

RIVERS BEND ASSOCIATION MARINA REGULATIONS REVISED SEPTEMBER 2019

The Rivers Bend Marina is part of the Association's community property provided for the benefit of its members. Following the rules regulating its use, along with prompt payment of applicable fees, help to ensure its maintenance, and replacement and improvement of its facilities. Please be aware, however, that it is not a full service marina. Water and electric are seasonal amenities that may also be temporarily suspended due to inclement weather and/or unusually high tides. It is the responsibility of owners to regularly check on their boats, and to make sure they remain in compliance with marina rules.

I. SAFETY:

- A. Rivers Bend Association Property Owners and guests will act in a safe manner at all times.
- B. There will be no running, jumping, pushing and/or horsing around on the pier, in the water or in the marina area.
- C. No swimming in the water within 100 feet of the marina pier is permitted. In-the-water hull maintenance and tools or parts retrieval is permitted at your own risk.
- D. Children under 8 must wear a life vest and be accompanied by a responsible adult at all times when on the piers.
- E. No obstructions such as tools, lines, water hoses, electrical cords, crab pots, etc. may be left on the pier when not in use.

II. ENVIRONMENT:

- A. No disposal of gas, oil, polluting solutions, waste, etc. is permitted in Blackwell's Creek. All trash and waste must be removed from the marina or disposed of in the trash receptacle and the port-a-potty wash-down on the east side of the toilet facilities.
- B. Do not allow standing water in vessels in the water or on a trailer.
- C. Blackwell's Creek is a small creek requiring extra attention to avoid (1) any wake that could damage its banks or the docks and boats along its sides and (2) any use that could endanger people in or on its waters. A maximum speed of five (5) miles per hour or less is recommended.

III. MARINA RULES:

- A. The boating season shall be considered from April 1 through September 30. The non-boating season shall be considered from October 1 through March 31.
- B. No boats or trailers will be left in the Marina without the permission of the Dock Master.
- C. The Dock Master must be provided the most current address, phone number and e-mail address of the boat and/or trailer owner, including any change during the year. All notices will be sent to the most current member address and all phone calls made to the most current number on file with the Association.
- D. All owners of boats with engines must provide proof of current marine insurance, including coverage for the raising of their boat should it sink, damage due to the loss of

fuel, oil or other pollutants, towing, and a certificate of insurance naming the Rivers Bend Homeowners Association, Inc. as an additional insured on their policy.

- E. The Dock Master will, not only assign slips, but may also move assignments to accommodate the depth of vessels.
- F. Boats 30 feet and longer can only be docked at slips #5, #6, and #7.
- G. Boats and boat trailers may be stored at the Marina only in the specifically assigned and numbered slip or storage slot.
- H. During the non-boating season, trailer owners who wish to store their boat trailer on association property, but were not previously assigned a trailer slot, must sign an authorization allowing the Dock Master to move their trailers to allow the marina to accommodate the maximum number of trailers, while allowing access to the boat ramp.
- I. A slip can only be used by the assigned property owner, unless the Dock Master grants an exception.
- J. The Board of Directors must approve any alteration to a slip or pier prior to the alteration.
- K. No equipment storage boxes shall be allowed on the pier.
- L. Cars, trucks and trailers will be parked away from the marina ramp and turning circle to avoid conflict for vehicles with boats and trailers using the ramp.
- M. No boat or trailer maintenance may be conducted on the marina grounds for more than one month.
- N. Fishing and crabbing with pots from the pier is permitted only in such manner as not to interfere with the slip occupants, the boats and the general use of the marina. An owner may have no more than two (2) crab pots in the marina.
- O. A member's use of the marina is at the sole risk of the member, and the Rivers Bend Association, Inc., its officers, directors, employees and agents shall not be liable for any stolen or damaged property at the marina, including, but not limited to, dead batteries and/or failed bilge pumps due to temporary power outages.
- P. Boat insurance and registration must be current. Trailers must have current registration or a permanent tag. Trailers must be clearly identified on the tongue with owner's name and contact number.

IV. ELIGIBILITY

- A. Commercial vessels and vehicles are not eligible for a slip or trailer slot assignment.
- B. All boats and trailers stored at the marina must be owned by, and titled to, an eligible Rivers Bend property owner or their approved residential tenant.
- C. If an owner rents his house and transfers rights to the community amenities, including the marina, to the tenant he forfeits his use for the duration of the transfer. The owner must notify the Association President and Dock Master in writing of the transfer of rights.
- D. To be eligible for a slip or trailer slot assignment, a Rivers Bend Association property owner must be current with all dues and fees.
- E. A maximum of one slip and/or one trailer slot shall be assigned per property owner, regardless of the number of lots owned.
- F. Because the marina is not for the storage of boats that are not regularly used, boats assigned slips and boats on trailers given priority in the assignment of trailer slots (under Section VI, Section B[a]), must be used at least two times per year. If a boat is not used at least two times per year, the Board can require its owner to remove the boat and/or trailer and deny the owner access to a slip and/or trailer slot in the subsequent year.

V. APPLICATION PROCESS

- A. Assignment of slips, trailer slots and kayak space is an annual process. Assignments are good for one year, beginning on April 1st.
- B. The application form and the Marina Regulations may be printed from the Association's website at riversbendhomeowners.com or requested from the Dock Master at any time in person, by e-mail or by mailing a request to the Dock Master, Rivers Bend Association, Inc., P.O. Box 605, Heathsville, VA 22473. The Dock Master's e-mail address can also be found on the Website.
- C. Application forms for slips, trailer slots and kayak space must be submitted to the Dock Master each year, no later than March 1st. Separate applications must be submitted for each type of request.
- D. Any application from a tenant must include a copy of the written notification transferring rights to use of community facilities from the owner to the tenant.
- E. Each application form must be accompanied by a check or money order, made payable to Rivers Bend Association, covering the user fee applicable to the application. Each application for a slip must also include documentation of the insurance coverage described at Sec. III, D.
- F. All requests received by March 1st will be considered in the annual allocation of marina spaces. Those received after March 1st will be assigned any remaining space available or put on the wait list.
- G. Assignments will be made no later than March 15. The size and draft of a boat will determine which slips the owner can be assigned.
- H. No later than April 1st, checks for assigned spaces will be turned over to the Treasurer for deposit and checks from applicants not assigned a space will be returned to the applicants.
- I. A list of un-successful applicants will be maintained and selected by lottery for slips or trailer slots as they come available and upon payment of the applicable fee.
- J. Any agreements between slip or trailer slot occupants to swap assigned spaces must be provided in writing, signed by the parties involved, and submitted for the Dock Master's approval.
- K. Should a boat owner be required to move their boat due to a change of assignment, they must do so within two weeks. If they are required to vacate their slip or trailer slot as a result of the annual application process they must do so no later than March 31.

VI. PRIORITY

The following process will guide the Dock Master and the Board of Directors in the assignment of slips, trailer slots and kayak/canoe spaces based on applications received by March 1st.

- A. Slips
 - a. Because the marina preempts their ability to have a pier, property owners of waterfront Lots 1, 2, and 9 of Block 3 will be given priority.
 - b. Owners who do not have direct access to the water and intend to use the boat at least two times during the year will be included in a lottery for the remaining slips.

- c. To the extent that there are additional slips available, owners who have direct access to the water, but do not have a pier, and intend to use the boat at least two times during the year will be selected through a separate lottery.
- d. Home renters, to the extent there are slips available.

B. Trailer Slots

- a. Owners who launch and pull their boats at least two times per year will be included in the first lottery.
- b. To the extent there are additional trailer slots available, owners who maintain their boats on trailers will be included in a second lottery.
- c. To the extent there are additional trailer slots available, owners who have a boat in a marina slip or maintained at their own dock will be included in a third lottery.
- d. Home renters, to the extent there are slots available will be included in a fourth lottery.

C. Kayak and Canoe space will be assigned on a first come basis.

VII. VIOLATIONS

- A. Violation of any Rivers Bend marina regulation is grounds for boat and/or trailer removal from the marina area. The owner will be issued a letter ordering such removal upon a majority vote of the Board of Directors and will have 14 days from the date of the letter to do so.
- B. The Association's Board of Directors shall have the power to assess charges against any property owner for violations of the Marina Regulations. An offender shall be given notice in writing to correct the violation in a specified and reasonable time. After such time the offender shall be assessed \$10 per day plus costs and the amount owing shall be treated as an assessment against the owner's lot.
- C. Failure to move a boat or trailer by March 31st, as required by the Dock Master will constitute a violation subject to the charges described in item "VII B."
- D. The property owner is responsible for the repair or cost of repair for any damage to the marina's facilities caused by the member, his family members, tenants, guests or other invitees for whom the member is responsible. Failure to repair the damage within a reasonable time following the incident, or written notification of the required repair, including a reasonable date certain for completion, will result in the Association making the repair and charging the owner. The amount owed for the expenses incurred shall be treated as an assessment against the member's lot following notice to the homeowner.

VIII. DUTIES OF THE DOCK MASTER

- A. The Dock Master, acting on behalf of the Board of Directors, will carry out the following responsibilities for the Rivers Bend marina.
- B. The Dock Master will enforce all the above procedures and regulations. Upon recognizing a problem, he will issue a notice in writing requesting the owner correct the

- violation in a specified and reasonable time. Disputes or un-corrected violations will be submitted to the Board of Directors for resolution.
- C. The Dock Master will implement the annual process for assigning slips, trailer slots and kayak space.
- a. Submit to the Treasurer the information necessary to include in the annual bills sent to all owners an alert regarding the open season for marina assignments.
 - b. Assure that the application form is current and available on the Homeowners' Website.
 - c. Timely respond to all requests for an application form.
 - d. Accept and date all applications.
 - e. Establish a list of all applications received by March 1st based on priority status.
 - f. Assure the eligibility of each applicant.
 - g. In conjunction with two members of the board conduct the lotteries to identify assignees for slips and trailer slots.
 - h. Assign eligible applicants to the appropriate slips, trailer slots and kayak spaces.
 - i. By March 15,
 - i. Notify all those assigned a space of their designated slip, trailer slot or kayak space.
 - ii. As appropriate notify the owner of the requirement to move their boat or trailer from the marina area.
 - j. By April 1st,
 - i. Submit a list of all successful applicants to the Treasurer with their payments for deposit.
 - ii. Notify all un-successful applicants of their place on the wait list and return their deposits.
 - k. The Dock Master shall provide the Board with a diagram of the slips and a diagram of the trailer slots with each assigned space identified by name and boat number. These diagrams shall be delivered by April 15.
 - l. The Dock Master shall maintain a list of all unsuccessful applicants and late applicants based on priority status and date of receipt.
- D. The Dock Master will design a plan to accommodate the most trailerable boats possible in the marina area during the non-boating season from October 1 through March 31.
- E. The Dock Master will obtain from each owner desiring to store their trailer and/or boat in the marina area during the non-boating season a signed agreement allowing the Dock Master to move the trailer as necessary to maximize use of the space and continuing access to the boat ramp.
- F. The Dock Master is responsible for identifying any and all maintenance, repair and replacement issues. Any issues of a substantial nature or requiring the hiring of a contractor shall be brought to the Board for approval. In the event of a substantial issue requiring immediate attention, the Dock Master will request the President call for an ad-hoc meeting of the Board.
- G. The Dock Master will assure that all marina information on the Rivers Bend web site is current.