a lift can be completely disconnected from its electrical power source when not in use.
- B. All Canal and lagoon seawalls, docks, davits, boat lifts, or other similar proposed construction projects related to the Canal and lagoon shall be submitted to the Canal Association for approval. Proposals will be reviewed for compliance with the Canal Association's stated rules and guidelines.
- C. Canal Lot Owners may not begin such construction without approval in writing from the Canal Association.
- D. All Canal marine contractors must be approved by the Canal Association. Approval requirements are that the marine contractor is (a) Florida licensed; (b) provides proof of longshoremen insurance, workers compensation insurance, and general liability insurance; and (c) provides a minimum of 3 references that are vetted by the Canal Association.
- E. The Canal Lot Owner, or the Canal Lot Owner's designated contractor(s), shall submit a construction application to the Canal Association for approval as follows:
  - i. All installations, repairs or modifications listed above require approval from the Canal Association before any installation has begun. Applicants shall submit drawings 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 may apply, such as, use of lots owned by others, road impact fees, parking limitations and refuse removal.

- ii. Application Submission. An application shall be submitted by the Canal Lot Owner, or selected Bay Point approved marine contractor. The application shall be delivered to the BPCA office or directly to the Canal Association's Seawall Chairman.
- iii. Application Approval. The Canal Association Board may designate the Seawall Chairman or other Board member as the single point of contact for approval, modification, or rejection of submitted applications. This designation shall be approved by motion of the Canal Association Board and codified in writing for the record.
- iv. After an approval from the Canal Association is obtained, the Canal Lot Owner or designated contractor must obtain a permit from Bay County for any boat lift or Canal construction project requiring a Bay County Permit at or on a Canal lot. A copy of the Bay County permit and Notice of Commencement must be submitted to the Seawall Chairman before work can begin. When the project is completed, the Seawall Chairman will record the Bay County installation approval and close out the project.

F. Boat houses are prohibited.

G. Seawalls.

- i. New seawalls shall be constructed of Shoreguard or equivalent vinyl only, installed in accordance with the manufacturer's specifications, and shall be "Shoreguard Grey" or comparable in color.
- ii. New wood walls are not allowed.
- iii. Walls shall be of sufficient strength to stand 7-to-10 feet with only top wales.
- iv. No wood is to be installed below the 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.
- v. All fittings shall be of stainless steel. Tie rods shall be a minimum of SS316, diameter of 5/8", twelve feet long, and attached to deadmen. 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.

- vi. 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 Association Board on a case-by-case basis. Each deadman shall withstand a pull force of at least 6,000 pounds and be placed every five feet.
- vii. New walls shall be capped. Caps shall be treated wood, aluminum, concrete, or composite material.
- viii. Walls must interlock with adjacent wooden walls, so as not to leak soil.
- ix. 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.
- x. 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.
- xi. New seawalls shall have hydraulic pressure relief valves (equivalent to “Jet Brand”) installed at a maximum of six-foot intervals. Existing vinyl seawalls may have pressure relief valves installed with approval from the Canal Association.
- xii. Each new wall installation shall include a minimum of two storm anchors, 10,000 pounds 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.
- xiii. Each new wall shall have a 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.

#### H. Docks – Fixed

- i. 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).
- ii. All metal fittings shall be of stainless steel.
- iii. Docks, including pilings and any attached fender material, shall extend into the Canal a maximum of four feet measured from the seawall edge.

- iv. Pilings shall be 25 feet long by 6” minimum top diameter, imbedded 10 feet into Canal bottom. Pilings shall be placed eight feet apart and shall stand six 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 allowed. Pilings shall remain unpainted but may be capped with black, white or a natural color.
- v. The dock frame shall be of treated wood, minimum size 2x8, and shall be through bolted to pilings.
- vi. No roofed structures shall be placed on decks or docks.
- vii. Lamps shall not be so bright as to disturb others or hinder navigation.

#### I. Docks - Floating

- i. Installation of a floating dock will require Canal Association approval. Any floating dock may not hinder navigation or extend across adjacent property lines.
- ii. Floating watercraft and personal watercraft (PWC) docks shall be anchored to the seawall or dock pilings.
- iii. Hardware shall be OEM product.
- iv. Pipe or piling brackets shall be polyethylene or OEM product.
- v. Pipe imbedded in the Canal floor shall be galvanized or better and encased in Schedule-40 PVC.
- vi. Dock anchoring systems shall be EZ Dock or equivalent as approved by the Canal Association.

#### J. Culverts and Stormwater Drainage Pipes.

- i. 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.
- ii. 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.

- iii. 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 Canal Lot Owner to prevent upland soil loss around the pipe's exit point.
- iv. Any pipe that extends through a seawall must be approved by the Canal Association prior to installation.

K. Lifts and Davits.

- i. No lift or davit shall have a maximum capacity exceeding 20,000 pounds.
- ii. Lifts with four or more posts are prohibited.
- iii. Lifts or davits shall be installed as to not impede navigation or pose a hazard.
- iv. Davits shall be mounted on or landward of the wall. Swing type personal watercraft lifts may be mounted on the dock pilings but must be stored over the dock when not in use.
- v. No lift or davit with or without a boat or PWC on it shall extend across adjacent property lines.
- vi. Lifts shall be completely disconnected from their power source when not in use, either by disconnecting the electrical plug or installing an electrical isolator switch.

**12. FINE AND SUSPENSION PROCEDURES.**

- A. A form notice will be provided by the BPCA Board of Directors to an owner of the levy of a fine and of an opportunity for a hearing with at least 14 days of notice.
- B. The role of the Fine and Suspension Committee is limited to determining whether to confirm or reject any fine levied by the BPCA Board of Directors.
- C. Following the committee decision, a form notice will be provided by the BPCA Board of Directors to an owner of the imposition of a fine, as applicable.
- D. Owner shall remit payment within five days of notice date. Failure to remit the fine payment may result in suspension of use rights.

- E. If the total outstanding fine(s) against a property owner have reached \$1,000 or more, the association imposing the fine may, in its discretion, record a lien against the owner's real property and pursue collection by lien foreclosure through the procedures set forth in Chapter 720, Florida Statutes. A lien may be re-recorded annually if the debt remains unpaid.
- F. In addition to the forgoing, the association imposing the fine or sanction may pursue any legal or equitable relief available in Court or through the Florida Department of Business and Professional Regulation as permitted under Chapter 720, Florida Statutes. In any collection or enforcement proceeding of any type, the prevailing party shall be entitled to recover attorneys' fees and costs. All monetary debts shall accrue interest at 18% per year or the maximum rate allowable by Florida law.

**13. VIOLATION AND FINES TABLE.**

<b>Violation</b>	<b>Schedule of Fines</b>
Failure to Display Canal Decal	\$20 / Day
Improper Dockage	\$100 / Day
Adrift Watercraft	\$500 / Incident
Unkept Watercraft	\$100 / Day
Speeding / Excessive Wake	\$100 / Incident
Commercial Activity	\$500 / Incident
Discharge or Dumping	\$300 / Incident
	At the discretion of the Canal Board, Canal Lot Owner shall be required to remove pollutant.
Maintenance or Installation Deficiency of Seawall, Dock, Lift and/or Davit	Notice to Remedy within specified time period
	If failure to remedy, \$100 / Day up to \$3,000 Maximum