

02/17/2022

## **Legacy Bay Homeowners' Association Dock Usage Policy and Procedures**

The following Dock Usage Policy and Procedures process is being put in place by the Legacy Bay Homeowners' Association ("Association" or "LBHOA") in order to replace the previous boat dock usage policy located within the Legacy Bay Covenants, Conditions and Restrictions ("CCR's") with the new policy and procedures noted below voted on and approved by the membership.

### **I. Introduction**

This document is derived using input from Owners and input from other communities like Legacy Bay in an effort to create a fair and manageable process to address insufficient dock space for the expanding size of the community and property Owners requesting use of the limited number of boat dock slips. In past years, adopting a use policy for the boat dock slips was not deemed necessary because all the available boat dock slips were not utilized. However, as the community approaches full capacity, new boat dock usage policies were needed.

### **II.**

#### **Definitions**

For the purpose of this document only, the definitions are as follows:

"Annual Reservation Period" refers to the period beginning February 15th and ending February 14<sup>th</sup> of the following year.

"Dock Committee" is a group appointed by the Association's Board of Directors to oversee the dock-related common areas and is acting on behalf of the Association.

"Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the Owners.

"Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to and lot which is a part of Legacy Bay.

"First Come, First Serve" refers to a non-reserved uncovered docking area in which the owner of a watercraft has no return rights upon vacating that uncovered docking area. Once vacant, it can immediately be occupied by any other properly registered watercraft.

"PWC" refers to Personal Watercraft such as a Jet Ski or Wave Runner.

"Reserved Slip" refers to the covered area consisting of 40 boat slips as identified on the Covered Dock Map (Appendix A – Covered Dock Map). These docking areas shall ALL be marked as RESERVED. An Association member in good standing may be granted a temporary revocable license to use a Reserved Slip for a period of

time in exchange for payment and adherence to the Rules and Regulations governing the Community Boat Dock.

“Right of First Refusal” shall mean that Owner is given the right to renew their reservation for a temporary revocable license to use their same assigned Reserved Slip for the following annual reservation period provided that all other conditions are satisfied.

### **III. Admission of Watercraft to the Dock and Use of Dock**

- a. Only watercraft in good seaworthy condition will be admitted. Powered watercraft must be able to operate under their own power.
- b. All watercraft must be registered with the Dock Committee and the state of Tennessee prior to occupying any docking area (Section IV, Paragraph A).
- c. Owners are encouraged to maintain insurance on their watercraft. The Association is not responsible for any loss due to weather, theft, vandalism, or any other cause.
- d. Guests of Owners shall be allowed to use on a First Come, First Serve basis non-reserved uncovered docking areas for a period to not exceed 4 days. The non-reserved areas include two uncovered spaces each on the north and south outside areas of the main dock. Guests of Owners may park boat trailers in the dock parking area for a period to not exceed 4 days. All guests of Owners must obtain a temporary LBHOA sticker and affix to the watercraft. If a guest exceeds the 4-day stay, the Dock Committee has the discretion to decide if an extension is warranted and establish a new time period for usage. LBHOA has the right to remove any watercraft or trailer after the 4- day period unless an extension is approved and will not be responsible for any damage which may occur.
- e. The LBHOA is not responsible for damages to watercraft utilizing the covered or uncovered boat slips
- f. PWC docks are not permitted in the Reserved Slips since they would require the drilling of bracket mounting holes in the dock infrastructure.
- g. Articles attached to the community dock can only be attached with removable clamps and may only be used in a reserved boat slip area AND only with prior written approval from the Dock Committee. To obtain written approval, the Owner must first provide a written description of the exact size of the item, detailed plans on how the articles will be attached to the community dock, as well as a signed statement that the owner will be financially responsible for any repairs needed to the community dock as a result of the attached structure. Boat lifts will not be permitted nor any other attachment or nailing or drilling into the dock structure that might create a liability or safety concern including but not limited to electrical or added weight. When an Owner no longer holds a temporary revocable license to use a Reserved Slip, all clamps and temporary fixtures added to the slip must be removed and the space returned to its original condition. The Association has the right to inspect and charge for damages incurred.

### **IV. Covered Docking Area Assignments**

- a. Each of the Reserved Slips shall be available to be reserved for the Annual Reservation Period from February 15<sup>th</sup> to February 14<sup>th</sup> of the following year. The reservation allows a member to maintain a temporary revocable license to use a certain boat slip that is one of the Reserved Slips.

The Covered Boat Slip Reservation Request (Appendix B - Covered Boat Slip Reservation Request) on the Legacy Bay website, is due no later than December 1st prior to the upcoming reservation year. Amounts due will be included as a separate line item in the invoice for the annual assessments mailed January 1<sup>st</sup> of every year. The dock slip reservation fee is set by the LBHOA Board of Directors and may be revised as deemed necessary and appropriate. Amounts collected are incorporated into the General Fund and not as a separate fund balance as the boat dock is Common Area. A license to use a Reserved Slip can be revoked at any time by the Board based on failure of a member or his family or guests to comply with the dock policy or any other reasonable directive by the Board related to use of the community dock.

- b. Owners requesting a Reserved Slip shall complete and submit a Covered Boat Slip Reservation Request Form (Appendix – B) annually between November 15<sup>th</sup> and December 1<sup>st</sup> to the Dock Committee. The form can be obtained online at the Legacy Bay website. The Dock Committee Chairman will provide the LBHOA Treasurer a list of Dock Slip Reservation assignments by December 15<sup>th</sup> for the upcoming reservation year. The Dock Committee will administer the assignment process for all covered boat slips. All Covered Boat Slip Reservation Request Forms (Appendix – B) must be accompanied with previously issued “Legacy Bay Boat Tag” number or documentation being attached with the form indicating intent to acquire a boat or appropriate watercraft to be docked at the community dock within 6 months after being assigned a Reserved Slip
- c. Upon yearly renewal, the owners with an assigned Reserved Slip shall have Right of First Refusal for the boat slip they are currently occupying provided they have followed the reservation procedures per Section IV Paragraph B above. Owners who do not receive an assigned Reserved Slip because there were over 40 requests will be registered on a “Covered Boat Slip Waiting List” (“Waiting List”) maintained by the Dock Committee. Owner(s) will be entered on the Waiting List in the order of the earliest postmark date on the envelopes received with reservation request and fee. If a Waiting List already exists from the previous year, those names will remain in the same order with any new requests added after their names.
- d. If the Waiting List process as defined above becomes unworkable from a community fairness and accessibility perspective, then the Board of Directors will have the prerogative and discretion to call for a new lottery as per the process defined in this policy whereby all members will have equal availability per a new lottery allocation submission and drawing. The determination of “unworkable” would be defined as an Owner has been continuously on the Waiting List for a period of 3 consecutive years and that “Waiting List” Owner has not measurably moved from their original position on the Waiting List. The intent is that all Members are treated to have reasonable and fair access to all community property and not be unduly limited.
- e. If reservation requests and payments have been received for all Reserved Slips and a Reserved Slip becomes available for reservation in the future, the next Owner on the Waiting List shall be notified of the availability by phone and/or email and shall have 15 days from the date the phone call and/or email to submit a Covered Boat Slip Reservation Request form with the annual

reservation fee to the Dock Committee. If no response is received from the first Owner on the Waiting List, that Owner will be moved to the bottom of the list (or removed from the list, as deemed appropriate by the Dock Committee) and the next Owner will be notified of the availability, and so on.

- f. After the February 15<sup>th</sup> deadline, should a Reserved Slip remain unreserved, Owners may at any time submit a Covered Boat Slip Reservation Request form for the remainder of the annual reservation period to the Dock Committee. Annual reservation fees will be pro-rated from the date the owner submits the form until the February 14<sup>th</sup> fiscal yearly term ends. If a current Owner disposes of their watercraft or no longer needs or wants the Owner's assigned Reserved Slip, the slip reservation fees will not be refundable. However, if the Reserved Slip is reassigned to another Owner by the Dock Committee, then the Owner who no longer needs the slip will receive a refund of the pro-rated amount remaining for the end of the reservation period from when the slip is reassigned.
- g. Members or other persons using another member's assigned Reserved Slip shall have no privileges regarding use of that Reserved Slip, and improperly occupying the Reserved Slip will allow the Dock Committee chairman, after adequate notification to the watercraft owner, to order that the watercraft be removed at the watercraft owner's expense.
- h. With payment, an Owner may request a specific Reserved Slip (Appendix A - Covered Boat Slip Map). The Dock Committee may consider these requests when assigning locations; however, specific location requests cannot and will not be guaranteed.
- i. After the reservation requests and payments are received, the Dock Committee will assign boat slip temporary revocable licenses of the Reserved Slips (if available) to the applicants. The Dock Committee will record all assignments on the Covered Boat Slip Assignment Sheet (Appendix C – Covered Boat Slip Assignment Sheet).
- j. The Dock Committee will notify the applicant as to his or her boat slip assigned number.
- k. Each Owner may have only one Reserved Slip, regardless of the number of lots owned in Legacy Bay.
- l. Owners shall not be allowed to assign, transfer or sub-let their license to use a Reserved Slip to any other party(s).
- m. Any watercraft docked in a Reserved Slip or covered slip where the holder of the temporary revocable license to use that slip has not paid the necessary fees and/or received an assignment for such Reserved Slip will be in violation and may be removed at the expense of the owner of the watercraft. Reasonable attempts will be made to contact and ask the member or person improperly occupying a Reserved Slip to remove said watercraft. Should that member or person occupying a Reserved Slip not respond in a prompt manner then the Association may move the trespassing watercraft without cost to the Association. The Association is not responsible for any damage to watercraft or attaching cables or locks as a result of moving it.
- n. If an Owner who has an assigned Reserved Slip sells the Owner's lot(s) in Legacy Bay, the Owner's watercraft must be removed from the community dock prior to closing on the sale of the

Owner's last Legacy Bay lot. The first Member on the Waiting List will be contacted to be offered the temporary revocable license to use the vacated Reserved Slip. Any new lot Owner may request assignment of a Reserved Slip. If one is not available, the new lot Owner will be added to the Waiting List.

- o. If an Owner passes away during the time the Owner has a Reserved Slip and the Owner's personal representative or heirs sell the affected lot(s) in Legacy Bay, the same procedures prevail as in paragraph (m) above. However, if one lot Owner survives, the Owner will be allowed to retain the Reserved Slip for the season and resume with the Boat Slip Reservation procedure for the next season. If an Owner's heirs or personal representative relinquish the assigned Reserved Slip during the calendar year, a pro-rated adjustment will be allowed and the slip offered to the next in line on the Waiting List at a prorated amount. If an Owner's heirs or personal representative retain the lot in Legacy Bay, the assigned Reserved Slip can be retained for the balance of the reservation period, however the new Owner(s) must request an assigned Reserved Slip for the following year per the procedures in (b), (c) and (f) above.
- p. The dock slip reservation fee is set by the LBHOA Board of Directors and may be revised as deemed necessary and appropriate.

#### **V. Uncovered Docking Areas**

- a. Uncovered docking areas are only those along the outside of the covered boat slips (north and south ends) and shall remain first come, first serve.
- b. Use of the uncovered docking areas is limited to a 4 day period after which the boat must be removed from the uncovered docking area.
- c. The area along the walkway, nearest the shoreline: boat launch side is reserved for temporary (2 hours maximum) tie-up for those launching or retrieving watercraft. No overnight docking is permitted along the walkway.

#### **VI. Boat Slip and Walkway Use Rules and Regulations**

- a. Mechanical work on an Owner's boat/PWC will be allowed at the boat slip if there are no other means to remove the boat/PWC from the water or the repairs are simple in nature.
- b. Swimming will be allowed from the walkway and dock area. There is no lifeguard on duty and swimming will be at one's own risk.
- c. Unaccompanied minors will NOT be allowed on any part of the walkway or dock areas.
- d. Fishing is allowed from the walkway and dock areas. If fish need to be cleaned, then that must be done at the cleaning station provided in the boat slip area.
- e. No sewage discharges are allowed.
- f. No operation of gas, wood, or charcoal grills will be allowed in the covered boat slip area.
- g. No storage of personal property will be allowed on the community property walkway or dock areas. The Association is not responsible for any personal property on or at the community dock.

Appendix A – Covered Boat Slip Map

Appendix B - Covered Boat Slip Reservation Request

Appendix C – Covered Boat Slip Assignment Sheet