

# DOCK RULES

(Revised 3/2021)



# Dock Rules

The Governing Documents of the Association give the Board of Directors authority to adopt, publish and enforce rules and regulations over the Common Wharfage Areas (the docks owned by the Homeowners Association).

The following editions of our Common Wharfage Area Regulations were approved by the Board of Directors at its meeting on March 25, 2021 and read into the minutes thereof. These regulations apply to all Trinidad boat slips located in the Common Wharfage Areas.

“Owner” is used throughout to reference the owner of a boat, whether using an “exclusive easement” slip, renting a slip or using a guest slip. The Association is the legal owner of all Common Wharfage Area boat slips. “Owners” are granted an easement for exclusive use of a specific slip, the right to rent a slip via a lease or the right to use a guest slip; they do not own the slip.

“Non-resident” is any person who does not live on Trinidad Island.

## **1. NOTIFICATION OF INTENT TO MOOR IN COMMON WHARFAGE AREA SLIP**

Boat owners (“Owners”) owning an exclusive use easement, renting a slip or using a guest slip shall notify the Board of Directors, through the association's management company, of their intent to dock a boat in a Common Wharfage Area Slip. Prior to docking in such slips, Owners shall furnish, to the Board a copy of the boat's registration certificate; either issued by the Department of Motor Vehicles or the Coast Guard, along with a certificate of insurance naming the Trinidad Island Homeowners Association as an additional insured.

## **2. BOAT SIZE CONTROL**

No boat may be moored in any Common Wharfage Area Slip if the width is such that its sides would simultaneously touch both slip fingers. A bow pulpit that extends over the dock walkway by more than three feet may be unsafe. The Board of Directors reserves the right to determine if any bow pulpit is creating a safety hazard. Boats may not be backed into slips. The association also reserves the right to move a boat if it is creating a serious safety hazard. The Board of Directors' decision will be final.

### **CITY BOAT SIZE RESTRICTIONS**

The City of Huntington Beach has enacted an ordinance that also places limits on the size of boats that may be moored in Common Wharfage Area Slips. Compliance with the Association's rules does not excuse non-compliance with applicable statutes, ordinances, rules, or other restrictions of the City of Huntington Beach or the State of California.

## **3. USE OF COMMON WHARFAGE AREA AND INDIVIDUAL WHARFAGE SLIPS BY NON-RESIDENTS**

No Owner shall permit a non-resident to use, for any purpose, any Common Wharfage Area slip or the Owner's assigned individual Wharfage Area Slip; except that a non-resident may use the Owner's assigned Common Wharfage Slip with the Owner's consent, for a period not exceeding seventy-two (72) hours in connection with a social visit to the Owner's residence

#### **4. PENALTIES FOR THE USE OF COMMON WHARFAGE AREA SLIPS**

The monetary penalty for a violation of the restriction against the use of Common Wharfage Area Slips by an Owner or such Owner's family members, guests, agents, tenants, lessees, licensees, invitees, or assigns (collectively "Owner") shall be in the amount of \$40.00 per day for the entire period of *time* the violation continues. All violators are entitled to a hearing. Contact Association Management for details. Violations resulting in the levy of a monetary penalty are as follows:

- Rental of an Owner's assigned Common Wharfage Area Slip to a non-resident.
- Failure to properly register the Owner's boat with the Association before using a Common Wharfage Area Slip, including the Owner's assigned Slip in the Common Wharfage Area pursuant to Section I above.
- Failure to properly register a guest's boat before the boat moors in the Common Wharfage Area Slip and/or mooring of the boat in the Guest Slip for more than a seventy - two (72) hour period in accordance with Rule 14.
- Allowing a non-resident to moor his or her boat in the Owner's assigned Common Wharfage Area Slip for more than a seventy-two (72) hour period and/or not in connection with a social visit.

The foregoing penalties do not apply in the case of boats moored without an Owner's permission (i.e. the event of trespass) and where the Owner seeks removal of the boat in cooperation with the Board of Directors.

#### **5. BOATS OWNED IN PART BY NON-RESIDENTS**

Boats which are jointly, or otherwise partially, owned by an Owner and a non-resident shall not be moored in Common Wharfage Area Slips; except as expressly authorized under Article V, Section 2(f) of the CC&R's. This section provides for limited non-resident usage of a slip for a period not exceeding seventy-two hours, and for the sole purpose of a social visit to an Owner, whose slip such non-resident is using. Notice in advance must be issued to the Association's management company and the requisite temporary mooring permit issued to the Owner as aforementioned.

#### **6. STORAGE AND USE OF ROW BOATS AND DINGHIES**

Dinghies, rowboats, paddleboards, kayaks and other small watercraft when not kept aboard the Owner's boat may be kept in the water or on a dinghy dock at the head of the boat slip between the dock head-walk and the walkway. No other items may be stored on the dinghy docks including floats, "Lily pads", life vests, buoys or fishing equipment. All proposed dinghy docks must meet the specifications approved by the Dock Committee and Board of Directors. These specifications are available from the Association's management company. The plans must be submitted to the Dock Committee and the Architectural Review Committee in writing for review and comment prior to being installed. Each Committee shall, within a reasonable time, forward their respective recommendations to the Board of Directors for consideration and approval. The Board of Directors' decision shall be final.

## **7. STORAGE ON DOCK SURFACES**

Nothing may be stored on Common Wharfage surfaces, including slip fingers, except in the locker boxes provided with each slip. The Dock Committee or Association management may attach stickers to items on the fingers in violation of this section. These stickers will notify the Owner that the item must be removed by a specific date or the Association will remove the item.

## **8. CARE OF AND ADDITION OF DOCK EQUIPMENT**

Owners and their family members, guests, agents, tenants, lessees, invitees, or assigns (collectively "Owners") are expected to exercise diligence in the care of all dock related equipment, including dock boxes and utility lines. Dock box lids and dock boxes which are lost or damaged because they have not been properly secured, or due to the willful or negligent acts of Owners having the exclusive easement of use to the portion of the Common Wharfage Area on which the dock box is placed; must be replaced at such Owner's expense. Any items that Owners wish to add to the docks such as swim ladders, cleats, solar lights and corner-mount wheel buoys, must first be submitted to the Dock Committee for review and approval prior to making the change. Maintenance and replacement of all added equipment is the responsibility of the Owner.

## **9. CONTROL OF DOGS**

In accordance with city animal control ordinances, dogs must be kept on a leash in all public areas of Trinidad Island, including the Common Wharfage Areas. Additionally, Owners are required to clean up and properly dispose of any dog nuisances left on the Common Wharfage Area and any other Common Area property of the Association.

## **10. FISHING**

In the interest of public safety and sanitation, fishing is prohibited from Common Wharfage Areas. Fishing is permitted, however, from boats moored in slips, provided that bait and fishing gear are not kept or used on the Common Wharfage Area.

## **11. BOAT MAINTENANCE**

All boats are to be maintained in good repair and appearance. Both topside and bottom cleaning must be done regularly. No condition will be allowed on any boat that constitutes a fire hazard or might cause damage to any portion of the docks. Major repairs shall not be made in or on the Common Wharfage Area Slips. Major repairs are defined as, but not necessarily limited to, hull painting, cabin painting, or extensive engine or generator disassembly that results in visible boat parts being left on the boats or docks, or the creation of noise, dust, or chemical spray observable from outside the boat. Spray painting is strictly prohibited. Upon receipt from the Board of Directors' appointed representative, any boat undergoing major repair will be immediately removed from the Common Wharfage Area by the boat owner.

Boat covers, or partial boat coverings, shall be kept in good appearance and made of canvas or vinyl fitted-type materials. Tarps and plastic film (other than being part of the window design) and unfitted, unsnapped coverings are prohibited. Failure to comply with this section will result in the boat owner being assessed. Tenting for the treatment of termites by a licensed California exterminator is acceptable.

The Dock Committee may make recommendations concerning boat maintenance issues, however, the Board's determination of what constitutes major repairs, non-permitted storage, or failure to maintain the Common Wharfage Area in good appearance shall be final in the enforcement of this Section. Oral notification by the Board to the boat owner shall suffice if the Board deems there is a reasonable emergency justifying immediate action. Oral notification shall be later confirmed in writing at a time convenient to the Board.

## **12. VISITORS AND CHILDREN ONDOCKS**

For safety reasons, persons under the age of 12 years are not permitted on Common Wharfage Areas unless accompanied by, and in the immediate presence of responsible adult over the age of 18 years.

Except for tradesmen employed or contracted with the Owners, all other visitors are to be accompanied by the Owner of the exclusive use easement interest over the Common Wharfage Area upon which the visitor is located.

## **13. STEPS**

Portable steps may be kept on a Common Wharfage Area Slip finger provided such steps do not prevent access to any other boat, are lightweight in construction and vented to allow air flow, are not used to store flammable items or goods, are maintained in good appearance as recommended by the Dock Committee and approved by the Board of Directors.

## **14. GUEST SLIPS**

Guest slips are available through the Association's management company for residents of Trinidad Island and their guests at a cost of \$25.00 per day for a period not exceeding seventy - two (72) hours. Management must be notified in advance of any use of guest docks, and owners must obtain temporary mooring permits. Permits are to be visibly tagged on the vessel at all times while moored in the guest slips.

## **15. DAMAGE RESPONSIBILITY**

Owners shall be responsible for the cost of repairing any damage to any portion of the Common Wharfage Area caused by the willful or negligent conduct of such Owner, or such Owner's family members, guests, agents, tenants, lessees, invitees, or assigns (collectively "Owners"); are expected to exercise diligence in the care of all dock related equipment, including, unless such damage is the result of ordinary wear and tear that is not attributable to the size of the boat (i.e. oversized) moored in the damaged slip. Owners are also responsible for cleaning any mess or debris left on any portion of the Common Wharfage Area by such Owner, or such owner's family members, guests, tenants, lessees, licensees, agents, invitees, or assigns. The cost to repair damage to the Common Area shall be levied on the responsible Owner in the form of a

special assessment. Failure to pay the special assessment in a timely manner shall result in the recordation of an assessment lien against the Owner's Lot, enforceable by non-judicial or judicial foreclosure.

## **16. REPLACEMENT GATE KEY**

Replacement dock gate keys are available from the Association's management company upon request and receipt of the replacement cost of \$25.00.

## **17. RIGHT TO HEARING**

The Owner's Right to Hearing will be observed. Violators will be informed of the date and time of the hearing to explain why the penalties should be halted/waived. If the Owner makes no appearance, and the violation continues uncorrected, the matter may be referred to legal counsel by the Board of Directors for enforcement at the Owner's expense. If the violation is serious and remains uncorrected for a significant period of time, the Association may have no choice but to file a lawsuit for an order compelling compliance, and, in that event, the Owner may be held responsible for the fees and costs incurred by the Association.

## TRNIDAD ISLAND HOMEOWNERS ASSOCIATION

### Amendment to Dock Rules

The following is the resolution presented and adopted amending the Dock Rules at the September 15, 2005 Board of Directors Meeting:

"Hydro-hoists and bottom liners are not permitted in the common wharfage areas. Existing ones that are in compliance, are "grandfathered." When the right to use the slip is sold, any installed hoist or liner must be removed.

California Civil Code-1357.130

- (a) The Board of Directors shall provide written notice of a proposed rule change to the members at least 30 days before making the rule change. The notice shall include the text of the proposed rule change. Notice is not required under this subdivision if the Board of Directors determines that an immediate rule change is necessary to address an imminent threat to public health or safety or imminent risk of substantial economic loss to the Association.
- (b) A decision on a proposed rule change shall be made at a meeting of the Board of Directors, after consideration of any comments made by association members.
- (c) As soon as possible after making the rule change, but no more than 15 days after making the rule change, the Board of Directors shall deliver notice of the rule change to every association member. If the rule change was an emergency rule change made under subdivision (d), the notice shall include the text of the rule change, a description of the purpose and effect, and the date the rule change expires.
- (d) If the Board of Directors determines that an immediate rule change is required to address an imminent threat to public health or safety, or an imminent risk of substantial economic loss to the association, it may make an emergency rule change; and no notice is required, as specified in subdivision (a). An emergency rule change is effective for 120 days, unless the rule change provides for a shorter effective period. A rule change made under this subdivision may not be readopted under this subdivision.
- (e) A notice required by this section is subject to Section 1350.7.

Adopted September 15, 2005