

AMENDED AND RESTATED RULES AND REGULATIONS OF
BAY POINT IMPROVEMENT ASSOCIATION, INC.

(D/B/A Bay Point Community Association)

(A Florida Corporation Not for Profit)

“Substantial rewording. See governing documents for current text.”



RULES AND REGULATIONS

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INTRODUCTION AND PURPOSE

To create a harmonious and well-maintained community for all, the Bay Point Community Association Board has adopted these Rules and Regulations. By adhering to these rules, we all do our part to ensure a pleasant experience for ourselves, neighbors, guests ,in addition all members are required to tell their contractors and vendors that these rules (provide them a copy or link) also apply to them.

The powers and duties of community associations include those set forth in Chapters 617, 718, and 720, Florida Statutes, and their governing documents. Each member and the member's tenants, guests, invitees, vendors, and contractors are governed by and must comply with the appropriate governing documents and these rules.

In order to carry out the purposes, responsibilities, and duties set forth in the Articles, Bylaws and Declaration, the Board of Directors is authorized, as it deems appropriate, to adopt Rules and Regulations to govern activities of, and matters of concern to, Bay Point Community Association members and the several neighborhood associations in which BPCA membership is required and or common area exist. Such Rules shall have the force and effect of the provisions of the Bylaws, and shall include setting of fines. Such rules may be amended or rescinded by the Board at any appropriately noticed regular or special meetings of the Board.

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.

1. 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. **ARCHITECTURAL REVIEW:** Architectural restrictions serve to preserve aesthetic quality and the value of the homes in the Bay Point community. This is accomplished via the architectural guidelines and review process. Each Sub-Association is responsible for following its declaration and published criteria as well as submission to BPCA for final approval of all landscape/hardscape projects that are in/on BPCA rights of way. BPCA road impact fees, per the schedule, are applicable to all Sub-Associations.
- C. **BAY POINT:** The areas developed as the Bay Point Community in Township 4 South, Range 15 West, Bay County, Florida, as defined in the Declarations, easements, and plats of Bay Point recorded in the official records of Bay County, Florida, and submitted to the governance of BPCA.
- D. **BPCA COMMON AREAS:** Bay Point Canal, Bay Point roadways, Bay Point rights-of-way, parcels 31306-011-000 & 31306-012-000 (Delwood Beach Rd), 31306-005-000 (4100 Delwood Beach Rd) 30933-729-000 (484 Wahoo Rd) 30933-040-010 (3111 Thomas Dr), 30933-044-000 (3119 Thomas Dr), 31402-984-000 (Dragons Ridge Rd) and BPCA improvements thereon.
- E. **BAY POINT ROADS - RIGHT OF WAYS:** The roads developed throughout Bay Point have either sixty feet (60'), eighty feet (80') ,or one hundred feet (100') rights of way per plats in the official records of Bay County. These rights of way are maintained as outlined in the Declaration(s), Stakeholders agreement(s), or as defined in any shared use maintenance agreement(s), and ingress/egress easements related to their use for the access to condominium, commercial, conservation, and any future residential development.
- F. **BAY POINT IMPROVEMENT ASSOCIATION, INC.:** Formed to maintain common properties within Bay Point, developed by The Grand Lagoon Company, its successors and or assigns, in Township 4 South, Range 15 West, Bay County, Florida,
- G. **BAY POINT SECURITY:** The department or office within BPCA that employs all security personnel and is responsible for day-to-day community access and common area security within Bay Point.
- H. **BAY POINT WATERFRONT & CANALFRONT PROPERTY OWNERS**

ASSOCIATION¹, a/k/a Canal Association, is a Florida not-for-profit corporation prescribed in BPIA Articles of Incorporation . This organization represents owners' interests regarding the BPCA Canal common area, its seawalls, the water bottom, the water column, and the watercourse connecting the canal to Grand Lagoon at markers 29 and 30 at or near the west end of Point South Marina. All appropriately adopted governing documents, rules, and architectural reviews are separate and are in addition to all BPCA governing documents, rules, and assessments.

- I. **BAY POINT WEST:** Bay Point West Property Owners Organization, Inc., is a Florida not-for-profit corporation prescribed in BPIA Articles of Incorporation² which shall implement and carry out the Covenants and Restrictions to which the property owners of Units One and One-A and Bonefish Pointe are subject. All appropriately adopted governing documents, rules, and architectural reviews are separate and are in addition to all BPCA governing documents, rules, and assessments.
- J. **BPCA:** Bay Point Improvement Association, Inc.(BPIA), d/b/a Bay Point Community Association (BPCA) is the Master Homeowners' Association within Bay Point, and of which all non-commercial property owners within Bay Point are and shall be members. As the Master Association, BPCA is an "umbrella" association that oversees and manages the larger Bay Point community that is divided into sections. Separate Sub-Associations govern each of these sections as they are bound by their own set of governing documents in addition to the Master Association's applicable governing documents.
- K. **HURRICANE PROTECTION** This shall be defined as roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage doors, erosion controls, fixed exterior generators, fuel storage tanks, and other hurricane protection products used to preserve and protect the structures or improvements on a lot, and code complaint. All hurricane protection is subject to architectural review.
- L. **SECURITY OFFICER:** Any person employed by BPCA, or its contractor, to provide day-to-day access, common area security, and other duties within Bay Point and services in accordance with these rules.
- M. **SHORT TERM RENTAL:** Any residential property rented to guests more than three times in a calendar year or for periods of less than 30 days or 1 calendar month, whichever is less.

¹ April 12, 2012, Articles of Incorporation, Article X, "Bay Point Waterfront & Canalfront Property Owners Group" subsequently incorporated as Bay Point Waterfront & Canalfront Property Owners Association, Inc.

² April 12, 2012, Articles of Incorporation, Article IX, "Unit One and Unit One-A Homeowners Organization" subsequently incorporated as Bay Point West Property Owner's Organization, Inc.

N. 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, regulatory, or otherwise, that is visible from the exterior of any home, lot, building, dock, or watercraft.

O. 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 electric bicycles 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 MPH 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 MPH 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 cannot exceed speeds of 20 MPH.

vi. **LOW-SPEED VEHICLES (LSV):** Any four-wheeled vehicle whose top speed is greater than 20 MPH, but not greater than 25 MPH.

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 seventy (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

2. 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. Any vehicle operating with a willful and wanton disregard for the public's safety will be cited for Reckless Driving.
- C. 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.
- D. Vehicles in use between sunset and sunrise shall be equipped with illuminated lamps at the front and rear.
- E. All Terrain Vehicles (ATV) or Off-Road Vehicles (ORV) may not be operated on Bay Point roads.
- F. 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 shoulder, throughout Bay Point. Pedestrians shall walk on safety paths when available.

G. 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 to include 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.

H. Each vehicle occupant must be seated in a proper seat.

I. Individuals shall not “hitch a ride” by holding onto another vehicle.

J. 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.

K. The table below outlines driving ages and vehicle specific rules:

Vehicle Type	Minimum Driving Age	License Requirement	Maximum Allowable Speed	Registration Requirement
ATV/ORV	Not allowed on Bay Point roads			
Electric Bike, Skateboard, or Scooter	None	None	23 MPH	None
Golf Cart	15	Learner's Permit	23 MPH	BPCA Golf Cart Registration with a valid decal
Low Speed Vehicle	16	Driver's License	23 MPH	State Registration
Moped	16	Driver's License	23 MPH	State Registration
Motorcycle	16	Driver's License w/ Motorcycle Endorsement	23 MPH	State Registration

Vehicle Type	Minimum Driving Age	License Requirement	Maximum Allowable Speed	Registration Requirement
Motor Vehicle	16	Driver's License	23 MPH	State Registration
UTV (Excluding Swamp Buggies)	16	Driver's License	23 MPH	State Registration

- A. All traffic violations by any driver of any vehicle will be cited and fined according to the violation and fines table and are non-curable violations. Multiple citations may be issued when multiple violations occur simultaneously.
 - i. Residents are subject to Electronic Access Suspension (use of any automated system for entry into Bay point), 30 days after due date of all fines, until paid in full.
 - ii. Non-residents are subject to restricted entry immediately after being cited until fine(s) is/are paid in full.
- B. Non-residents with any outstanding unpaid fine(s) shall be restricted from further entry to the Bay Point community until such fine(s) have been paid in full.
- C. Contractors and their employees and/or contracted laborers are subject to all traffic rules, including violations and restricted from further entry to the Bay Point community until such fine(s) have been paid in full..

3. PARKING.

- A. Vehicle parking is limited to enclosed garages, paved driveways or designated parking areas as specified in these rules. Parking on grass is prohibited unless authorized in writing by Bay Point Office.
- B. No vehicle of any type may be parked overnight on any road, including cul-de-sac, or parking areas designated for postal boxes 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; one each at front and rear roadway corner of vehicle including trailers.

- D. Unless located within an enclosed garage, the overnight parking of any vehicle displaying, or wrapped with, lettering, signs, commercial advertisements, and/or logos is prohibited. Customary vehicle dealer's or manufacturer's identification labels, license plates, and law enforcement 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 except Class B RV's and similar van's used for personal transportation are allowed; but shall not be inhabited. Overnight parking may be approved, in writing, on a case-by-case basis by the Bay Point Office.
 - i. A temporary overnight parking pass for one to three nights may be provided by the Bay Point Office , with prior notification from the owner.
 - ii. A long-term parking waiver, for up to thirty nights, may be provided under special circumstances by the Bay Point Office, with prior notification from the owner.
- F. The overnight parking of motor vehicles is restricted to a resident's own garage, paved driveway, Condominium Association's parking, or reserved space. 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 Office.
- G. When hosting an event that requires parking beyond what the owner's own driveway or parking spaces can accommodate, the owner must notify the Bay Point Office with your event guest list in writing at least 48 hours in advance to arrange adequate parking and obtain permission for street parking for the event. If an owner does not provide prior notification to the Bay Point Office, any vehicles illegally parked may be cited for illegal parking and/or be towed if parked in a tow-away zone.

4. VEHICULAR AND PEDESTRIAN ACCESS.

- A. Bay Point entry and exit gates utilize electronic access systems with single vehicle entry design.
- B. The far right entry lane is designated as the residents electronic access lane and for large vehicles, if required. The left entry lane, under the porte-cochere, or directly adjacent to the gatehouse at Delwood and Legend Hills, has been designated as the visitor's lane.

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

Gate Name	Location	Electronic Access Required
Delwood (Resident's) 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 at Bay Point Golf Club	Yes
Thomas Dr / Navy Blvd	Thomas Dr / Navy Blvd & Wahoo Rd	Yes
Pedestrian Access at Thomas Dr / Navy Blvd	Thomas Dr / Navy Blvd Right-of-Way	Yes

C. Electronic gate access is a privilege provided to owners, their tenants, and Owner Sponsored Guests. This privilege can be suspended and/or revoked for any violations of the BPCA governing documents, rules and regulations, and/or failure to pay assessments, fines, fees, etc. BPCA may honor any Sub Association's request to suspend this privilege for violation(s) of their governing documents, rules and regulations, and/or failure to pay assessments, fines, fees, etc.

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 electronic access pass 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 entry system authorization of their own for any reason.
- iii. If a sponsor's entry system authorization privileges are canceled or suspended for any reason, all owner-sponsored entry system authorization s will be suspended until the sponsoring owner's privilege is reinstated.

- iv. The owner-sponsored entry system authorization will activate all the gates used by the sponsoring property owner.
- D. Each vehicle entry gate is equipped with a barrier arm and/or gate which are designed to prevent unauthorized entry. The entry gate barrier arms are designed to allow only one vehicle (single vehicle or vehicle with trailer in tow) at a time to pass.

It is an Unauthorized Gate Entry:

- i. For a Vehicle without a valid entry system authorization to enter at an automated entrance gate.
- ii. For a resident or any other person to intentionally open or hold open an entrance gate allowing an unauthorized vehicle to enter, or to otherwise facilitate an unauthorized gate entry.
- iii. For a Vehicle to enter an exit gate at Bay Point.
- iv. For a Vehicle to “tailgate” another Vehicle through an entry gate (without waiting for the gate-arm to drop down and recycle).
- v. For any Vehicle without a valid entry system authorization to enter Bay Point without having the on duty security officer open the gate after verifying the guest has been registered.

E. The penalty for making unauthorized entry or exit via any gate by damaging, manually manipulating, or willfully knocking off or removing the gate arm shall be cited for unauthorized entry or exit violations and shall be assessed for all reasonable costs to repair, replace, and/or restore the gate arms, and to repair, replace, and/or restore all damaged electronic gate apparatus.

5. ROAD IMPACT FEES.

All the roads within Bay Point require maintenance and replacement at various intervals. Most of the roads within Bay Point have an associated sixty-foot-wide (60') right of way. There are areas with greater width rights of way which are BPCA Common Area, and the governing documents and these rules outline maintenance and approval requirements for member lots.

- A. All Sub-Association members shall be charged road impact fees for all projects and any future development projects within the Bay Point community, whether approved or observed.
- B. Road impact fees are normally determined by the work plan submitted, according to

the schedule below. These non-refundable road impact fees shall be payable to BPCA at the time the ARC approval is granted, submitted, and/or observed and owner noticed.

Project Type	Impact Fee	Project Type	Impact Fee
New Home Construction: Infill lot	\$3,500	Pool	\$500
New Home Construction: Knock down of existing structure	\$7,000	Roofing	\$150
Garage or carport Enclosure	\$250	Driveway	\$400
Tree removal, sod, or outdoor entertainment feature	\$150	Walkway	\$150
For all other designated heavy trucks, the Road Impact Fee is \$120 for each entry into Bay Point. This Road Impact Fee is supported by an independent engineering study.			

C. Designated heavy trucks include (i) trucks delivering concrete, roofing material, dumpsters, pavers, gunite, or sod; (ii) heavy equipment such as bull dozers; and (iii) dump trucks.

6. 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 in Bay Point 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 any 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. All holiday lighting and decorations shall be removed no later than seven

calendar days after the actual holiday; except the annual holiday period between the third Thursday of November and January 14th of the following year.

7. REGULATION OF PETS.

- A. Only dogs, cats, and pet birds (no fowl) 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.

8. DISPLAY OF FIREARMS.

- A. All people within Bay Point 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.

9. COMMERCIAL USE OF RESIDENCES.

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

10. 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/or a Bay Point address is advertised to the 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 Security Officer on duty upon entry.

11. SHORT-TERM AND LONG-TERM 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 (Thirty (30) days or less):

- i. Short-term rentals for single-family residences are not permitted.
- ii. Where condominium documents allow short-term rentals, the following rules apply.
 - a. Property owner(s), or their designated property manager, 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, if applicable, which is incorporated herein by reference, prior to allowing rentals on the property in question.
 - b. 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. A copy of the lease/rental agreement executed for the dates of lease/rental property in question. The full names of all occupants authorized to reside under the lease/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 tenant(s) are also using rental cars the driver's license number and state of issue for each driver shall be required.
- iii. Property owner(s), or their designated property manager, are required to provide a set of these rules to each lease/rental agreement tenant. These rules apply to all tenants and their guests, and property owners will be held responsible for the violations by their tenants and their tenants' guests.

B. Long Term Rentals (Thirty-one (31 days or more):

- i. Property owner(s), or their designated property manager, are required to provide the Bay Point Office with a copy of the lease/rental agreement executed for the property in question at least one business day prior to occupancy.
- ii. Property owner(s), or their designated property manager, are required to provide the Bay Point Office with (a) the full names of all occupants allowed to reside under the lease/rental agreement, (b) the vehicle

make, model, and tag number for all vehicles parking at the property, and (c) dates of lease/rental.

- iii. Property owner(s), or their designated property manager, are required to provide a set of these rules to each lease/rental agreement 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.

12. REGULATION OF SIGNS AND FLAGS.

- A. The following types of signs are prohibited: Commercial, advertisement, and political. This includes "For Sale," "Parade of Homes," contractor, vendor, political, campaign signage, and imagery of any kind.
- B. The following types of signs are permitted: ARC approved address signs in the landscape, and security protection signs no more than 10"x10" and that are placed within 10 feet of the entrance door . Temporary celebration signage (for example, graduation, birthday, new baby) is permitted for no more than fourteen (14) days.
- C. Each residence must prominently display a house number which shall be compatible with the architectural style of the residence to which it is attached and shall meet Bay County requirements. Free standing signs in the landscape require ARC approval.
- D. Homeowners may display in a respectful manner up to two (2)flags, not larger than 4 1/2 feet by 6 feet, one of which must be the US Flag, and the second as outlined in Florida Statute 720.

13. 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. Yards must be no more than six (6) inches high.
- C. Lots cleared for more than three (3) months without commencing approved construction must be sodded and grass maintained. All other undeveloped lots shall cut, or cause to be cut, and keep cut or cause to be kept cut, all weeds and brush on such lot and shall remove any resulting debris. The owner shall remove weeds or cause to be removed all weeds growing in the curbing defining the lot.
- 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.

- F. Landscaping is not allowed to protrude over the roadway edge or block traffic sightlines. Trees that do not block traffic sightlines or street lighting may protrude over roadway if a clearance to the roadway surface of thirteen feet (13') is maintained for emergency vehicles.

14. PROHIBITION AGAINST LITTERING, TRASH AND JUNK.

- A. The discarding of litter, yard debris, or grass clippings upon the roadways, rights of way, common areas, canals, and private lots within Bay Point is prohibited.
- B. Each owner is responsible for coordinating with their trash service for a bulk pickup and keeping all bulk debris confined on their property or driveway until 24 hours before the day bulk pickup is scheduled.
- C. Keeping junk, furniture, appliances, or other household items or abandoned vehicles outside of the house is prohibited.

15. 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 and clear of the roadway surface.
- C. Garbage bins may be placed on driveways at curbside after 5:00 pm the evening before the garbage service day. All garbage bins shall be removed within 24 hours of the garbage service day. All bins must be stored out of view from the street, golf course, or waterfront.

16. RADIO/TELEVISION AERIALS AND SATELLITE DISHES.

- A. Outside antennas and antenna poles/masts/towers are prohibited, except that satellite dishes one (1) meter or smaller in diameter may be permissible with prior written approval of the applicable Association's architectural review authority.

17. DRONE OPERATION

- A. Recreational drones may not be operated without prior written approval from the Bay Point Office.

18. ARCHITECTURAL CONTROL / CRITERIA / REQUIREMENTS .

The architectural controls outlined in the appropriate Declaration of Protective Covenants and Restrictions, and the consistent language in the Sub-Association governing documents are all designed to provide owners guidance and protect property values throughout the community. Any F. S. 720 Sub-Association that does not have published architectural criteria, an entity (Board or committee) performing reviews, and formal processes for processing construction, remodeling, and landscaping projects shall be subject to these default architectural criteria throughout Bay Point and the road impact fees associated with any project.

All Sub-Associations shall be required to apply Bay Point's impact fees to all projects with payment directed to the Bay Point Office.

All Sub-Associations shall be required to notify the Bay Point Office of all proposed changes within the BPCA Common Area.

A. Architectural Review Committee.

- i. The BPCA board shall appoint or designate an Architectural Review Committee (ARC). It is the function and purpose of the ARC to implement and enforce these rules and any published criteria for reviews where no formal architectural review process is in place. The Bay Point Office shall have the authority to issue a stop work order in all F. S. 720 Associations where no architectural review formal review process is in place. The Bay Point Office shall have the authority to levy the ARC fines herein in all F. S. 720 associations where no formal architectural review process is in place.
- ii. Any new construction or alteration, renovation, modification, or addition to the exterior of a property will require ARC approval. General maintenance does not require prior approval.
- iii. A property owner shall submit his/her proposal per the submittal requirements published by their respective Sub-Associations, or as outlined herein.
- iv. Decisions by the ARC shall be communicated to the property owner in writing via delivery, mail, or electronic means. Work shall not commence until the appropriate ARC approval has been granted.
- v. The communicated 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.

- vi. Throughout the construction period, including the completion and clean-up of construction debris and equipment, 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 appropriate ARC.

19. CONSTRUCTION RULES .

- A. The owner is responsible for providing and communicating to the contractor that he/she and all their sub-contractors are subject to all the ingress/egress, traffic, and construction rules herein. All contractors/sub-contractors must be registered in the BPCA visitor management system; unregistered entities may be delayed or not allowed entry into Bay Point.
- B. All contractors/sub-contractors cited for traffic violations will be restricted from access until the fines for the cited violations are paid in full.
- C. 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.
- D. A Port-O-Let or similar temporary 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 fifteen (15) feet from the dwelling's foundation and must be screened from view.
- E. Construction workers will be allowed on Bay Point property Monday-Saturday 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.
- F. Contractors shall park in the owner's driveway if space allows. Otherwise, the contractor may park in one lane of the paved roadway and are required to place a minimum two traffic cones, one each at the front and rear traffic side corners of his vehicle. Whenever 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) on the construction site for new home construction and major remodeling only.
- G. 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 for all repairs required by BPCA for any pavement edge that is broken at the construction

site.

- H. Prior to a contractor using any vacant lot, or other property, for project access, storage or stockpiling of material, parking of vehicles, or any other use related to a construction project, the owner shall obtain written permission from the owner of the vacant lot and provide said permission to the Bay Point Office prior to use of the property.

20. SITE PLAN.

- A. Unmanaged rainwater runoff onto neighboring residential lots is prohibited. Slab height requirements require a complete drainage plan be submitted. The drainage plan is subject to the BPCA engineer's review (review is at submitter's cost) and engineer's required changes included in a conditional approval, must be followed.
- B. 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:
- C. Building setbacks shall be measured from the property lines, per recorded plat, 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.
- D. The setbacks are ten (10) feet at each side and twenty-five (25) feet at the front and rear. The front is the streetside which includes the front door.
- E. A property owner shall not be burdened with more than two 25-foot setbacks.
- F. Fireplaces or other similar items shall be considered part of the exterior wall construction and shall not encroach into these setbacks.
- G. Roof overhangs may project four (4) feet into the setbacks, if approved.
- H. A property owner with two or more adjoining lots may build on these lots together provided the proper legal documents preserving per lot assessments are provided and all other conditions of the Covenants and Restrictions, ten-foot (10') side lot easements, the rules, and the prior approval per appropriate ARC criteria are met.

21. BUILDING DESIGN.

- B. The building height shall be limited to thirty-seven (37) feet vertically measured 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 if

approved. 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.

22. APPROVED COLORS.

- A. Earth-tone colors are acceptable for exterior color schemes. All exterior color schemes, which include roofing, house, or trim colors, must be approved 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 existing color and material does not require prior approval.
- C. Hurricane protection features or additions shall be complementary to the overall aesthetic of the approved color scheme and must be approved prior to their installation.

23. 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.

24. ROOFING MATERIALS.

- A. Durable "lifetime architectural or designer" roofing materials are required. Materials shall be:
 - i. Finished metals:
 - a. Metal must be twenty-six (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.
 - ii. Glazed or unglazed clay or cement tiles
 - iii. Fiberglass or other composite Hurricane-rated shingles designed to resist wind

speeds of 110 mph or higher.

- 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.

25. FENCES AND WALLS.

- A. All fences and walls must be approved by the ARC prior to installation or replacement.
- A. No fence or wall shall exceed six (6) feet in height, except as outlined 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 twelve (12) inches above the fence or wall may be approved. Metal gates may extend twelve (12) inches above the fence, wall, or adjoining fence if approved.
- C. Fences or walls extending beyond the front of the house may not exceed four (4) 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 (6) inches to maintain a uniform crown level may be approved.
- D. On canal, lagoon, and operational golf course lots, fences and walls not exceeding four (4) 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 with a variance of up to six (6) inches to allow for varying ground elevations and maintain a uniform crown level may be approved. Solid fences with no more than a three (3) inch variance allowing for varying ground elevations may be approved. Following any change in land use of adjacent property a two-year grace period to adhere to height restrictions as per this section may be approved.
- E. Residences on the perimeter of Bay Point, adjoining non-Bay Point residential or commercial properties, a two (2) foot variance to allow an eight (8) foot fence along the adjacent property line may be approved. Public roadways or rights of way 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, unless a submittal meeting "C" above, 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. Any approval of the requested installation will be reviewed with this in mind and if approved; does not remove the owners burden relating to putting improvements on said easement. The owner bears full responsibility to replace anything that is impacted by the Association's maintenance requirements in these easements or any damage to infrastructure existing in the easement.
- H. Fence styles may be shadow-box, picket, or split-railing in wood. Ornamental painted wrought iron or other similar finished metal fences with a design or pattern and/or composite and vinyl fences will be reviewed on a case-by-case basis. Material submissions and/or manufacturer pictures and specifications are required for composite and vinyl fences.
- I. Wood fences may be finished, painted, or stained or may be left unfinished if built of a suitable wood 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 facing the installing owner's lot.
- J. Chain-link or other similar metal wire fences are prohibited.
- K. Walls shall be constructed of brick or finished concrete blocks. All approved 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, and stucco on wood framed walls are prohibited.
- L. Walls shall not exceed a thickness of eight (8) inches, except for support columns as required for approved retaining walls.

26. DRIVEWAYS

- A. New, modified, or expanded driveways must be approved prior to installation.
- B. The 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 into cement. Asphalt paving or loose gravel is

prohibited. Driveway staining shall be allowed using an approved color solid-base stain or a transparent stain which 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.

27. PORCHES, DECKS, AND PATIOS.

New, modified, or expanded porches, decks, and patios, as defined below, must be approved prior to installation.

Project	Definition	Approved Placement	Placement Exception
Porch	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
Deck	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.
Patio	Hardscape surface, built at the yard level of the dwelling.	May extend up to the property lines. ³	None

28. 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 fourteen (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 fourteen (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,

³ Approval does not change easements provided in the Declaration, on the plat, or the owners responsibilities for replacement of any material damaged if access to the easement is needed.

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.

29. 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.

30. 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, do not require prior approval.
- B. Playground fixtures, defined as apparatus that are semi-permanent in nature and heavy / large enough that they are not easily moved, must be approved 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 front of the dwelling on the resident's property.
- D. Playground equipment and fixtures must be situated in a location that 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 (8) feet above the ground, and the overall height of a playground fixture may not exceed twelve (12) feet.

31. OUTDOOR ENTERTAINMENT FEATURES.

- A. Prior ARC approval is required for all outdoor entertainment features as outlined below.
- B. Outdoor entertainment features, such as outdoor kitchens, gazebos, pergolas, and patio shade features, may be freestanding or added to the house structure.
- C. 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 fifteen (15) foot setback. If the roof is non-sloping, to allow water runoff, the roof may not drop greater than two (2) inches per ten (10) feet, otherwise slope must match the slope design of the existing roof.
- D. Roofing materials must follow those defined in Section 26 Roofing Materials.
- E. The outdoor entertainment feature may not have any enclosed walls.
- F. Features must be constructed within county building codes.

32. 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 lawn areas shall be solidly sodded.
- C. All lots shall have automatic underground irrigation systems.
- D. Landscaping is required between the lot's roadside property line(s) and the edge of the curb/pavement and is to be consistent with that of the lot and must be approved prior to installation and/or placement. Architectural review shall consider pedestrian safety and visibility along the road edges prior to approval of any landscaping/hardscaping material
- E. Any landscape/hardscape materials placed on the right-of-way must be break-away or, if not break-away, must be no higher than three inches above ground level, and must be approved prior to installation and/or placement.
- F. All backflow preventers must be screened from view.

34. TREES.

- A. Written approval must be granted in advance before removing any tree twelve (12) inches or more in diameter. Stump grinding or 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 sixty (60) days from date of approval, after which time the request must be resubmitted.
- D. The ARC may require submission of a landscape plan prior to approval of tree removal.
- E. Owners may be required to plant a new tree for each tree removed.

35. SEAWALLS, DOCKS, AND BOATLIFTS.

- A. Construction of all canal and lagoon seawalls, docks, davits, boat lifts, or other similar systems related to the lot owners canal and lagoon appurtenances shall be submitted to the Bay Point Waterfront & Canalfront Property Owners Association (Canal Association). Proposals will be reviewed in 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. All approvals shall be delivered to Bay Point Office with the notice of commencement and the notice of completion of each project by the lot owner.
- C. Boathouses are prohibited.

36. 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 and which display address numbers that are at least four (4) inches tall, visible from the street or roadway fronting the property, contrast with their background and be in numerals. Name and/or street address signs in the landscaping must be approved prior to installation.
- 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 prior to installation and shall be buried or shielded from public view by fences, walls, or landscaping.
- E. Generators must be approved prior to installation and shielded from public view by fences, walls, or landscaping.
- F. Exterior television and radio antennas for reception of commercial broadcasts and emergency short wave and ship-to-shore antennas must be approved prior to installation and are to be reviewed on a case-by-case basis.
- G. Outside antennas and antenna poles/masts/towers are prohibited. Satellite dishes one (1) meter or smaller, and the placement of such, must be approved in writing prior to installation.
- H. No individual potable well water supply systems shall be permitted. Non-potable well systems for automatic underground lawn irrigation systems are allowed and must be shielded from public view by fences, walls, or landscaping sufficient to provide visual shielding
- I. Heating and air conditioning equipment as well as pool pumps and related equipment shall be located to minimize any noise nuisance for adjoining property owners. No window or wall air conditioning or heating units shall be permitted.
- 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.
- K. In-ground fire pits must be approved prior to installation and are to be reviewed on a case-by-case basis.

37. RENEWABLE ENERGY RESOURCES.

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.

38. SUBMITTAL REQUIREMENTS.

The documents outlined in this section should be submitted to the Bay Point Office by noon the Friday prior to the ARC's next regularly scheduled meeting.

A. Existing Home Changes

	Weblink, color, or material sample and/or photo	Professional or clear, well drawn plans with dimensions and setbacks	Photo of existing items to be removed, repaired, or replaced	Copy of contract for Provider and/or Installer	Height shown as 6' or 4' for canal and active golf course	Equipment screening plan
Awnings	X	X				
Carport garage enclosure	X	X				
Driveway/Walkway	X	X				
Fencing	X	X			X	
Generator						X
Gutters	X					
Landscaping		X	X			
Outdoor Entertainment Feature	X	X				
Painting Doors/Trim	X					
Paint or Resurface Exterior	X					
Pool		X		X		X
Roofing	X					
Screened Enclosure		X				
Solar		X				X
Irrigation System		X				
Tree Removal			X			
Windows/Doors	X					

B. New Home Construction

The following documentation is required prior to committee review.

- i. Site plan with 25' front and rear setback, 10' side setback and elevations.
- ii. Architectural drawings.
- iii. Sample exterior materials and colors, and/or web links.
- iv. Storm drainage plan.
- v. Dumpster and portable, self-contained toilet placement.
- vi. Contractor/Vendor parking plan

- vii. Fencing plan.
- viii. Pool plan and copy of pool contract.
- ix. Deck plan.
- x. Screened enclosure plan.
- xi. Landscaping/Hardscaping plan.
- xii. Project timeline.
- xiii. Builder credentials.
- xiv. Dock/Lifts must submit a project proposal to the Canal Association.

C. ARC Decision Appeal Procedure.

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

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

39. BAY POINT CANAL

- A. Decal Required All motorized watercraft in the Canal for a period exceeding thirty (30) days shall display the Bay Point Canal Decal from the Bay Point Office.
- B. This decal shall be displayed on the port side of the watercraft.
- C. Watercraft Dockage.
 - i. No watercraft kept in the Canal shall interfere with navigation.
 - ii. No anchoring is allowed except during storm closings of the Canal.
 - iii. Docked watercraft of any type shall not extend across adjacent property lines.
 - iv. Watercraft with a beam exceeding eighteen (18) feet is prohibited from passing under the north side of the Bonefish bridge.
 - v. “Setting adrift” a watercraft is prohibited.
- D. Watercraft Condition.

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

E. Speed Limit or Excessive Wake in the Bay Point Canal.

- i. The Bay Point Canal is designated a NO WAKE ZONE, with a maximum speed at idle of five miles per hour (5 mph).
- ii. 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.
- iii. 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.

E. No Commercial Activity.

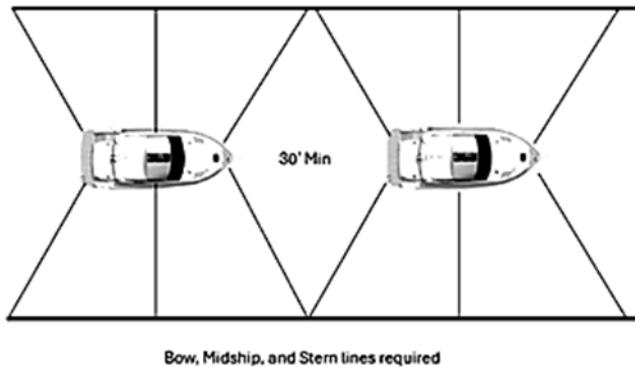
- i. Commercial activity that is initiated, launched, or conducted from any Bay Point Canal property is prohibited.

F. No Discharge or Dumping into the Canal.

- i. Discharge or dumping of anything other than clean water into the Canal is prohibited.
- ii. 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.

G. Canal Rules - Named Storms.

- i. 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.
- ii. At or after the Canal closing time:
 - a. Watercraft may be tied off in the center of the Canal.



- b. Canal Lot Owners shall allow other residents or tenant watercraft, displaying a Bay Point Canal Decal, to be tied to storm anchors located on their lot.
- c. Security of watercrafts shall be the sole responsibility of the watercraft owner.
- iii. Any watercraft on a lift shall be raised and lashed to the lift.

H. Canal Reopening Time.

- i. All watercraft and storm tie-off lines must be returned to their docks within 24 hours of the 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.

I. Seawalls.

- i. 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.
- ii. Seawalls shall be titled to each Canal Lot Owner who is responsible for maintenance, upkeep, and compliance with these guidelines.
- iii. Seawalls shall be maintained in good condition prohibiting soil erosion through, under, or over the seawall.
- iv. A seawall must extend across the entire Canal lot property line, adjoining to neighboring seawalls on each side of the lot.
- v. Setbacks shall be measured from the outer edge of the seawall cap.

- vi. 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.

J. Docks.

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

K. Lifts And Davits.

- i. All lifts and davits shall be maintained in good working order and may not become unsightly.
- ii. Swing type personal watercraft lifts must be stored over the dock when not in use.
- iii. No lifted boat or personal watercraft shall extend across adjacent property lines.
- iv. No watercraft shall overload the davit or lift.
- v. 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.
- vi. Zinc anodes shall be installed and replaced when necessary.

L. Construction Guidelines.

- i. 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.
- ii. 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.

- iii. Canal Lot Owners may not begin such construction without approval in writing from the Canal Association.
- iv. The Canal Association must approve all Canal marine contractors. 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 three (3) references that are vetted by the Canal Association.
- v. 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:
- vi. All installations, repairs or modifications listed above require approval from the Canal Association before any installation begins. 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.
- vi. 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 Chairperson.
- vii. Application Approval. The Canal Association Board may designate the Seawall Chairperson 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.
- viii. 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 Chairperson before work can begin. When the project is completed; The Seawall Chairperson will record the Bay County installation approval and close out the project.

M. Boathouses Are Prohibited.

N. 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.
 - i. 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 two-by-six (2"x6") rough, minimum .80CCA, with outside wale doubled.
 - iv. All fittings shall be stainless steel. Tie rods shall be a minimum of SS316, 5/8" diameter and, twelve (12) 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.
 - v. 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.
 - vi. New walls shall be capped. Caps shall be treated wood, aluminum, concrete, or composite material.
 - vii. Walls must interlock with adjacent wooden walls, so as not to leak soil.
 - viii. Installation of the new wall shall disturb the existing old wall to a minimum, the older wall being necessary to hold soil during any future replacement of the vinyl wall.
 - ix. The void between the new wall and the wooden wall is to be back filled to the wall top. Backfill shall be watered and compacted to minimize undue settling during later rains.
 - x. 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.
 - xi. Each new wall installation shall include a minimum of two storm anchors, 10,000 pounds holding capacity each, minimum, located within ten (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 always kept accessible.

xii. Each new wall shall have a permanent, water accessible ladder, made with a durable material, not wood. Each ladder shall extend down from the wall cap, a minimum of four rungs.

O. Docks – Fixed

- i. Decking material for new docks and replacement docks shall be treated wood, concrete, or composite material (composite surge blow-through decking panels may be approved).
- ii. All metal fittings shall be 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 twenty-five (25) feet long by six (6) inches minimum top diameter, imbedded ten (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 treated wood, minimum size two-by-eight (2"x8"), 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.

P. Docks - Floating

- a. Installation of a floating dock will require Canal Association approval. Any floating dock may not hinder navigation or extend across adjacent property lines.
- b. Floating watercraft and personal watercraft (PWC) docks shall be anchored to the seawall or dock pilings.
- c. Hardware shall be OEM products.
- d. Pipe or piling brackets shall be polyethylene or OEM product.

- e. Pipe imbedded in the Canal floor shall be galvanized or better and encased in Schedule-40 PVC.
- f. Dock anchoring systems shall be EZ Dock or equivalent as approved by the Canal Association.

Q. 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.

R. 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 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.

40. FINE AND SUSPENSION PROCEDURES.

- A. A 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(s) or suspension of a right of use, and of an opportunity for a hearing with at least fourteen (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 BPCA Board of Directors, or its designee. The committee may be designated to hold hearings for other Sub-Associations.
- C. Within seven (7) days of the committee's decision, 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 imposition of a fine or suspension of a right of use, as applicable.
- D. A fine may be levied for each day of a continuing violation, with a single notice, and opportunity for hearing.
- E. Owner shall remit payment on or before the date in written notice of the fine being upheld. Failure to remit the fine payment may result in suspension of use rights.
- F. If the total outstanding fine(s) against any property owner has 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 collections using its policies. A lien may be re-recorded annually if the debt remains unpaid without further notice.
- G. In addition to the foregoing, the Association imposing the fine or sanction may pursue any legal or equitable relief available. 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 eighteen percent (18%) per year or the maximum rate allowable by Florida law, whichever is higher.

41. VIOLATION AND FINES TABLE.

Violation	Fine
Violation of Age, License, and Registration	\$100
Failure to follow traffic rules, signage, lane, or other pavement markings	\$100 per violation & per Incident
Failure to Cooperate with Security Officer	\$100 per Incident
Traffic Violations	\$100 per violation & per Incident
Speeding Level I (24-29 MPH)	\$100 per Incident
Speeding Level II (30-34 MPH)	\$200 per Incident
Speeding Level III (35+ MPH)	\$300 per Incident
Reckless Driving	\$500 per Incident
Operating Vehicle without Proper Lights	\$100
Overloading vehicle or holding onto another vehicle	\$100
Unauthorized Parking or Failure to place traffic cones	\$100 / Day
Tailgating or Piggy Backing	\$100
Unauthorized Entry	\$100
Gate Damage	\$100 + plus all repairs
Noise & Nuisance Violation	\$150 / Incident
Pet Violation	\$100 / Incident
Hosting unapproved Public Event	\$500 / Incident
Failure to register a Lease or Rental Agreement	\$250 / Incident
Failure to register Lessee or Rental Tenants	\$250 / Incident
Failure to register Lessee or Rental Tenant's Vehicle(s)	\$150 / each omission
Renting a non-condominium residence for less than 30 days	\$500 per occurrence
Failure to Display House #	\$100 / Day
Prohibited or Unapproved Signage	\$100 / Day
Prohibited or Unapproved Flags	\$100 / Day
Unsightly or Unsafe Property	\$100 / Day

Violation	Fine
Littering, Trash, or Junk	\$100 / Day
Failure to Store Garbage Bin	\$100 / Day
Unapproved Antenna or Satellite Dish	\$100 / Day
Unauthorized Recreational Drone Operation	\$100 / Incident
Failure to Display Canal Decal	\$100 / 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 in Canal or Stormwater Drain	\$300 / Incident
Tree removal without ARC approval	\$500 / Tree
Violation of ARC rules or guidelines	\$150 / Incident
Commencement of work without ARC approval	\$150 plus Stop Work Order until ARC approval is granted in writing. Additional \$20 / Day until ARC proposal is submitted.
Work is out of compliance with ARC Guidelines	\$20 / Day until the project is brought into compliance.
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
Maintenance or Installation Deficiency of Seawall, Dock, Lift, and/or Davit	Failure to remedy within specified period, \$100 / Day up to \$3,000 Maximum

18. SUSPENSIONS FOR NON-PAYMENT

A. If member is more than ninety (90) days delinquent in paying any fee, fine, or other monetary obligation due, the Association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until all fees, fines, or other monetary obligations are paid in full. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. However, the use of automated electronic access, use of visitor management systems and other use rights may be suspended. The notice and hearing

requirements above do not apply to a suspension imposed under this subsection.

B. The Association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the Association that is more than ninety (90) days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the Association shall be subtracted from the total number of voting interests in the Association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action pursuant to the governing documents. The notice and hearing requirements above do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the association.