

Bennett's Creek Landing
Marina Association Rules
As amended 5-4-2019

I. Authority

- A) Article XII, Section 2(a) of the Bennett's Creek Landing Homeowner's Association, Inc. Bylaws states "Licensees shall have the right to form a self-governing organization with the authority to promulgate rules that restrict the use and modification of the pier and boat slips."
- B) These rules are intended to supplement the rules provided in the Declaration of Covenants and Restrictions and the Bennett's Creek Landing Homeowner's Association, Inc. Bylaws. In the event of a conflict between these rules and the Declaration of Covenants and Restrictions or the Bennett's Creek Landing Homeowner's Association, Inc. Bylaws, the Declaration and the Bylaws shall control.
- C) Modifications of these rules require concurrence by 51% of Licensees.

II. Use of the Marina

- A) Use of the marina is reserved for Licensees and their guests. The term "Licensee" includes any persons who have purchased a license that entitles them to use a slip and includes their immediate family. "Immediate Family" includes grandparents, parents, children, brothers and sisters. Exceptions can be made for others to inspect or operate your boat (unaccompanied) during atypical circumstances (i.e., you are out of town, hospitalized, or otherwise incapacitated.) The term "non-licensee", as used in section VII, refers to an individual having paid an access fee to use the marina but is not a Licensee. "Non-licensees" are considered "guest".
- B) Persons less than twelve (12) years of age are not allowed on the pier unless accompanied by an adult Licensees. An adult is defined as someone aged eighteen (18) years or older.
- C) Licensees may allow other persons to temporarily moor boats in their slip.
- D) Licensees may rent their slip(s) to individuals who reside in Bennett's Creek Landing.
- E) Licensees shall ensure guests and renters are aware of and have agreed to comply with all applicable rules for the marina.
- F) No swimming or diving off the pier.
- G) No riding of bicycles or skateboards on the pier.
- H) No horseplay on the pier.
- I) The entire marina is a NO WAKE ZONE. Persons violating this rule are responsible for any damages they cause.

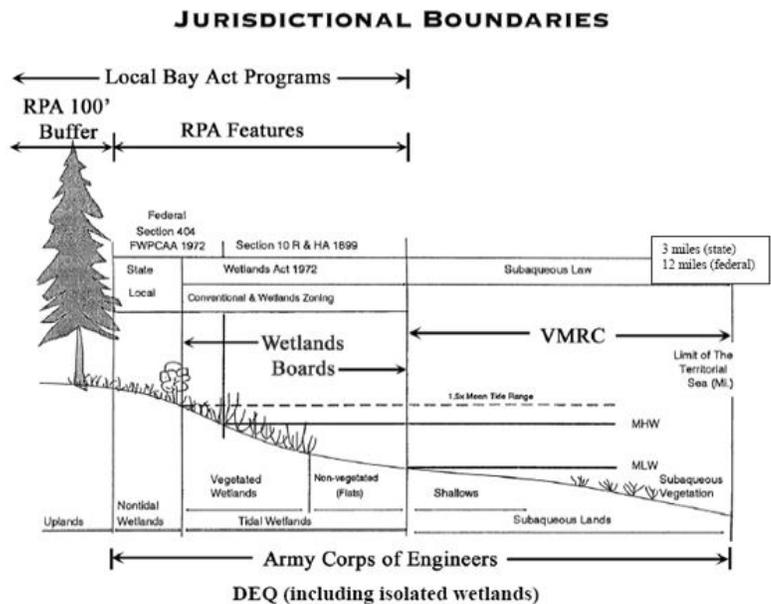
III. Housekeeping and Safety

- A) The marina shall be kept clean and free from all unsightly objects. All tools, sporting equipment, and other personal articles must be kept onboard boats or in approved dock boxes. Docks and piers must remain unobstructed.
- B) Hoses, lines and electrical cables must be neatly coiled and hung when not in use as not to become a safety hazard.
- C) Boats will be properly secured at all times. It is strongly recommended that all boats be moved to safe harbor away from the piers during high wind conditions, advisories or hurricane threats. Consult your insurance company for advice.
- D) All trash and garbage shall be removed from the pier as soon as possible. No trash/garbage is to be left overnight. Discharge of sewage or other debris overboard is prohibited.
- E) Living onboard any boat is prohibited. This is not intended to preclude a Licensee or accompanied guest from spending an occasional night or two aboard a boat.

IV. Structural Modifications

- A) Modifications of the pier and boat slips includes, but is not limited to, the addition of dock boxes, hose reels, bumpers, fenders, finger pier extensions, rod holders, sinks, animal deterrent devices, roofs, awnings, cleats, and mooring whips. Modification of the pier and boat slips also includes the removal and relocation of pilings. "Maintenance & Equipment Specification" standardization documents have been developed for some recurring modifications such as dock box and boat lift installation, finger pier construction, etc. These standards are posted on the BCL Marina Website (www.fobc.org) and must be adhered to..

- B) Modifications may require a Joint Permit Application (JPA). The JPA is used to coordinate approval from various regulatory agencies such as the Virginia Marine Resources Commission (VMRC), City of Suffolk, Army Corps of Engineers and/or the Department of Environmental Quality (DEQ). **Failure of a Licensee to acquire a permit can result in a substantial fine against the Bennett's Creek**



Landing Homeowners Association (HOA), who are the legal owners of the

marina. Licensees are not held directly responsible. As a protection measure, the HOA Board will exercise every legal option available to remedy unapproved modifications and recuperate damages as a consequence of any person or entity making unapproved modifications.

- C) A five step process is required for all modifications.
 - a. A **written** proposal detailing the modification is required. Drawings, sketches and specifications shall be included, as appropriate.
 - b. Proposals shall be approved by a majority of Licensees.
 - c. Following Licensees approval, the Marina Representative will notify the HOA Board **in writing** of proposed modifications by Licensees.
 - d. Following HOA Board notification, if necessary, a Joint Permit Application (JPA) must be filed by the Licensees contractor or the BCL HOA. If a JPA is not required, **documentation** shall be obtained (e.g., e-mail correspondence).
 - e. Construction shall not begin by Licensees or their contractor until the Marina Representative provides **written** notification to the Licensee that all approvals have been received.

V. Fishing and Crabbing

- A) Crab pots are allowed. Limit two pots per Licensee. Crab pots are not to be left on the pier. All residues from checking and baiting crab pots must be washed off the pier.
- B) Minnow traps may be hung from the pier to catch bait. Minnow traps should not be left overboard for an extended period of time. Minnow traps must be stowed in accordance with housekeeping and safety rules once pulled from the water.
- C) Cast and dip nets may be used to catch crabs or bait.
- D) The fish cleaning station must be cleaned after each use. All scales, blood and viscera must be flushed overboard.
- E) Oyster gardening is allowed by VMRC permit. Do not disturb oyster floats. Permits are posted on the BCL Marina Website (www.fobc.org).

VI. Noise

- A) Licensees and their guests will exercise care not to make loud noises or play loud music that may disturb other Licensees or adjacent property owners.

VII. Bennett's Creek Landing Marina Association Membership for Non-Licensees

- A) Individuals who reside in Bennett's Creek Landing subdivision are eligible to become members of the Bennett's Creek Landing Marina Association as "non-licensee" members.
- B) The "non-licensee" members will be subject to all applicable rules for the marina.

- C) Each "non-licensee" member will have the same access to the marina as Licensees and may launch/store up to two kayaks or one canoe or one small non-motorized watercraft of a similar size as a kayak or canoe.
- D) Storage racks will be attached to the outside of the walkway/walkway railing leading to the dock in such a fashion that no part of the storage rack or watercraft will protrude into or obstruct the walk way. The storage racks and stored watercraft will be at or below the railing level on water side of the walkway and may be above or below the railing level on the land side of the walkway. Installation of new storage racks must be approved by the majority of Licensees, with written notification to the HOA Board by the Marina Representative. All construction materials shall be marine grade metals. The installation, maintenance, security and removal of any storage rack and watercraft is the responsibility of the "non-licensee" member. The marina association will not be responsible for any wind or water damage or vandalism to the storage rack or watercraft. The removal or trimming of any trees/bushes in the area of the storage racks is the responsibility of the "non-licensee" member.
- E) The "non-licensee" member shall pay all the usual fees and assessments paid by Licensees.
- F) "Non-licensee" memberships are limited to a total of four per year. Memberships are available on a first paid and first served basis. The "non-licensee" memberships in the Marina Association can be cancelled by majority vote of Licensees.
- G) Upon majority vote of Licensees, an individual can be made a "non-licensee" member based on support being provided to the Marina Association. The membership terminates upon completion of the support or majority vote to revoke the membership.

VIII. Meetings

- A) Meetings of the Marina Association will be held a minimum of twice annually, typically spring and fall. The budget for the following year will be discussed and approved at the fall meeting.
- B) Meetings will be conducted in a professional manner with the objective of managing the marina and associated maintenance. Should a member or members be unable to maintain a professional attitude, those individual(s) will be asked to leave the meeting.