

By-Laws, Rules & Regulations

March 2009

BY-LAW 1

MEMBERSHIP:

- a. *A member is any person or persons named on a valid registered Certificate of Membership provided that no more than two individuals shall be named on a Certificate of Membership issued or transferred after May 22, 1982, and that no corporate membership shall be accepted, issued or transferred after May 22, 1982.*
- b. *Memberships are transferable and assignable on approval of such transfer or assignment by the Secretary of the Board of Directors.*
- c. *Approval by the Secretary for the issue or transfer of a membership may be given only on receipt of a completed "Application for Membership" form as provided by the Association. The Application for Membership shall indicate that the applicant has read the By-Laws and Rules and Regulations of the Association and agrees to abide by them.*
- d. *A membership may be cancelled or revoked by a majority of the full Board of Directors of the Association for:*
 - 1) *Violation of any rule or regulation of the Association following a hearing before the Board, such hearing to be held within 30 days of notification to the member. Findings of the hearing to be binding whether or not attended by the member.*
 - 2) *Delinquency of any rate assessment levied by the Board of Directors for a period in excess of ninety (90) days after their due date.*

In the event of cancellation of a membership, the Board of Directors shall notify the member in writing of the cancellation and shall arrange for the sale of that person's membership and arrange for the removal and storage of trailer and/or vehicle situated on the member's site. In no event shall the membership be sold for an amount less than the best available price, as determined in the sole and absolute discretion of the Board of Directors. The monies received from such sale shall be refunded to the person or persons whose membership has been cancelled less any dues or assessments outstanding and all and any costs or disbursements including legal, bailiff and storage fees.

- e. *A member whose membership has been repossessed shall:*
 - 1) *cease to be, and shall not be eligible to become a member of any committee, and,*
 - 2) *not attend any meeting of the Association, and*
 - 3) *be denied access to the park.*
- f. *Membership privileges may be suspended by the General Manager with the approval of the Board of Directors of the Association for:*
 - 1) *Violation of any rule or regulation of the Association if the violation, in the opinion of the General Manager, limits the ability of others to enjoy their membership.*

The suspension of privileges may include, but is not limited to, disconnection of utilities and withdrawal of the right to enter or remain in the Park.

A member whose privileges have been suspended may request a hearing before the Board of Directors, which must be granted within ten (10) days. The suspension will, at the discretion of the Board of Directors, remain in effect pending the hearing.

- g. Only members in good standing shall be eligible to hold office or entitled to vote at any general or special meeting. Members who have assessments or charges that have remained unpaid for 60 days shall not be considered to be in good standing unless such charges are under appeal and the appeal has been delivered in writing to the Board of Directors at least 30 days before an election, special meeting, or general meeting.*
- h. Each Certificate of Membership entitles the holder (or holders) to:
 - 1) Exclusive use of a designated site within the park. Park staff and Board Directors, however, are not to be denied access to these designated sites.*
 - 2) Voting privileges at general or special meetings for those persons named on the certificate providing that there shall be only one vote per Membership Certificate.**
- i. Every member shall keep the Secretary informed in writing of his/her current mailing address.*

BY-LAW II

DIRECTORS:

- a. The Directors of the Association shall be seven (7) in number elected at the Annual General Meeting of the Association for two-year terms, with four (4) elected one year and three (3) elected the following year. The necessary number of Directors shall be elected each year to complete the Board of Directors.*
- b. All Directors elected at the Annual General Meeting or appointed thereafter shall take office at the conclusion of that Annual General Meeting following the election of such Director and shall terminate at the conclusion of the Annual General Meeting which coincides with the completion of such Director's term. The elected Directors may fill any vacancy occurring among their number by appointing a member to fill the vacancy. Notwithstanding that the term of the office of a vacating Director may extend beyond the next Annual General Meeting of the Association, no appointee to the Board shall hold office beyond the next Annual General Meeting of the Association to fulfill the balance of such term.*
- c. The duties of the Board of Directors shall be:
 - 1) To administer the affairs of the Association.*
 - 2) To appoint a Nominating Committee Chair within the first quarter following the Annual General Meeting. The duties of the Nominating Committee Chair shall consist of forming a committee of members in good standing at the option of the Chair, and ensuring that a sufficient number of eligible names shall be presented to the Annual General Meeting as candidates for office.*
 - 3) To establish such Standing and Special Committees as it may deem necessary to maintain and review the affairs of the Association and to appoint a Chairman for each committee.*
 - 4) To give, at the Annual General Meeting of the Association, a full and complete report of its activities.*
 - 5) To establish from time to time all fees and assessments payable by members and the payment date thereof.*
 - 6) To raise money in such manner as they think fit but none of these powers shall be exercised except in accordance with the provisions of the Articles of Incorporation or By-Laws of the Association. The borrowing of money or use of Association assets as security must be approved at a General Meeting of the Membership by Extraordinary Resolution.*
 - 7) Expenditures for the repair, maintenance or replacement of any existing capital asset are the responsibility of the Board of Directors.**

- 8) *Expenditures in excess of \$10,000 for the acquisition of any new capital asset must be presented to the membership for approval.*
- d. *In the event that any Director shall not attend three consecutive meetings of the Board of Directors in a period of not less than two months, he or she shall be deemed to have submitted their resignation as a Director of the Association.*
- e. *No member of the Board of Directors may serve more than three consecutive terms in office.*
- f. *Only one person per Certificate of Membership shall be entitled to hold office as a Director at any given time.*

BY-LAW III

OFFICERS:

- a. *The Officers of the Association shall be as follows:*
 - 1) *President*
 - 2) *Vice – President*
 - 3) *Secretary*
 - 4) *Treasurer*
- b. *The Board of Directors shall elect from its members a President and Vice-President who shall assume office immediately. The election shall take place at a meeting of the Board of Directors to be held for this purpose only, as soon as possible after the Annual General Meeting and is to be temporarily chaired by the immediate Past-President (as an ex officio member of the Board if he or she is no longer a Board member (refer to II b & III b).*
- c. *The Board of Directors shall appoint a Secretary and Treasurer (the same person to be eligible for both offices) for renewable two years terms as soon as possible after the Annual General Meeting in the year their terms expire. As a vote of faith the Board may wish to (as a matter of practice) reappoint the incumbents to their positions annually for new renewable two year terms. These officers will not be entitled to vote unless they were elected as Directors.*
 - 2) *The Board may employ a General Manager who shall be responsible directly to the President for the maintenance and repair of the park's infrastructure as laid down in the General Manager job description as the Board shall from time to time determine.*
 - 3) *The Board may employ a Park Accountant who shall be responsible to the Treasurer for the administration of the affairs of the Association as laid down in the Park Accountant job description as the Board shall from time to time determine.*
- d. *The duties of the Officers shall be as follows:*
 - 1) *PRESIDENT. The President shall preside at all meetings of the Association and shall act as Chair and call to order all meetings of members. The President and Secretary shall sign all membership certificates of the Association. The President shall perform all duties incidental to the office of President. The President, at his/her sole discretion, will assign portfolios of office annually to each elected member of the Board.*
 - 2) *VICE-PRESIDENT: In the absence of the President or in the case of the President's inability to act, the powers and duties shall evolve to the Vice-President. In the absence of the President and the Vice President, or in the case both are unable to act, the Board of Directors shall name one of the Directors to assume the duties of the President.*
 - 3) *SECRETARY: It shall be the duty of the Secretary to attend all meetings of the Directors and all general meetings of the Association and to record minutes and attend to all correspondence pertaining to the Association's business under the direction of the Board of Directors. The Secretary shall be responsible for the custody of all minutes of the Association's meetings and maintenance of the Membership Register.*

- 4) *TREASURER: The Treasurer shall be responsible for the receipt and disbursement of Association funds, subject to the approval of the Board of Directors, and the recording of such transactions. The Treasurer shall prepare such financial statements as may be required by the Board of Directors. A financial statement of the Association shall be circulated to the members at least thirty (30) days before the Annual Meeting.*
- e. *The signing officers of the Association shall be any two of the following:*
 - 1) *The President*
 - 2) *The Vice-President*
 - 3) *The Treasurer*
 - 4) *Such other Director or Directors as designated by the Board of Directors.*
 - 5) *The General Manager or Park Accountant (not together) so long as the other signature is one from 1(, 2), 3), or 4) above.*
- f. *No member of the Board of the Association shall be liable for the acts, receipts, neglect or defaults of any property acquired by order of the Board for and on behalf of the Association, or for the insufficiency or deficiency in or upon which any of the monies of or belonging to the Association shall be placed out or invested or for any loss or damages arising from the bankruptcy, insolvency or tortuous act of any person, firm or corporation with whom or which any monies, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of the member's respective office or trust or in relation thereto unless the same shall happen by or through the member's own willful act or default.*

BY-LAW IV

MEETINGS:

- a. *The Annual General Meeting of the Association shall be held on the Sunday preceding the first Monday in September in each year.*
- b. *Special General Meetings:*
 1. *May be called by the Directors at any time.*
 2. *Must be held within sixty (60) days in response to a petition (in writing) signed by seventy-two (72) or more members in good standing.*

And no other business other than that for which the meeting has been called may be transacted.
- c.
 1. *Directors' meetings may be called at any time by the President or in his absence by the Vice-President. There shall be at least one (1) meeting held in each of the first and fourth quarters. Meetings in the second and third quarters shall be held within a maximum interval of forty-five days.*
 2. *Except as otherwise required by these Bylaws every motion arising at any meeting of the Board shall be decided by a majority of votes. Each Board Member shall be entitled to one vote but the Chair shall have a vote only in the case of an equality of votes.*
- d. *At least thirty (30) days advance notice of all general meetings shall be given in writing by the Secretary to all members, addressed to the address recorded in the books of the Association.*

BY-LAW V

QUORUM:

- a. *The quorum for transaction of business at the Annual General Meeting or Special General Meeting of the Association shall consist of seventy-two (72) members who are eligible to vote and are personally present.*
- b. *The quorum for transaction of business at a meeting of the Board of Directors shall be four (4) Directors personally present.*

BY-LAW VI

ELECTION OF DIRECTORS:

- a. *Election of Directors shall be conducted by the Nominating Committee Chairman at the Annual General Meeting.*
- b. *Proxy votes shall not be allowed.*
- c. *Nominations for the office of Director of the Association shall not be valid unless a written acceptance of such nomination by the nominee has been filed with the Secretary at least ten (10) days prior to the election.*
- d. *In the case of multiple names on a Certificate of Membership, only one person from that membership may serve on the Board at any given point in time.*

BY-LAW VII

INSPECTION OF BOOKS AND RECORDS:

The books and records of the Association shall be open for inspection by the Directors at all times and by the members at such times as may be designated by the Board of Directors and may be subject to audit at the end of each fiscal year.

BY-LAW VIII

PARLIAMENTARY AUTHORITY:

"Robert's Rules of Order" shall be the Parliamentary Authority for the Association and the Directors.

BY-LAW IX

PUBLICATIONS:

The Association shall maintain a current copy of the By-Laws and of the Rules and Regulations which shall be made available for all members through access to the park's website at www.birchbayleisurepark.com.

BY-LAW X

SEAL OF THE ASSOCIATION:

The seal of the Association shall at all times be in the possession of the Secretary and shall not be affixed to any instrument except by authority of the Resolution of the Directors.

BY-LAW XI

FISCAL YEAR:

The fiscal year of the Association shall end on the 31st day of December in each year.

BY-LAW XII

RULES AND REGULATIONS:

The Board of Directors of the Association shall from time to time and when expedient pass such rules and regulations, as they may deem necessary, for the efficient operation of the Association. New and revised rules and regulations shall become effective thirty (30) days after the changes have been circulated to the membership; provided, however, if the Board of Directors deems the rules or regulations to be a legal requirement or immediately necessary for membership safety in the Park, the rules or regulations shall become effective immediately.

BY-LAW XIII

AMENDMENT OF BY-LAWS:

The By-Laws of the Association shall not be altered or added to except by an extraordinary resolution of the Association.

a) For all purposes of the Association "extraordinary resolution" shall mean a resolution passed by a two-thirds (2/3) majority of such members entitled to vote as are present in person at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

b) In the event of any dispute as to the intent or meaning of any By-Law of the Association or any Rule or Regulation made, adopted, or enacted by the Board, the interpretation by a majority of the Board shall be final and conclusive.

c) Members must be of legal age (Washington State) in order to be a "named" member on a Certificate of Membership.

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RULES AND REGULATIONS

December 2008

Birch Bay Leisure Park was established in 1970 as a park 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 submitted building permit.

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 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 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.
- 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.

Failure to comply with any Rules or Regulation shall be subject to fines as listed on page 17.

- 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 adjoining 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. 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 must 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. White plastic fences are also allowed.
- 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 as established by 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.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

- 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.

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 must be replaced with either 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. Eaves and/or gutters must not overhang the property line.
- b) A shed must not exceed one hundred (100) square feet in area with a maximum height of nine foot six inches (9 ½ feet) from the site grade level 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.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

- 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 November 7th to March 22nd as long as the cover is of a neutral (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 November 7th – March 22nd.
 - 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 November 7th – March 22nd, 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.

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.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

- 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 (100) 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, but 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.
- d) 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.
- e) 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 can not 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 on the site up to a maximum of three (3) nights and four (4) days.

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 can not 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.

- f) 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 water craft and RVs only. All parked boat trailers and RVs must have a current license plate and be in good working order as per Section C.5. Non compliance 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.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

- g) Temporary erection of one small tent is permitted for 72 hours behind the privacy fence line or, alternatively, in front of the privacy fence line from dusk to 9 a.m. during the 72 hour period.
- h) Motor vehicles must be parked in a manner so as not to interfere with the free and safe movement of traffic, and must not be parked on berms or playgrounds at any time.

2. **Site Use by Guest**

- a) All guests must register at the Administration Center
- b) A member may have a guest camping vehicle on the site up to a maximum of three (3) nights and four (4) days for a maximum of one four (4) day stay per month. The time between visits must be a minimum of five (5) days. This guest 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 guest vehicle must not be hooked up to water or sewer at any time. Power hookup is permissible.
- c) 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. Grass must be cut; gardens and unpaved on-site parking areas must be kept weeded. 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. Maximum height of trees on a member's site (excepting the evergreens on Timberline Road) is twenty-five (25) feet. Trees must not encroach upon a neighboring site.
- 3. Failure to comply with the provisions of Section C.1. and Section C.2. will result in the Association taking the necessary steps to complete the required work with the cost being billed to the membership.
- 4. 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.
- 5. Unlicensed or inoperative vehicles of any type must be removed from the Park within thirty (30) days of arrival.
- 6. 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.
- 7. 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

- a) The speed limit within Birch Bay Leisure Park shall be five (5) miles per hour (eight (8) km/h) for all motor vehicles.

Failure to comply with any Rules or Regulation shall be subject to fines as listed on page 17.

- 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 must be obeyed by all motorists.
- e) Electric golf carts are permitted within the Park after obtaining an approved "Registration of Electric Vehicles" form. They can only be operated on park roadways.
- f) Golf Carts must be equipped with both headlights and taillights if used in the park after dusk.

2. Bicycles

- a) The speed limit with Birch Bay Leisure Park shall be five (5) miles per hour (eight (8) km/hr) for all bicycles.
- b) Bicycles must be equipped with a headlight and reflectors if used within the Park after dusk.
- c) Stop signs must be obeyed by all cyclists.

3. Restriction of other Vehicles

Gas powered motorcycles, mopeds, scooters, golf carts and other similar vehicles are permitted in the Park, but ONLY as transportation from the Park entrance directly to a site and from that site directly to the park exit. The five (5) M.P.H. speed limits 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.

SECTION E. NEIGHBORLINESS

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

1. 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 except for a reasonable period when the materials are being used.

Failure to comply with any Regulation shall be subject to fines as listed on page 17.

2. **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.

3. **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 or Elm Center and 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.
- 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.

4. **Behavior**

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

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 and buildings, including: Administration Center, bathhouses, mail house, Elm Center, Brier Center, 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 Center is available for private events from September 15 to May 15, but only on a reservation basis.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

- a) Members and their guests (accompanied by a member) using the Games Room at Brier Center must be supervised by a member at least 18 years of age. Those using the Games 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 must be 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.

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.

SECTION G. SALES OF MEMBERSHIPS AND TRAILERS

1. Signs, including "For Sale", are not permitted within the Park.

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 product by anyone within Birch Bay Leisure Park property is prohibited without the written consent of the Board of Directors.
3. Littering within the Park is prohibited. Use of garbage containers and brush bins must be in accordance with posted regulations.
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 watering restrictions are in effect, use of water to wash vehicles or sprinkle lawns is prohibited although limited hand watering of plants is permitted.

Failure to comply with any Rule or Regulation shall be subject to fines as listed on page 17.

SECTION 1. VIOLATIONS

Current Fines Payable in U.S. Funds

a)	Double hook-up (See Section B.1.c) & Section B.2.b))	\$50
b)	Illegal parking (See Section B.1.f) & h))	\$25
c)	Tampering with utilities (See Section A.6.a) & b))	\$100
d)	Site clean-up (See Section C.1., 2. & 3.) Plus cost of clean up and disposal	\$25
e)	Vehicle infractions (See Section D.1., 2., & 3.) First violation	\$30
	Second Violation	\$60
	Third and subsequent violations	\$120
f)	Neighborliness (See Section E)	\$50
g)	Unlicensed and/or inoperable vehicles (See Section C.5.)	\$25
h)	Littering (See Section H.3.)	\$25
i)	Tampering with entrance gate	\$100
j)	Abusive conduct towards employees, members or guests (See Section E.4.) May also require an appearance before the Board of Directors to justify conduct.	\$100
k)	Vandalism (See Section F) Plus cost of repair or clean up	\$100
l)	Watering during prohibited period (See Section H.5.)	\$25
m)	Use of fireworks (See Section D.6.)	\$25
n)	Dogs running free/failing to clean up after pet (See Section E.3.)	\$25
o)	Building without a Building Permit (See Section A)	\$50
p)	Extended guest visit (See Section B.2.b))	\$30
q)	Trailer positioning infractions (see Section A.1.)	\$100
r)	Late payment of Park Assessments and/or Surcharges(see Bylaw II C.5)	\$ 50
s)	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 which may have a late payment fee applied each and every month) of each written notice are considered as repeat violations.	
t)	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. Numerous repeat violations can be grounds for suspension or cancellation of membership.	

Fines are those in effect at December 2008 and are subject to change without notice.

PAYMENT AND LATE PAYMENT POLICY

(Unless otherwise indicated in the by-laws or fine structure)

All payments received by a member will be applied first to any previously outstanding amount and/or in the following order:

1. Point of Sale transactions (eg. propane, dirt, rocks, etc.)
2. Electrical assessment
3. Fines and other necessary additional assessments (eg. cleaning/maintenance of site)
4. Mailbox assessment
5. Storage assessment (parking spot)
6. Surcharge assessment
7. Semi-Annual dues

Should a balance remain once the amount is due, it shall be deemed outstanding and the following penalty will apply:

Semi-Annual Dues or Surcharge Assessment or Electrical Billing

- a. \$50 penalty as soon as there is an outstanding balance.
- b. An additional \$50 penalty each month that the balance remains outstanding.
- c. Deactivate gate cards once the balance is over one month outstanding. (Note: the purpose is not to prohibit access to the member's site as the office and/or security will let the member in. The member will be inconvenienced but the member will be reminded of the outstanding balance and asked to arrange for immediate payment.)

Assessments

- d. \$50 penalty as soon as there is an outstanding balance.
- e. An additional \$50 penalty each month that the balance remains outstanding.
- f. Deactivate gate cards once the balance is over one month outstanding. (Note: the purpose is not to prohibit access to the member's site as the office and/or security will let the member in. The member will be inconvenienced but the member will be reminded of the outstanding balance and asked to arrange for immediate payment.)

Other Balances

Once a balance is outstanding 30 days beyond a statement notifying the member of an outstanding balance, their gate card will be deactivated. (Note: the purpose is not to prohibit access to the member's site as the office and/or security will let the member in. The member will be inconvenienced but the member will be reminded of the outstanding balance and asked to arrange for immediate payment.)

If an amount is in dispute (via written notification by member), cards will not be deactivated until a decision by the Board is made. If an appeal is denied, the original amount is due & payable within 30 days of notification of denial.

Fines are those in effect at December 2008 and are subject to change without notice.