



# Rules & Regulations

Birch Bay Leisure Park Association  
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## BIRCH BAY LEISURE PARK ASSOCIATION

### RULES AND REGULATIONS *Consolidated to 28 August 2023*

Birch Bay Leisure Park was established in 1970 as a recreational membership camping club in 1970 for the relaxation and enjoyment of its members. The Rules and Regulations are designed solely to preserve that atmosphere by maintaining a high standard of both the physical environment and the conduct of members and their guests.

All members are expected to be familiar with the Rules and Regulations and abide by them. These Rules and Regulations are intended to:

- preserve the natural beauty of the Association property,
- provide a recreation area in which all members and guests conduct themselves in a manner which is not offensive to others, and
- give protection, safety and enjoyment to members and their guests.

Interpretation and enforcement of the Rules and Regulations is the responsibility of the Board of Directors. Neither the Board of Directors, the General Manager nor the Association shall be liable for any non-compliance or violation of the Rules and Regulations.

Members should report violations to the Administration Center in writing.

#### **SECTION A. PHYSICAL STRUCTURES AND TRAILER POSITIONING ON MEMBERS' SITES**

A plan for construction or erection of any structure requires an approved Building Permit. Failure to obtain a Building Permit prior to start of construction will carry a fine. A fine (in addition to correction of the variance) will be assessed if the completed structure is in variance with the current Rules and Regulations.

##### **1. Trailers, Trailer Positioning on Sites, and Site to Site relocations.**

Trailers and trailer positioning, including site to site relocation of trailers, requires a prior approved Building Permit. If repositioning existing trailer, all variances must be brought into compliance at that time. The term "trailer", "RV" or "recreational vehicle" shall mean: trailer, travel trailer, 5<sup>th</sup> wheel, class A, B or C motor home, camper or camper van, tent trailer or park model trailer.

The dimensions of any RV shall not exceed those specified in any State of Washington or Whatcom County statute, regulation or ordinance.

- a) All RVs shall at all times be neat in appearance and kept in good order and repair.
- b) Trailers must be placed on the right-hand side of all sites with the hitch facing the front of the site. Motor homes and campers must have the driving compartment facing the front of the site. The right-hand property line is determined when facing the site from the frontage road. Trailers must be positioned so that parking for at least one vehicle is available on the site.
- c) A trailer or its farthest permanent side extension must not be positioned closer than twenty-four (24) inches from the right-hand property line or the nearest portion of the fence. ***For travel trailers and 5th wheel trailers with extendable slides and awnings, when the slides and awnings are extended, they must be 6 inches or more from any fence or property line.*** It is understood that the member may be required to attend the site and retract the slide(s)

immediately in an emergency such as a water leak or on 7 days' notice if the Park requires access to the hose bib/power pole for non-emergency maintenance or repair. It is further understood that if the park is unable to reach the member or the member is unable to attend in an emergency to retract their slides the Park will take necessary steps to achieve access and effect emergency repairs, for example fence or skirting removal and charge the member for the labour associated with this. If the slides are not retracted by the owner, the Park is not liable for any damage that may occur due to the Park work being done in the area.

- d) Circle sites: trailers must be positioned so that the trailer frame or superstructure does not project beyond seventy-three (73) feet from the center point of the circle.
- e) Rectangular sites on Timberline Road, Fern Road, and Center Way: trailers must be positioned so that the frame or superstructure does not project beyond forty-eight (48) feet from the rear property line. Positioning of trailers on Timberline Road may vary due to the location of trees, but variances must be approved by the Board of Directors.
- f) Rectangular Sites on Meadow Road: trailers must be positioned so that the frame or superstructure does not project beyond forty (40) feet from the rear property line. This may vary under extenuating circumstances but only with the approval of the Board of Directors.
- g) The removal of wheels and welded solid hitches is prohibited. If the trailer tongue is bolted on, it may be removed and located underneath the front of the vehicle. If the tongue cannot be readily removed, it may be screened for a more attractive appearance.
- h) Exterior painting of trailers shall be restricted to the original factory color, unless an approved permit has been obtained.

## 2. Site Fences, Trees and Bushes

- a) Sites must be fenced on side property lines, except by mutual agreement of the current members or when a member holds contiguous sites.
- b) A member is responsible for the building and/or maintenance of the good neighbor fence on the left side when facing the site from the frontage road. New fences constructed of chain link, plywood, and/or oriented strand board will not be permitted. Plastic/vinyl fences are allowed. In addition, a member with a site on Center Way is responsible for the building and/or maintenance of a fence at the rear of the site.
- c) Circle Sites: side fences or hedges of trees, bushes or shrubs on circle sites must not exceed six (6) feet in height, commencing twenty (20) feet from the circle center to seventy-three (73) feet from the circle center. From this point to a point one hundred (100) feet from the circle center, fences and hedges must not exceed forty-two (42) inches in height.
- d) Sites on Timberline Road, Meadow Road, and Center Way from site #30 to site #52: side fences or hedges of trees, bushes or shrubs must not exceed six (6) feet in height for thirty-nine (39) feet from the rear property line and forty-two (42) inches in height from that point to the front property line.
- e) Sites on Fern Road and Center Way from site #1 to site #29: side fences or hedges of trees, bushes or shrubs must not exceed six (6) feet in height for forty-four (44) feet from the rear property line and forty-two (42) inches in height from that point to the front property line.
- f) Privacy fences or hedges of trees, bushes or shrubs must not exceed six (6) feet in height.

- i. On circle sites, they must not extend beyond seventy-six (76) feet from the circle center and must angle back to meet the six (6) foot high side fence (see Section A.2.c)).
  - ii. Sites on Timberline Road, Meadow Road, and Center Way from site #30 to site #52, must not have the privacy fence or hedge extend beyond thirty-nine (39) feet from the rear property line.
  - iii. Sites on Fern Road, and Center Way from site #1 to site #29, must not have the privacy fence extend beyond forty-four (44) feet from the rear property line.
- g) Fences or hedges (kept well-trimmed) not exceeding forty-two (42) inches in height may be placed across the front of the site and/or along the driveway from the road to the privacy fence.
  - h) Side and privacy fences may be left natural or may be stained or painted but colors are restricted to those shown on the approved color chart, which is available at the Administration Center. Masonry fences may be left in natural color or painted white. Once painted or stained fence paint or stain must be maintained. Plastic fences are also allowed but colors are restricted to those shown on the approved color chart, which is available at the Administration Center.
  - i) Privacy fences or hedges, front fences or hedges, and planters or masonry walls, must not restrict removal of the recreational vehicle from the site.
  - j) The height of a fence or hedge is measured from the site grade. This measurement is to be from the front of the site (road level) as established at the sole discretion of the General Manager.
  - k) Bushes or trees become a hedge when they are continuous or the gaps between them make up less than fifty percent (50%) of the length. This rule cannot be used to justify new castle hedges after September 1, 2017. After September 1, 2017 "castle hedges" are no longer allowed. Existing "castle hedges" are to be grandfathered as long as they continue to abide by the 50% gap rule until such time as the hedge is replaced.
- For purposes of clarifying the 50% rule, where a series of trees, shrubs or bushes are planted adjacent to each other and where they are over 42 inches in height, they will be considered a hedge if the gap between each tree, bush or shrub over 42 inches is not equivalent to the width of the foliage of the adjacent tree bush or shrub at its widest point.
- l) Circle sites must provide unimpeded access to and from the central common area of the circle. All site gate-locking devices must be able to be operated from both sides.

The following are additions to this section of the rule.

- m) Maximum height of trees on a member's site (excepting the evergreens Timberline Road) is thirty-five (35) feet. Trees must not encroach upon a neighboring site. - In the event a tree on a members site (except the Evergreens on Timberline Road) cause damage to another member's site or Park property, the member will be considered liable. It is therefore suggested that members have appropriate insurance coverage.
- n) For the purposes of Section 2., a flowering tree, bush or shrub, or a single cedar shrub that exceeds the existing height requirements may be allowed to continue to do so provided they are

maintained at the height as of the date of this rule change (deemed to be February 1, 2018). However, they are still subject to the restrictions under clause 2(o) and (p). Examples of flowering trees, shrubs and bushes are dogwood trees, rhododendrons, and wisteria. For purposes of clarification, cedar hedging material (with multiple trunks versus a single trunk) are considered cedar shrubs, not cedar trees, and are subject to the 42 inches or six (6) feet height restrictions.

- o) For the purposes of Section 2., there is an overriding rule relating to the safety of hedges, trees, shrubs, or bushes. Any hedge, tree, shrub or bush must not impede the view of a roadway when exiting a member site from a walkway or parking area and must not impede the view along a roadway when travelling in front of a members site.
- p) For the purposes of Section 2, a member's hedge, tree, shrub or bush must not encroach on another member's site without the written consent of the current adjoining member. This consent may be withdrawn by the adjoining member at any time.
- q) For the purposes of Section 2., a member's hedge, tree, shrub or bush must not encroach on park property unless it is sufficiently trimmed back so as not to create a safety hazard and to allow for safe passage of vehicles on the adjoining roadway as determined by the park manager.

### **3. Antennae and Flag Poles**

- a) Maximum height of a television antenna and its mast, as well as flagpoles, on a member's site is twenty (20) feet. At the time of replacement of an existing antenna or the installation of a new antenna, the old-style metal cross frame antennas will no longer be permitted and can be replaced with an HDTV antenna, a saucer type antenna or a satellite dish. The antenna or dish must be placed within your privacy area and must have an appropriate Building Permit.
- b) Height of a radio single pole antenna on a member's site for radio or Citizen's Band (C.B.) Radio must not exceed thirty (30) feet.
- c) All antennae, satellite dishes, and flag poles must be erected and supported on the member's site or fences and must not be attached to, or supported by, the neighboring member's fence without the neighboring member's approval.

### **4. Sheds**

- a) One storage shed constructed of wood or prefabricated vinyl may be constructed on each site. All sheds must be kept in good condition and be positioned at the rear of the site. Sheds must not impede access to the rear of the site or to the utilities. Sheds at the property line must have eaves and/or gutters with downspout(s) that must not overhang the property line and must direct water away from the neighbouring site and common property.
- b) A shed must not exceed one hundred (100) square feet in area with a maximum height of eleven foot six inches (11 feet 6 inches) measured from site grade, as determined by the Board of Directors or its appointee, to the roof apex. Horizontal roof area must not exceed one hundred and forty- four (144) square feet. All measurements are outside corner to outside corner of framing.
- c) Sheds constructed of wood may be stained or painted but colors are restricted to those shown on the approved color chart available at the Administration Center. Vinyl siding is permitted as shed cladding and the colors are restricted as outlined above. At the time of

replacement of an existing shed or the erection of a new shed, metal sheds will no longer be permitted and must be replaced with either a wooden or vinyl shed.

- d) Electricity may be installed in a shed according to Washington State electrical code but water or sewer connections are not permitted. Shed interiors are subject to inspection by the General Manager at any time.

## 5. Other Structures

- a) Awnings (aluminum only) are permitted to a maximum width of eight (8) feet and must not project beyond the front or rear of the trailer or the body roofline. Window or tip out awnings on a trailer must not project beyond property lines. Awnings must not be enclosed.
- b) Rear awnings (aluminum only) are permitted to a maximum depth of six (6) feet, measured from the rear of the trailer. The rear awning can be extended to join with the side awning but must not extend over the property line.
- c) Skirting of trailers and decks is permitted but such skirting must provide access to the sewer connection.
- d) Built – in barbecues and fireplaces must meet local fire regulations and require an approved Building Permit.
- e) The height of barbecue and fireplace stacks must not exceed twelve (12) feet and must be properly secured and equipped with a spark arrester. The barbecue or fireplace shall be of an approved material and design, so as to comply with local fire regulations.
- f) Installation of a windscreen is permitted on both ends of the awning, or on one end and along the adjoining side. The lineal footage of the windscreen is limited to fifty percent (50%) of the total length of the three open sides of the awning. The protected area must not be a completely enclosed room. The windscreen is to be from the awning roof to the floor of the deck, in a direct vertical line, and must be constructed of a minimum of one – quarter (1/4) inch safety glass or clear acrylic plastic (not opaque or prismatic). Pony walls, to a maximum height of 24 inches measured from the deck surface, are allowed and must not exceed the lineal footage allowances of 50% as specified above.
- g) Installation of sunscreens attached to aluminum awnings is permitted. The screens must be of a roll-up type made of light weight material (slatted plastic or bamboo) and white or natural in color. When the sunscreen is not required it must be left in a rolled-up position properly affixed to the awning, or completely removed. The screens may be installed on all three (3) sides of the deck.
- h) Deck railings are required on all open sides of any deck that is eighteen (18) inches or higher in height. The maximum height allowed for railings is forty-two (42) inches and the minimum allowed is thirty-six (36) inches, both measured from the deck surface. Railing picket spacing must not be in excess of four (4) inches apart.
- i) Temporary winter protection of a member’s property by the use of a tarpaulin (tarp) or a Manufactured Custom Cover (M.C.C.) (any waterproof protective covering of a cloth or plastic material) is allowed during the period October 1<sup>st</sup> to April 15<sup>th</sup> as long as the cover is of a neutral (brown, green, white or light beige) color and is in accordance with the following limitations:

- 1) Decks – may be protected by either covering the surface of the deck or by hanging a tarp or M.C.C. on any or all three exposed sides from October 1<sup>st</sup> to April 15<sup>th</sup>.
- 2) On-site trailer, R.V.s or shed – may only be covered by a tarp in an emergency for protection against water damage. A permit issued by the General Manager is required and the permit is not to exceed 90 days.
- 3) Vehicles stored in the Park Storage Areas – can be protected with a tarp from October 1<sup>st</sup> to April 15<sup>th</sup>, or by the use of a M.C.C. throughout the year.
- 4) On-site vehicles, boats, sea doos, etc. – may be protected throughout the year by the use of a M.C.C. only.

In all cases, the cover in question must be securely anchored to prevent creating a distracting noise for your fellow members.

j) Gazebo and Screen House

- 1) A screen house is a temporary framed covered assembly. These units must not be placed in a manner to obstruct the open view of neighboring sites to the common grounds.
- 2) A gazebo is described as a permanent or semi-permanent structure open on four (4) sides that has any type of roof assembly which is not easily removed. These units must not be placed in a manner to obstruct the open view of neighboring sites to the common grounds.
- 3) A curtained gazebo or screen house must have the curtains open on all sides when it is not occupied.
- 4) A curtained gazebo or screen house must not be used as a sleeping accommodation.
- 5) The peak of a gazebo or screen house must not exceed 9 feet 6 inches above site grade, as determined by the Board of Directors or its appointee.
- 6) The construction of a gazebo first requires site and structure drawings submitted and approved along with the issue of a building permit.

## 6. Utilities

- a) All utilities (water, electrical and sewer) up to the site outlet are provided by, and are the property of, the Association. They are not to be changed or modified by the members. Members are responsible for power, water and sewer connections to the trailers and they cannot be permanently attached to the park outlets.
  - 1) As of September 2008, members are responsible for maintaining electrical power to the self-regulating heat tape at all times during the winter months. Heat tape has been installed in order to prevent damage from freeze up in the exposed area of the water supply standpipe. If members fail to power the heat tape provided and damage occurs, the member shall be subject to a fine plus the cost of repairs.
  - 2) If a member chooses to enclose the water supply standpipe, the enclosure must be constructed in such a manner that it can be easily removed to expose the standpipe for maintenance whenever necessary. BBLP will not be responsible for any damage incurred.



- b) Sewer connections are not to be installed as a permanent connection and must be approved by the General Manager. The site is subject to inspection at any time. Any work required to bring the water, power, or sewer connection up to standard will be charged to the membership.
- c) Propane tanks must be kept clean and in good repair. One propane tank per device (such as barbecues, patio heaters, etc.), in addition to those attached to the trailer, will be allowed. Tanks attached to the trailer will have a maximum capacity of one hundred twenty (120) gallons.
- d) Repair access to site utilities (water, sewer and, where applicable, electric power) must be maintained. When sites are paved, a two (2) foot square access area around the outlet or inlet of each buried utility must remain free of paving. The Park is not responsible for damaged pavement as a result of necessary repair actions.

## **SECTION B. USE OF TRAILER SITES**

### **1. Site Use by Member**

- a) Site usage is strictly restricted to a single camping vehicle, except as further defined in Section B.1.c) and Section B.2.b). The vehicle must be a camper, motor home, tent trailer, travel or park trailer as determined by Washington State law governing highway vehicles. Mobile homes are prohibited.
- b) All modifications to camping vehicles and accessory structures require an approved Building Permit. c) A member may park a self-powered camping vehicle on the site, only if this vehicle is used for transportation to and from the Park. This vehicle must not be hooked up to water or sewer at any time. Power hookup is permissible. When occupied as a camping vehicle, Section B rule 2. b) applies.
- c) Rental, Agreement for Sale (to “sell over time” without transferring the membership), or commercial use of a site is strictly prohibited, and violators will be subject to immediate suspension of membership.
- d) One small boat (on or off its trailer) may be kept on a site providing that the boat, motor and trailer are within the site’s boundaries (i.e. they cannot project beyond the outer boundary of the radius of the member’s site). Additional vehicles parked on-site must abide by Section B.h). A member may have a trailered boat larger than that allowed up to a maximum of four (4) nights and five (5) days in a month.

In order to protect a neighboring park member’s site line, a boat is defined as a one (1) level craft with or without windshield. The height at the gunnels (midship) of the boat is to be no more than five (5) feet high. Note: boat tops that protrude up from and above the windshields of a boat are not permitted.

A collapsed tent trailer (less than 5 feet high) may be kept (for the purpose of storage) on a member’s site providing the trailer is positioned within the site’s boundaries (i.e. trailer cannot project beyond the boundary of the radius of the member’s site). When a tent trailer is in use Section B Rule 2. b) applies.

- e) Boats larger than those permitted under Section B.1. (e) must be parked on their trailer in the designated areas on Meadow Road or Fern Road, or in such other areas that the Board of Directors may designate. Note: these designated areas are deemed active

parking stalls and reserved for watercraft and RVs only. All parked boat trailers and RVs must have a current license plate tags (or valid storage insurance a copy of which is to be filed with the Park office is an acceptable alternative to current license tags) and be in good working order as per Section C.5. Noncompliance within 30 days of written notice will lead to removal of said vehicle at the member's expense and forfeit of the parking stall.

- i) a waiting list for a parking stall is to be maintained by the General Manager and to be made available at the Administration Center.
  - ii) The sub-letting of a parking stall is strictly prohibited
  - iii) Parking stalls are not transferable.
- f) Temporary erection of one small tent is permitted for four (4) nights and five (5) days behind the privacy fence line from dusk to nine (9) am during the four (4) night period for a maximum of one five (5) day visit per month. The time between Park visits must be a minimum of five (5) days.
- g) A trailer, not an RV, not more than 5 feet high may be kept on a member's site providing the trailer is positioned within the site's boundaries (i.e. trailer cannot protrude beyond the boundary of the radius of the member's site).

## 2. Site Use by Guest

- a) All guest vehicles must be registered at the Administration Center or Security.
- b) One additional camping vehicle may stay on a members site up to a maximum of four (4) nights and five (5) days for a maximum of one five (5) day stay per month. The time between Park visits must be a minimum of five (5) days. This additional vehicle must be registered by the member during office hours and will be given a vehicle registration card that must be prominently displayed so as to be visible from the front of the site. The registration card must be returned to the Administration Center upon leaving the Park. The additional vehicle must not be hooked up to water or sewer at any time. Power hookup is permissible. *A tent trailer stored on site is also subject to this Rule **when made use of for sleeping quarters***
- c) A special permit may be obtained for a six (6) night seven (7) day stay for family members. Issuance of the permit will be at the discretion of the General Manager or designate.
- d) At all times the actions and behavior of guests (anyone not listed on the Certificate of Membership) is the responsibility of the member.

## **SECTION C. MAINTENANCE RESPONSIBILITIES**

Upkeep of sites and housekeeping of the circle common area is the responsibility of individual members.

1. Sites must be maintained to an acceptable standard as determined by the Board of Directors. Lawn must be maintained at or shorter than 6"; gardens and unpaved on-site parking areas must be kept weeded. Sites that are in breach of Section A. 2. (a-q) may be considered unsightly as determined by the Board of Directors or General Manager. Time allotted to bring sites into compliance after notification sent, is to be 21 days between September 30 and May 24 and 14 days from May 24 until September 30. Fences (see Section A.2.b)), storage sheds, driveways, trailers, and the circle common areas must be kept clean and in good repair. Common areas inside the circles are not for storage of privately owned items.

2. Failure to comply with the provisions of Section C.1. will result in the Association taking the necessary steps to complete the required work with the cost being billed to the membership as follows:
  - a) When the lawn area on a member's site reaches a height of 6" or more the Park will contact the member advising their site lawn needs to be mowed. If the member fails to mow their lawn within 14 days the Park will at its sole discretion select and retain a contractor to mow the lawn and charge back the member on their account for such service plus a administration fee of \$50 for staff time in arranging and billing for this service plus a fine equal to 20% of the cost to rehabilitate the site, plus the cost to restore the site being charged to the member account. Members are encouraged to arrange alternatives if they are unable to maintain their lawns on a regular basis. The BBLP office has a list of contractors who are able to provide such services.
  - b) In the event a member has been cited for unsightly premises and a fine has been imposed and 14 days have elapsed since the fine was imposed and the member has not taken action to comply with the citation the park reserves the right to take action as follows. The Park will at its sole discretion select and retain a contractor to perform necessary maintenance and upkeep and charge the members account for such service plus a administration fee of \$50 for arranging and billing for such service plus a fine equal to 20% of the cost to rehabilitate the site, plus the cost to restore the site being charged to the member account. Members are encouraged to maintain their own site and failing their ability to do so the BBLP office has a list of contractor services available to provide landscaping, fencing and other site services that may be required.

For repeat violations within each calendar year there will be no further notice and compliance penalties will be doubled and for each repeat violation, thereafter, doubled again.

3. Refuse and garbage must be bagged, tied and placed in the containers provided by the Association. If a container is full, garbage must be taken to an alternate container. The disposal of tree trimmings, rocks, old appliances and furniture, etc. is the member's responsibility. The refuse must be removed from the Park or arrangements made for removal by contacting the Administration Center.
  - a) The improper use of brush bins will result in a fine and cleanup at the member's expense.
  - b) Use of garbage containers and brush bins must be in accordance with posted regulations.
4. Unlicensed or inoperative vehicles of any type must be removed from the Park within fourteen (14) days of receipt of notice by registered mail to the members registered residence. Failure to remove the unlicensed or inoperative vehicle within the 14-day period will result in the Park towing the vehicle to a storage facility all at the member's expense.
5. Drainage of surface water from a member's site is the responsibility of that member. Any drainage system requiring hook-up to the Park's drainage system requires an approved Building Permit.
6. The Evergreen trees on Timberline Road shall not be topped, limbed, removed, or otherwise altered, without the prior approval of the Board of Directors.

## **SECTION D. SAFETY WITHIN THE PARK**

### **1. Motor Vehicles**

For the purpose of the BBLP Rules & regulations “motor vehicle” means EVERY vehicle that is self-propelled. “Motor Vehicle” includes neighborhood electric vehicle and golf cart. A power wheelchair or an electric personal assistive mobility device is not considered a motor vehicle, when operated by the owner for its intended purpose.

- a) The speed limit within Birch Bay Leisure Park is five (5) miles per hour (eight (8) km/h) for all motor vehicles. This speed limit is increased to ten (10) miles per hour (fifteen (15) km/h) for all motor vehicles during the offseason from October 1 to April 15.
- b) Use of motor vehicles within the Park by unlicensed drivers is prohibited.
- c) Children or pets are not permitted to sit on driver’s lap while motor vehicle is in motion on the Park roadways.
- d) Stop signs and all other signs must be obeyed by all motorists.
- e) Electric golf carts are permitted within the Park after obtaining an approved “Registration of Electric Vehicles” form. Golf carts operated within the Park must have \$1,000,000.00USD liability insurance coverage. Golf carts may be operated on Park roadways and gravel berm pathways.
- f) Golf Carts must clearly display the members site number. If the Golf Cart is used in the park after dusk it must be equipped with both working headlights and taillights.
- g) Passengers in Golf Carts must be seated when the cart is in motion.
- h) A seat for each passenger is required.
- i) Golf Carts may use berm gravel pathways (at 5mph) BUT must give right of way to pedestrians.
- j) Parked vehicles must allow 12 ft from their furthest point of vehicle (ie mirror) to the grass on the berm. Vehicles must be parked completely off the road, no tires on asphalt.
- k) Except as stated within the BBLP Rules and Regulations, Washington State Vehicle Legislation prevails.

### **2. Bicycles**

- a) The safe operation of bicycles by members, family members and their guests is the responsibility of the member.
- b) Failure to operate bicycles in a safe and responsible manner will result in fines consistent with the motor vehicle infractions.
- c) Bicycles must be equipped with a headlight and reflectors if used within the Park after dusk. d) All traffic signs and all road safety rules must be obeyed by all cyclists.

### **3. Restriction of other Vehicles**

Electric powered motorcycles, mopeds, scooters, golf carts and other similar vehicles are permitted in the Park. Speed limits as defined in Section D Part 1 a) must be observed.

#### 4. Swimming Pool and Tennis Courts

Swimming pool and tennis court rules as posted and approved by the Board of Directors are an integral part of Birch Bay Leisure Park Rules and Regulations. The current pool and tennis court rules become an addendum to the Birch Bay Leisure Park Rules and Regulations each year.

#### 5. Firearms

The discharge of firearms or weapons within the Park is prohibited.

#### 6. Fireworks

The use of fireworks within the Park is prohibited.

#### 7. Park Facilities

Use of all Park facilities is at the user's risk.

#### 8. Campfires

Campfires are permitted only in fireplaces or fire pits that conform to Whatcom County Fire Regulations. At all times there must be a fully pressurized hose close at hand for emergency use if necessary. Fires must be completely extinguished before being left unattended. Propane fire pits are allowed.

#### 9. Open Propane Flames

***Tiger Torches are not allowed to be used by members. Licensed and bonded contractors hired by the Park or by a member, who are qualified and insured, may use Tiger Torches. The Park Office has a list of qualified contractors.***

#### 10. Use of Marijuana

As the park is subject to both State and Federal law the use of Marijuana in the park is strictly forbidden. See SECTION H. MISCELLANEOUS #1 of these Rules and Regulations.

### **SECTION E. NEIGHBORLINESS**

**Conduct by members and guests must reflect, at all times, the spirit of a good neighbor.**

#### 1. Behavior

Members and their guests must control aggressive behavior and use of offensive language. Such behavior by one member or their guests toward another member or their guests or to any of the staff, or any obstruction of Park staff in the course of their duties, including not following the direction of the Board of Directors or staff, will not be tolerated."

#### 2. Neatness

- a) Drying of bathing suits, towels and laundry must not be done in public view.
- b) Refuse; Building materials, sand, and gravel or dirt piles must not be stored on sites longer than sixty (60) days.

### **3. Noise**

Disturbing noise is not permitted at any time. Quiet is required from 12:00 midnight to 8:00 a.m. Construction noise is not permitted before 8:00 a.m. or after 7:00 p.m.

### **4. Pets**

Pets are permitted in the Park as a privilege to members, and if the following rules and regulations with respect to the conduct of pets are not complied with, this privilege will be revoked.

- a) Pets must be on a leash and under control at all times within Birch Bay Leisure Park when not contained within a member's site.
- b) Pets are not to be taken to Brier Center (including the deck area) or Elm Center. Pets are not to be left tethered and unattended while swimming or attending a park function indoors.
- c) Pets are not allowed inside any park building.
- d) Members are responsible for cleaning up after their pets. "Doggie walks" are provided for the use of pets on Mainline Road and on Meadow Road from Dogwood to Fern Road. Waste containers are provided for cleaning up. Berms, roads, circle centers and other boundary areas are not to be used as "Doggie Walks" at any time.
- e) Pet food dishes containing food for pets must not be left unattended nor left out at night. Bird house/feeders must not be of a design that attracts rodents nor are they to be positioned along the perimeter of a site such that they cause bird droppings on an adjacent site.
- f) Access to the park will be denied to any pet with a known propensity or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals. Any pet deemed aggressive by the General Manager, Board of Directors, or the park's Security Staff must be removed from the park immediately.

### **5. Recreation Tags**

Members should wear Recreation Tags to all Park functions. Children playing within the Park should wear Recreation Tags at all times for site identification should the need arise.

### **6. Smoking**

Smoking is prohibited within all Park vehicles, Park buildings and within 25 feet of all Park facilities, including: Administration Center, bathhouses, mail house, Elm Center, Brier Center, Pool area and the maintenance and security buildings.

### **7. Lights**

Exterior site lighting is not permitted if it disturbs neighbors or if it remains lit for more than from dusk till dawn.

## **SECTION F. USE OF PARK FACILITIES**

All members of Birch Bay Leisure Park Association are, in fact, part owners of the entire Park which allows them to work with the Park on a volunteer basis.

### **1. Elm Center and Brier Center**

Elm Center is available for private events throughout the year, but only on a reservation basis.

Brier Common and Brier Adult Rooms are available for private events from October 1 to April 15th, but only on a reservation basis. The other rooms are not to be booked and can be used on a first come first serve basis and are open to all members during open hours. They are not to have wet towels or wet bathing suits on the furniture at any time.

a) Members and their guests (accompanied by a member) using the Family Room at Brier Center under the age of 13 must be supervised by a member at least 13 years of age. Those using the Family Room are responsible for ensuring that the premises are left in a clean and tidy condition and are responsible for any damage thereto. Recreation Tags must be worn and be visible at all times. Failure to comply with the rules may result in denial of future use of the premises.

b) Members and their guests (accompanied by a member) using the Exercise Room at Brier Center under the age of 13 must be supervised by a member at least 18 years of age. Those using the Exercise Room are responsible for ensuring that the premises are left in a clean and tidy condition and are responsible for any damage thereto. Recreation Tags must be worn and be visible at all times.

c) Members and their guests (accompanied by a member) using the Adult Room at Brier Center must be 18 years of age. Those using the Adult Room are responsible for ensuring that the premises are left in a clean and tidy condition and are responsible for any damage thereto. Recreation Tags must be worn and be visible at all times.

d) Members and their guests (accompanied by a member) using the Brier Deck at Brier Center under the age of 13 must be supervised by a member at least 18 years of age. Those using the Brier Deck are responsible for ensuring that the premises are left in a clean and tidy condition and are responsible for any damage thereto. They are not to have wet towels or wet bathing suits on the furniture at any time. Recreation Tags must be worn and be visible at all times. **The Brier deck is limited to the use of Adults only during the Adult swim times as posted in the pool rules and displayed at the pool.** Failure to comply with the rules may result in denial of future use of the premises.

### **2. Tennis Courts and Swimming Pool**

The tennis courts and swimming pool are for the use of members and their guests only, and all persons using these facilities must wear a Park Recreation Tag prominently displayed.

### **3. Responsibilities**

Members are financially responsible for any damage that they or their guests may cause to Birch Bay Leisure Park property. Members are also responsible for reporting any maintenance problems or vandalism to the Administration Center. Members and guests are also responsible for cleaning up after themselves in the bathhouses and laundry rooms.

#### 4. Vandalism

Vandalism, including tampering with park security cameras, is strictly prohibited. All incidents of vandalism will be reported to law-enforcement and the Park will fully cooperate in the prosecution of any such acts.

### **SECTION G. SALES OF MEMBERSHIPS AND TRAILERS**

1. Signs are not permitted within the Park, with the exception of a single approved For Sale signs issued by the Park's office.
2. Advertising Membership Sales:
  - a) The Park Administration will provide the following:
    - A single approved "For Sale" sign to be posted by the seller at a designated exterior location at the member site for a period of 3 months from time of issue.
    - An advertisement provided by the seller will be posted on the BBLP Web site, at the Bulletin Board at the Park entrance and on hardcopy available at the Administration Office each being posted for a period of 3 months from time of issue.
    - The Member must cancel listing.

The General Manager, as part of the Membership sale process, must certify that the site is compliant with the current Park rules. If the site is not in compliance, then the seller or purchaser MUST agree to correct deficiencies in a timely manner as determined by the General Manager. Exceptions to this are for trailer positioning when the trailer has been on site for numerous years of when an approved rule variance is on file in the membership files in the park office.

### **SECTION H. MISCELLANEOUS**

1. Crimes: Any member who commits a crime within Birch Bay Leisure Park, under Washington State or U.S. Federal law, will have his/her membership revoked. For the purpose of these rules, a member shall be considered to be a registered member of the Association or a member of his or her family.
2. Sales of any commercial product by anyone within Birch Bay Leisure Park property is prohibited.
3. Littering within the Park is prohibited.
4. Each site must have its site letters/numbers prominently displayed so that it is visible from the road.
  - a) Circle sites must include the circle number and the site number.
  - b) Rectangular sites must include the road name initials (TR, MR, CW, or FR) and the site number.
  - c) Numbers and letters must be a minimum of four (4) inches tall and must be placed on the front of the trailer or be posted near the middle of the front property line. Numbers and letters must be of a contrasting color to the background. All numbers must be in the standard Arabic form.
5. When the Birch Bay Water and Sewer District restrictions are in effect, members must comply per the signs posted at the Park entrance. Use of water to wash vehicles or sprinkle lawns is prohibited although limited hand watering of plants is permitted.



6. For the purpose of the Rules and Regulations Section it is understood that the term fees and assessments per By-law II Section C. 5) includes fines, penalties, contractor charge backs and any other charges defined elsewhere in the rules and regulations sections.



## **SECTION 1. VIOLATIONS of RULES & REGULATIONS**

### *Current Fines Payable in U.S. Funds*

All fines are **PLUS** cost to repair and/or cleanup any damage caused by the violation.

a) VANDALISM – (Section F) <b>DOUBLE</b> the cost of repair and/or cleanup of any damage. Minimum fine	\$100.00
b) Double Hook-up (Section B.1. C) & Section B.2.b))	\$100.00
c) Illegal parking (Section B.1.f) & h))	\$ 50.00
d) Tampering with utilities (Section A.6a) & b))	\$500.00
e) Site clean-up (Section C.1.,2.,3. & 4.) \$50.00 administration fee <b>PLUS</b> a fine equal to 20% of the cost to rehabilitate the site <b>PLUS</b> the cost of cleanup.	
f) Vehicle infractions (Section D.1., 2. & 3.)	
First Violation	\$ 50.00
Section Violation	\$100.00
Third Violation	\$200.00
g) Neighborliness (Section E. 2 -7)	\$ 50.00
h) Unlicensed and/or inoperable vehicles (Section C.4.)	\$ 25.00
i) Littering (Section H.3.)	\$ 25.00
j) Tampering with entrance gate	\$200.00
k) Abusive conduct towards members, guests or staff will not be tolerated. This includes not following the direction of the Board of Directors or staff on duty. (Section E.1.) Any misconduct may require an appearance before the Board of Directors.	\$200.00
l) Watering during prohibited period (Section H.5.)	\$ 25.00
m) Use of Fireworks (Section D.6.)	\$200.00
n) Dogs running free/failing to clean up after per (Section E.4.)	\$ 50.00
o) Building without a Building Permit (Section A)	\$250.00
p) Extended guest visit (Section B.2.b))	\$100.00
q) Trailer positioning infractions (Section A.1.)	\$100.00
r) Late payment of Park Assessments and/or Surcharges (Bylaw II C.5)	\$ 50.00

Infractions that are not brought into compliance with the Rules within two months (with the exception of late payment infractions for Park Assessments and Surcharges with may have a late payment fee applied each and every month) of each written notice are considered as repeat violations.

For repeat violations within each calendar year, fines will be doubled (excluding the late payment fee for the continued late payment of Park Assessments or Surcharges) and for each repeat violation, thereafter, doubled again. Repeat violations can be grounds for suspension or cancellation of membership. **Fines are those in effect as of April 18, 2020 and are subject to change without notice.**

## **Appendix A- Rules & Regulation Revisions**

*Note: Certain changes listed below may have different numbering in the actual rules as further clarifications and/or changes may subsequently be made which affect the numbering.*

### **Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 2. Site fences, trees and bushes: Clause h)** revised February 09, 2008: Effective March 15, 2008 - New wording added.

**Rule 6. Utilities:** Revised February 09, 2008: Effective March 08, 2008 - New Clause (d) added.

### **Section B. Use of Trailer Sites**

**Rule 1. c)** revised February 09, 2008: Effective March 08, 2008 - New wording added

### **Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 4. b) Sheds:** Revised April 19, 2008: Effective May 26, 2008 - New wording added.

**Rule 6. Utilities:** Clause a): Revised May 03: Effective June 09, 2008 - New wording added, new subsection 1) added.

### **Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 6. Utilities:** Clause a): Revised June 07, 2008 Effective July 13, 2008 - New subsection 2) added.

### **Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 1 Trailers, trailer Positioning on Sites and Site to Site relocations;** Revised January 10, 2009 Effective February 10, 2009 – New wording added.

### **Section C. Maintenance Responsibilities**

**Rule 4.** Revised March 08, 2009 Effective April 08 2009 – Addition of new subsection a).

### **Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 1 Trailers, trailer positioning on Sites and Site to Site relocations;** Revised July 13, 2013

Effective September 14, 2013: new definition of trailer wording.

**Rule 2. Site Fences, Trees and Bushes;** Clause b) revised July 13, 2013 Effective September 14,

2013: plastic/vinyl fences added.

**Rule 3 Antennae and Flagpoles;** Clause a) revised July 13, 2013 Effective

September 14, 2013: Wording of Clause changed to reflect latest technology.

**Rule 4 Sheds:** Clause b) revised July 13, 2013 Effective September 14, 2013: wording of clause

changed “grade level” replaced by “foundation”.

**Rule 5 Other Structures:** Clause i) subsection 1. 2. 3. Revised July 13, 2013 Effective September

14, 2013: new dates replacing old dates.

New Clause July 13, 2013 Effective September 14, 2013 Clause j) Gazebo and Screen House: with six (6) subsections.

#### **Section B: Use of Trailer Sites**

**Rule 1. Site Use by Member;** Clause c) Revised July 13, 2013 Effective September 14, 2013: New wording added.

Clause e) Revised July 13, 2013 Effective September 14, 2013: maximum days and nights changed.

Clause f) Revised July 13, 2013 Effective September 14, 2013: “non-compliance” changed to “noncompliance”

Clause g) Revised July 13, 2013 Effective September 14, 2013: Length of stay changed.

**Rule 2. Site Use by Guest;** Clause a) Revised July 13, 2013 Effective September 14, 2013: Wording of clause changed.

Clause b) Revised July 13, 2013 Effective September 14, 2013: Length of stay changed. Revised July 13, 2013 Effective September 14, 2013: New Clause c) provides for extended family stays.

Clause c) revised July 13, 2013 Effective September 14, 2013: original Clause c) reassigned as

Clause d)

#### **Section C. Maintenance Responsibilities**

**Rule 4;** Revised July 13, 2013 Effective September 14, 2013: New Clause b) added.

**Rule 5.** Revised July 13, 2013 Effective September 14, 2013: wording change.

#### **Section D: Safety within the Park**

**Rule 1. Motor Vehicles;** Revised July 13, 2013 Effective September 14, 2013: new wording describing “vehicles”.

Clause a) Revised July 13, 2013 Effective September 14, 2013: “shall be” deleted, replaced with “is”.

Clause d) Revised July 13, 2013 Effective September 14, 2013: New wording added. Clause e) revised July 13 Effective September 14, 2013: New wording added. Revised July 13, 2013 Effective September 14, 2013: New Clause g) added.

Revised July 13, 2013 Effective September 14, 2013: New Clause h) added

**Rule 2. Bicycles;** Clause a) Revised July 13, 2013 Effective September 14, 2013: delete “speed” and insert “safe operation”.

Revised July 13, 2013 Effective September 14, 2013: New Clause b) added.

Clause b) Revised July 13, 2013 Effective September 14, 2013: Original Clause b) reassigned as Clause c)

Clause c) Revised July 13, 2013 Effective September 14, 2013: Original Clause c) New wording added and is reassigned as Clause d)

**Rule 9. Open Propane Flames** New rule added July 13, 2013 Effective September 14, 2013

#### **Section E: Neighborliness**

**Rule 1. Neatness;** Clause b) Revised July 13, 2013 Effective September 14, 2013: Wording revised to include time limitation.

**Rule 6. Smoking:** Revised July 13, 2013 Effective September 14, 2013: New wording added.

**Section H: Miscellaneous**

**Rule 2.** Revised July 13, 2013 Effective September 14, 2013: Original wording deleted, new wording inserted.

**Rule 3.** Revised July 13, 2013 Effective September 14, 2013: Original wording deleted, new wording inserted.

**Rule 5.** Revised July 13, 2013 Effective September 14, 2013: New wording inserted.

**Section G: Sales of Memberships and Trailers**

Revised November 16, 2013 effective January 14, 2014: Entire clause re-written

**Section A: Physical Structures and Trailer Positioning on Members' Sites**

Revised 11 April 2015 Rule 2. Site Fences, Trees and Bushes Clause (h) new wording to rescind "white only" plastic fences and permit plastic fence colors included in approved color sample chart kept at Administration Office. Effective 11 May 2015.

**Section F: Use of Park Facilities**

Revised May 2, 2016 Effective June 2, 2016 Subsection 1) new wording added. Addition of clause(s) c) and d) added.

**Section G: Sales of Memberships and Trailers**

Revised July 16, 2016 effective August 15, 2016: Subsection 2) re-written. Subsection 3) removed.

**Section C: Maintenance Responsibilities**

Revised July 19, 2016 effective August 18, 2016: Subsection 5) Added "Failure to remove the unlicensed or inoperative vehicle within the 14 day period will result in the Park towing the vehicle to a storage facility all at the member's expense."

**Section D: Safety within the Park**

Revised July 25, 2016 Effective Aug 24, 2016: Subsection 1) Clause (g) Added "Parked vehicles must allow 12 ft from their furthest point of vehicle (ie mirror) to the grass on the berm. Vehicle must be parked completely off the road, no tires on asphalt."

**Section H: Miscellaneous**

Revised July 25, 2016 Effective Aug 24, 2016 Section 1. Violation of Rules & Regulation Claus (p)  
Extended guest visit (See Section B.2.b) Added \$100.00 fine for over stay of guests of members.

**Section B: Use of Trailer Sites**

Revised April 30, 2017 Part 2 Subsection b) re-written to clarify guest camping vehicles.

**Section F: Use of Park Facilities**

Part D Subsection f) re-written to clarify thus use of Brier deck during Adult Swim times.

**Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 1 Trailers, Trailer Positioning on Sites and Site to Site Relocations Clause c):**

Revised July 25, 2017; Effective August 25, 2017 – New wording added.

**Rule 2 Site Fences, Trees and Bushes Clause a):** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

**Rule 2 Site Fences, Trees and Bushes Clause k):** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

**Rule 5: Other Structures Clause i):** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

**Rule 5: Other Structures Clause j) 2:** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

**Rule 5: Other Structures Clause j) 4:** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

## **Section B: Use of Trailer Sites**

**Rule 2: Site Use by Guest Clause b):** Revised July 25, 2017; Effective August 25, 2017 – New wording added to clarify the use of Tent Trailers.

**Rule 2: Site Use by Guest Clause c):** Revised July 25, 2017; Effective August 25, 2017 – New wording added.

## **Section C: Maintenance Responsibilities**

**Rule 1:** Revised July 25, 2017; Effective August 25, 2017 –New wording added to clarify the dates in the rule.

**Rule 3:** Revised July 25, 2017; Effective August 25, 2017 –New wording added to clarify the process for site maintenance compliance.

## **Section D: Safety Within the Park**

**Rule 1. Motor Vehicles Clause a):** Effective August 25, 2017 –New wording added,

**Rule 1. Motor Vehicles Clause f):** Effective August 25, 2017 –New wording added

**Rule 3. Restriction of other Vehicles:** Effective August 25, 2017 –New wording added clarify speed limits.

**Rule 8. Campfires:** Effective August 25, 2017 –New wording added to allow for Propane fir pits.

**Rule 9. Open Propane Flames:** Effective August 25, 2017 –New wording added.

**Rule 10. Use of Marijuana:** New Clause added.

## **Section E. Neighbourliness**

**Rule 1. Neatness Clause a):** Effective August 25, 2017 –Wording clarified to remove redundancy in the rule.

**Rule 3. Pets Clause b):** Effective August 25, 2017 –New wording added

**Rule 3. Clause d):** Effective August 25, 2017 – Wording changed to clarify the rule.

**Rule 3. Clause e)** Effective August 25, 2017 –New wording added.

## **Section F. Use of Park Facilities**

**Rule 1. Elm and Brier Centre:** Effective August 25, 2017 – Wording changed to clarify dates.

## **Section G. Sales of Memberships and Trailers**

**Rule 2. Advertising Membership Sales:** Effective August 25, 2017 –New wording added

## **Section H. Miscellaneous**

**New Rule 6 Added.**

## **Section A. Physical Structures and Trailer Positioning On Members' Sites**

**Rule 2. Site Fences, Trees and Bushes -** Effective February 1, 2018 – updated and revised

## **Section C: Maintenance Responsibilities**

**Rule 3.** Effective February 1, 2018 – Part 2 moved into Section A. Rule 2. Remaining parts renumbered.

## **Section A: Physical Structures and Trailer Positioning On Members' Sites**

**Rule 2. Site Fences, Trees and Bushes -** Effective April 29, 2018 – updated and revised

## **Section A: Physical Structures and Trailer Positioning On Members' Sites**

**Rule 2. Site Fences, Trees and Bushes** sub-section k) Effective April 29, 2018 – updated and revised.

## **Section B: Use of Trailer Sites**

**Rule 1. Site Use by Members** sub-section e) Effective March 30, 2019 – new wording added.

## **Section F: Use of Park Facilities**

**Rule 4. Vandalism –** New Rule added - Effective 1 May 2019

## **Section C: Maintenance Responsibilities**

**Rule 2.** Revised July 15, 2019; Effective August 15, 2019 – the process for site maintenance compliance clarified

## **Section F: Use of Park Facilities**

**Rule 4. Vandalism –** revised July 15, 2019; effective August 15, 2019 – clarification to the rule to add tampering with security cameras.

## **Section E: Neighborliness:**

**Part 1. Behaviour** - revised April 18, 2020 by renumbering and clarifying the wording and intent of the rule.

**Section A: Physical Structures and Trailer Position on Members' sites.**

**Part 4. B)** – Revised March 19, 2022 – raises maximum height of sheds to 11.5 feet.

**Section D: Safety Within the Park**

**Rule 3. Restriction of other Vehicles:** Effective July 16, 2022 –Wording changed to clarify speed limits. (reference Board of Directors minutes 2022-07-16)

**Payment and Late Payment Policy**

Appeal Process Time Limitation changed to 21 days. (Reference Board of Directors minutes 2022-11-09)

**Section D: Safety Within the Park**

**Rule 1. (e)** Wording added to clarify the amount of liability insurance required by member on Golf Carts. (Reference Board of Directors minutes 2022-12-03)

**Section C. Maintenance Responsibilities**

**Rule 2** amended to include an administrative fee of \$50.00<sup>USD</sup> plus a fine equal to 20% of the cost to rehabilitate a site, plus the actual cost to comply with existing Rules & Regulations. The fee, fine and cost to restore the site being charged to the member's account. (Reference Board of Directors minutes 2023-02-25)

**Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 6. (c)** Corrected to clarify size of Propane Tanks on members sites to reflect

**Payment and Late Payment Policy**

Policy updated to clarify payment procedures regarding checks and credit cards for dues and POS payments. (Reference Board of Directors minutes 2023-07-15)

**Section A. Physical Structures and Trailer Positioning on Members' Sites**

**Rule 4. (a)**

Wording clarified to specify gutters, downspouts and drainage.

(Reference Board of Directors minutes 2023-07-20)

**Section C. Maintenance Responsibilities**

**Parts 1 and 2**

Wording clarified for consistency.

(Reference Board of Directors minutes 2023-08-28)