

## **SUMMARY OF PROPOSED REVISIONS TO HMC MANAGEMENT RULES**

### **January 11, 2013**

**Note:** This document is intended only as a summary of certain proposed revisions to the Rules of HMC Management and does not reflect contemplated changes to the complaint procedures found in the Rules – those changes will be proposed in a separate document. This document is not intended to set forth in detail each and every change that is being proposed. Please review the proposed Rules for greater detail of all changes.

#### **General**

- Adds a Definitions section.
- Adds statutory, regulatory, and other references (such as Bylaws and Policies) where applicable.
- Clarifies assignment of classes to violations.
- Attempts to use clear and consistent language and references throughout.
- Removes extraneous “informational” language.
- Restructures Rules sections to contain introduction, class of violation, and the Rules themselves.
- Removes portions that are better stated as Policies of HMC Management – several of these have already been adopted as such.
- General rewording throughout the Rules.

#### **Introduction**

- Restates and clarifies authority and intent of the HMC Rules.

#### **Mainland Property**

- Clarifies parking restrictions and available remedial measures.

#### **Ferry, Ferry Docks, and Ferry Users**

- Removes some administrative discussion (already found in Ferry Access Policy).

#### **Island Roads**

- Expands right of way requirements.
- Clarifies parking restrictions.
- Clarifies Members’ obligations to maintain ditches, culverts, and property alongside roads.
- Adds prohibition on trimming or removal of trees on HMC property.
- Removes definitions (now found in Definitions section).

#### **Community Building**

- Removes administrative discussion (moved to Policy).

#### Parks, Beaches, North Beach Marina, and Other Common Areas

- Revises the time limits (*i.e.*, the “24 hour Rule”) for docking of boats at the North Beach Marina and use of other related Parks areas.
- Adds notices to Members regarding assumption of risk in use of Parks facilities.
- Removes restriction on hours for use of Parks.
- Removes reference to restriction on noises and unruly behavior in Parks (these restrictions are already set forth in other places in the Rules).
- Clarifies parking restrictions, including overnight parking.
- Expands scope of prohibition on overnight camping.
- Adds prohibition on dumping of trash and personal items in Common Areas.
- Clarifies restrictions on mooring and storing boats and other personal watercraft at the North Beach Marina or on Parks beach areas.
- Adds prohibition on disposing of smoking materials at the North Beach Marina.

#### Fire Prevention

- Restates prohibition of fireworks on Herron Island.
- Removes some administrative discussion.

#### Conduct of People and Pets

- Expands and better defines the scope of Members’ responsibility for the conduct of other people.
- Restates and clarifies Rules regarding trespass onto property belonging to other people.

#### Public Disturbance and Public Nuisance Noise

- Adds and clarifies noise restrictions.

#### Water and Sanitation

- Updates Rules to reflect installation of new metered Island Water System.
- Adds requirements for certification of Recreational Vehicles.
- Adds reference to Pierce County Code regarding on-site sewage disposal systems.

#### Firearms and Wildlife

- Restates and expands Rules prohibiting discharge or use of lethal weapons on the Island.
- Clarifies exceptions to prohibitions.

#### Damages to HMC Property

- New section.

#### Limitations on Business Use of Property

- Deleted – provisions already found in Bylaws.

# **HERRON ISLAND RULES**

**DRAFT PRINTED 01/11/13**

## INTRODUCTION

Herron Island is a unique place. The Island is privately owned, with no public access, and is managed by HMC Management, a non-profit organization referred to in this document as “HMC.” Our ferry, the Charlie Wells, provides transportation to and from the Island for property Owners, Tenants, Guests, HMC employees, service, utility, and emergency vehicles. Most of the Island’s area consists of lots owned by individual property Owners. The remainder consists of Common Areas such as parks, roads, parking areas and a few individual lots, all of which are owned by HMC. A Board of Directors (Board), the Island Manager under the direction of the board, controls and manages the assets and business affairs of HMC for the benefit of its Members.

Herron Island is a special place in other ways as well. The water, the beaches, the woods and wetlands, the open spaces, and the view of the mountains and Case Inlet make it a place of great natural beauty. The deer are a delight to residents and visitors alike. Birds and marine life can be observed in their natural habitat. Fishing, boating, sailing, water skiing, and other water sports are enjoyed by many. Most of the property Owners were first attracted to the island by these qualities and the quiet, peaceful environment. These are characteristics which we all wish and intend to preserve and maintain.

Your HMC Board has adopted the Rules that follow in order to maintain our quality of life, serve the common good of the island community, and guide the conduct of all island residents and visitors. *Please take a moment to familiarize yourselves with them, and comply with them during your visit to and/or stay on the island.*

**I. AUTHORITY AND INTENT OF THE HMC MANAGEMENT (HMC) RULES****A. Authority**

Article 16 of the HMC Bylaws gives the Board and the Membership the responsibility and the authority to adopt and amend reasonable rules to insure compliance with or supplement the Bylaws and to regulate the use, occupancy, and maintenance of the Common Areas for the common good of the Owners. These Rules are to be interpreted consistently with Pierce County, Washington State, Federal, and all other applicable laws, and with the HMC Bylaws and Articles of Incorporation. When adopted or amended, Rules and Policies are binding upon all Owners, Residents, and Guests.

The Pierce County Sheriff and Fire Departments maintain the same jurisdiction, authority, and responsibility for law and fire enforcement on Herron Island as they do throughout the rest of Pierce County. This includes responses to calls for assistance and periodic visits to Herron Island. Additionally, the Pierce County Planning & Land Services Department and the Tacoma-Pierce County Health Department also have authority over land use, construction, water purity, and septic issues.

**B. Intent**

The Board's intention is to establish only Rules that are necessary:

1. and appropriate in regard to the use, care, operation, maintenance, and preservation of HMC Common Areas and facilities;
2. for the health, safety, and welfare of Members, Tenants, Guests, and HMC employees;
3. to preserve the rights of Members in the use and enjoyment of their property and/or island facilities, and to prevent infringement of these rights by others;
4. to serve the common good of the Herron Island community;
5. to guide the conduct of Members, Tenants, Guests, Contractors, and HMC employees;
6. to provide a process for lodging complaints, enforcing the rules, and appealing actions taken in their enforcement; and
7. to provide sanctions for violations.

## II. DEFINITIONS USED IN THESE RULES

As used in these Rules, certain capitalized terms and phrases shall have the meanings assigned in this Section.

To the extent that they are not inconsistent with the terms and phrases defined below, and to the extent they are not otherwise defined herein or clear by the context in which they are used in these Rules, the terms and phrases as set forth in the Second Amended and Restated Bylaws of HMC Management, F/K/A Herron Maintenance Co., recorded May 20, 2005, under Auditor's File No. 200505200134 in Pierce County, Washington, as amended (the "HMC Bylaws") shall be incorporated herein by this reference.

**Active Use of Boats:** Daily use of your boat. Examples of Active Use: A spin around the island; boating over to the mainland or out into an inlet.

**Association or HMC (Bylaw 1.6.6.):** HMC Management, a non-profit corporation formed under the laws of the State of Washington composed of all of the Owners acting as a group in accordance with the Governing Documents, and any successor non-profit corporation or unincorporated association.

**Board or Board of Directors (Bylaw 1.6.7):** The Board of Directors of HMC Management.

**Common Areas (Bylaw 1.6.11):** All real property owned or leased by HMC, all facilities owned and/or operated by HMC, including without limitation the ferry boat, and any additional real property hereafter acquired by HMC for the benefit of the Owners. Common Areas include but are not limited to the Mainland Property, ferry docks, Herron Island roads, the Community Building, North Beach Park, Goodpastor Park, South Community Beach, and the trail leading to the South Community Beach.

**Common Areas Structure (Bylaw 1.6.12):** Any building or improvement located on the Common Areas.

**Complainant:** The person who files a written complaint against another person for the alleged violation of a Rule or provision of the Bylaws.

**Contractor:** A person or Company (Service Provider) authorized by HMC Management or a Member in Good Standing to perform work on the island on behalf of HMC Management or the Member in Good Standing.

**Dolphin:** A group of pilings used as a fender.

**Guest (Bylaw 1.6.19):** A person who has been authorized by a Member in Good Standing or a Tenant of a Member in Good Standing to visit the Island and use Common Areas, as evidenced by a valid Guest pass.

**Holiday Weekends:** Memorial Day, Fourth of July, and Labor Day weekends.

**Island Manager** (Bylaw 1.6.28): The person employed or retained by the Board under a written agreement between that person and HMC to perform those management and administrative functions and duties delegated to that person with respect to HMC and the Community.

**Mainland Property** (Bylaw 1.6.25): The pier and parking lot owned and/or leased by HMC on the Key Peninsula at Herron, Pierce County, State of Washington, situated in Section 28, Township 21 North, Range 1 West, WM.

**Member** (Bylaw 1.6.29): Synonymous with the term "Owner."

**Off-Road Vehicle (ORV)**: Reference: RCW 46.04.365. A non-street-registered vehicle when used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain. For the purpose of these Rules, "Off-road vehicle" or "ORV" includes, but is not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, golf carts, and dune buggies.

**Owner** (Bylaw 1.16.33): The person or persons who hold Record title to any Lot in fee, but excluding in all cases any person holding an interest merely as security for the performance of an obligation. In the case of a Lot which has been sold under a Recorded real estate contract, the term excludes the fee owner or owners and includes the contract purchaser or purchasers. The use of the term "Owner" in the singular throughout the Bylaws and these Rules in the context of the ownership of a single Lot or Assessable Unit specifically includes the plural where applicable.

**Respondent**: The person against whom a written complaint is filed.

**Rules** (Bylaw 1.6.42): The rules and regulations adopted by the Board or by a Majority of Owners as provided in Article 16 of the Articles of Incorporation.

**Sand Bar**: The end of the northeast tip of the island.

**Small Boats**: Boats that can be lifted and carried by one or two people, such as kayaks, canoes, and small sailboats and rowboats, that can easily be stored on land, rather than on a dock.

**Tenant** (Bylaw 1.6.44): A tenant, lessee, renter, or other non-Owner occupant of a Lot who does not co-occupy the Lot with an Owner.

**Valid Guest Pass**: A small form obtained from the HMC Office, completed and signed by a Member, Tenant, roommate, or co-habitant in good standing whose name does not appear on the delinquent list, and which includes the Membership number. Trades and service persons on official HMC business must have a Guest pass signed by a Board member or the Island Manager.

**Valid HMC Sticker**: A vehicle, trailer, boat or other current HMC-issued sticker that can be read through the owner's windshield or on the owner's trailer, boat, or other vehicle. (If it is not readable it is not valid). The sticker must be current and affixed to the inside of the windshield, driver's side, lower corner.

**Violation** (Bylaw 1.6.46): Any default by an Owner, Tenant, or other Resident under the Governing Documents, and any failure of an Owner, Tenant or other Resident to comply with any requirement or restriction of the Governing Documents or a decision of the Board adopted pursuant to the Governing Documents, including a decision made after any hearing required or permitted under the Governing Documents.

### **III. RULES**

#### **A. Mainland Property**

The provisions of this subsection apply to the HMC property located adjacent to the mainland ferry dock south of the ferry access road that is used primarily for parking. Parking on that property is at the vehicle owner's own risk.

Parking on the Mainland Property is limited to vehicles belonging to HMC Members, Tenants, Guests, or employees, and to government, commercial, utility, or other vehicles whose drivers and passengers are visiting the island in connection with legitimate island business. Please lock your vehicles, and do not leave valuable items in them. Be aware that this parking lot sometimes floods during high tides!

**Violation of any Rule in this subsection is a Class C violation.**

- A-1** Vehicles may not be parked on the Mainland Property for longer than 72 hours without prior written approval from the Board or the Island Manager. Vehicles left on the Mainland Property for longer than 72 hours without prior written approval are subject to being towed at the vehicle owner's expense. Approval for parking for longer than 72 hours will not be granted over Holiday Weekends.
- A-2** Cars, trucks, RVs, or motor homes parked on the Mainland Property and belonging to Members, Tenants, or HMC employees must display a valid HMC sticker, affixed on the lower driver's side corner of the windshield. Cars, trucks, RVs, or motor homes parked on the Mainland Property and belonging to Guests must display the stub of the Guest pass on the dashboard of their vehicle.
- A-3** Construction material and personal property may not be stored on the Mainland Property without prior written approval from the Board or the Island Manager. Such approval will not be granted over Holiday Weekends.
- A-4** Garbage or debris of any kind may not be left on the Mainland Property, including inside the portable toilet(s). In addition to any fine that may be imposed, the actual cost to clean up any garbage or debris left on the Mainland Property will be assessed against the person(s) responsible for leaving the garbage or debris.



**B. Ferry, Ferry Docks, and Ferry Users**

The ferry and ferry docks are owned by HMC and are operated for the private use and benefit of Members and their Tenants and Guests, utility and service Contractors, and HMC employees. *At all times, the safety of passengers and crew is of paramount importance.*

HMC Management has adopted a Ferry Access Policy, which discusses vehicles, walk-ons, boarding, valid HMC vehicle stickers, Guest Passes, and denial of ferry privileges; this Policy can be found on the HMC Management website at [www.herronisland.org](http://www.herronisland.org). Ferry rates, schedules, low-tide ferry cancellations, holiday restrictions, and additional information can also be found on the HMC website, as well as in the Beachcomber; and in handouts available from the ferry crew or HMC Office.

If you encounter a verifiable road closure on the Key Peninsula Highway or Herron Road that would cause you to miss the last ferry of the day, you may call the ferry cell phone at (253) 691-1457.

**Authority of the crew:** The ferry crew has complete authority in enforcing all HMC Rules, Coast Guard regulations, other maritime and/or admiralty laws, and such other measures as are necessary to ensure safe and efficient operation of the ferry and docks. (46 CFR 185).

The crew and the Island Manager (to whom the crew reports) have the authority to take immediate action against an alleged violator, including removing the alleged violator from the ferry, calling law enforcement, filing a request for the issuance of a Temporary Restraining Order, or filing a formal Complaint.<sup>1</sup>

**Violation of any Rule in this subsection is a Class A violation.**

- B-1** Ferry users must explicitly follow all instructions and directions given by crew members.
- B-2** Ferry users must not argue with and/or obstruct the crew in the performance of their duties. The Captain's decision and direction in any matter involving the ferry is final.
- B-3** Ferry users are not permitted to be on foot on the car deck while the ferry is loading and unloading. Unloading commences when a crew member begins to take down the safety line (rope) and barrier nets as the ferry approaches the dock. Loading is deemed to be complete when the ramp gate is closed.
- B-4** Once a vehicle is positioned on deck, the driver of that vehicle shall apply the parking brake fully and immediately shut off the engine. The driver shall not start the engine again until instructed to do so by a crew member.

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<sup>1</sup> Members who wish to file a complaint against a crew member should do so directly to the Island Manager when the circumstances of the complaint are directly related to the crew member's conduct on the job.

- B-5** Drivers shall not use cell phones, laptops, or other electronic devices while driving onto or off the ferry.<sup>2</sup>
- B-6** Ferry users shall not smoke or consume alcoholic beverages while driving or walking onto or off the docks and ferry, or while on board the ferry.
- B-7** While driving on and off the ferry, drivers shall not carry a child, pet, groceries, or any other distraction on his or her lap or otherwise do anything that would cause the driver to be distracted from giving his or her complete attention to the crew's instructions or allow conduct within his or her vehicle that would cause the driver to be so distracted.
- B-8** No one except crew members or the Island Manager shall enter the wheelhouse or engine room of the ferry unless they are on an authorized mission or business purpose with the Captain's prior permission.
- B-9** Foot passengers:
- a. under the age of 13 must be under adult supervision at all times when on board, boarding, or leaving the ferry. If requested, a crew member may agree to provide this supervision.
  - b. aged 13 through 17 who are not accompanied by an adult must stay in the passenger cabin at all times until a crew member advises them that they may leave the cabin.
  - c. under the age of 18 who are accompanied by an adult are allowed on the ferry deck under the same conditions as adults only when the accompanying adult is present on the deck with the under 18 passenger(s).
  - d. who are on the deck shall remain behind the yellow safety line that is in place across the deck end(s). Note: the stern safety line (rope) is not always up because of oversized vehicles.
- B-10** Ferry users may not sit on the bulwarks (deck side rails), lean over rails, especially near the dolphins, or reach out to touch dolphins or pilings while the ferry is moving.

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<sup>2</sup> References: RCW 46.61.667 - Using a Wireless Communication Device While Driving; RCW 46.61.668 - Sending, Reading or Writing a Text Message While Driving

**C. Herron Island Roads.**

**Except as indicated, violation of any Rule in this subsection is a Class B violation.**

- C-1** Except as otherwise set forth in these Rules, all persons operating motorized vehicles on Herron Island roads must do so in compliance with all of the requirements of the State of Washington Rules of the Road (Chapter 46.61 RCW) that are applicable to the operation of motorized vehicles on public highways. Failure to operate a motorized vehicle in compliance with the State's Rules of the Road will also be a violation of these Rules.
- C-2** Drivers must have a valid driver's license for driving any type of motorized vehicle (e.g., golf cart, All Terrain Vehicle, motorbike) on the paved portion of Ferry Road and for driving onto and off the ferry on both the mainland and island. (Class B). Drivers shall not carry a child on their lap for any purpose while driving in these areas. (Class A).
- C-3** Drivers shall not operate their vehicles at a speed in excess of 15 mph on Herron Island roads. Members shall inform their Guests of this speed limit and its importance for the safety of pedestrians and other vehicle operators, for dust control, and for the protection of children, pets, and wildlife.
- C-4** Drivers of motor vehicles must yield the right of way to non-motorized vehicles (including bicycles), pedestrians, and animals (including deer and domestic pets).
- C-5** All motorized vehicles operated on Herron Island roads must prominently display a valid HMC sticker or a valid Guest pass on the dashboard or, in the case of motorcycles, on the front fender.
- C-6** All vehicles operated on Herron Island roads must comply with the noise restrictions contained elsewhere within these Rules.
- C-7** Vehicles shall not be parked on Herron Island roads or on HMC rights-of-way (Class C). Vehicles that are parked upon and/or blocking Herron Island roads or HMC rights-of-way are subject to towing and removal from the island at the vehicle owner's expense.
- C-8** ~~Vehicles left on the island-side ferry parking area for longer than 72 hours without prior written approval from the Board or the Island Manager are subject to being towed at the vehicle owner's expense.~~

**C-9** Ditches and Culverts

a. Owners shall maintain ditches and culverts between their property and the maintained roadway to keep them flowing freely and to prevent erosion and flooding (Class C). Work done by property Owners to keep roadside ditches and culverts clean does not require a permit or permission from HMC.

b. Ditches may not be covered over and culverts may not be installed without the prior written approval of the Board or the Island Manager after the submission of plans for the work.

**C-10** Owners who desire to do work or have work done on Herron Island roads or within any HMC-owned road right-of-way, other than maintaining ditches and culverts per Rule C-9, and whether the work is done on part of the maintained roadway or not, must first obtain written approval from HMC, as evidenced by an Encroachment Permit (HMC Form 11), available from the HMC Office.

**C-11** Owners shall keep tall dry grass on the roadside between their property and the maintained roadway clean and trimmed. If an Owner does not maintain the grass clean and trimmed, HMC may perform the maintenance and charge the Owner for the work. (Class C)

Note: Failure to keep grass trimmed could create a fire hazard; a cigarette improperly disposed of in the grass can easily start a fire.

**C-12** No one shall place a sign or signs on Herron Island roads or rights-of-way without prior written approval from the Board or Island Manager. (Class C). HMC may remove all unauthorized signs.

**C-13** No one shall remove or trim trees on any portion of the HMC right-of-way without prior written approval from the Board or Island Manager. (Class A).

**D. Community Building**

The provisions of this subsection apply to the Community Building located at the northwest corner of Goodpastor Park, which is used for HMC meetings, group activities and events, and which houses the Fire Station and the HMC Office. ***The Community Building is also the meeting site in case of island-wide disasters.***

**Violation of any Rule in this subsection is a Class C violation.**

- D-1** Only fire district personnel and qualified firefighting volunteers operating under the direction of fire district personnel are authorized to operate the engine and equipment. In order to accommodate HMC meetings, group activities, and events, however, the fire truck may be moved in and out of the building by persons designated by Fire District No. 16.
- D-2** Smoking is not permitted in the Community Building or within 25 feet of any entrance to the Community Building. Smokers who smoke outside the Community Building must properly extinguish and dispose of spent smoking material and matches.

**E. Parks, Beaches, North Beach Marina, and Other Common Areas**

This section applies to all Island parks and Common Areas dedicated to the recreational use of and enjoyment by Members, Tenants, and Guests. These include such areas as the North Beach Park, Goodpastor Park and associated wetlands, the undeveloped South Beach, and the undeveloped Nature Park.

The North Beach Park is located on the northeast corner of the Island, and includes the North Beach Marina (available during the summer months), a boat launching ramp, a designated swimming area, a picnic shelter with associated tables, benches and barbecue sites, a playground area, a single designated fire pit, an area for horseshoe pitching, and portable toilet facilities. On this beach, Members, Tenants, and Guests may picnic, beach comb, fish, dig clams, and catch crabs.

The North Beach Marina, launch, and beach areas are private property owned and maintained by HMC for the exclusive use and benefit of Members and their Guests. The privilege of using the North Beach Marina, launch, and beach area is conditional upon compliance with the terms of these Rules and any instructions posted by HMC.

Goodpastor Park is located near the center of the Island and has playground equipment, a basketball court, a baseball field, wetlands, and an open field sports area for games such as volleyball.

The Nature Park is undeveloped and is located south of the Community Building on West Yew Blvd.

The South Beach Park is an undeveloped area located at the south end of the Island, and connects by trail to South Herron Blvd. at the southwest corner of the Island. On this beach, Members, Tenants, and Guests may picnic, beach comb, swim, fish, dig clams, and catch crabs. The sand spit and the lagoon at the northwest end of the South Beach are private property.

**ANY PERSON SWIMMING IN THE WATERS SURROUNDING HERRON ISLAND, USING THE NORTH BEACH MARINA, OR USING ANY OF THE COMMON AREAS ON HERRON ISLAND DOES SO AT HIS OR HER OWN RISK.**

**Violation of any Rule in this subsection is a violation of the Class indicated within the Rule.**

- E-1** Motor vehicles may not be operated on park beaches, trails, lawns, or playfields, with the exception of lawn mowers or construction equipment as authorized in advance by HMC. Motor vehicles are prohibited in all park areas except those areas designated for parking. (Class A).
- E-2** Motor vehicles may not be parked within Herron Island Parks parking lots for longer than 72 consecutive hours. Motor vehicles left in Herron Island Parks parking lots for longer than 72 consecutive hours are subject to being towed at the vehicle owner's expense. Motor vehicles may not be parked overnight in Herron Island Parks parking lots on Holiday Weekends or overnight on the evening of July 4th. (Class B).

- E-3** Boat trailers may not be parked overnight within any HMC Common Area from Thursday through Sunday night, but must instead be returned to a Member's property for overnight storage. Boat trailers may not be parked at any time within any HMC Common Area on Memorial Day weekend, Labor Day weekend, or after 6:00 pm on the evening of July 4<sup>th</sup>. (Class B).
- E-4** Overnight camping of any type is prohibited in all parks and Common Areas. This includes overnight camping in RVs, fifth-wheels, or in any other vehicles. (Class C).
- E-5** Beach gravel or sand may not be removed from Common Areas. (Class B) (Note: The Washington Shoreline Management Act also governs the removal of sand and gravel from any beach.)
- E-6** Members, Tenants, and Guests must maintain Common Areas in a clean and orderly manner and place litter in designated containers or take it away when leaving any Common Area. (Class B).
- E-7** Except as otherwise stated in these Rules, personal property (property not belonging to HMC) may not be stored or left unattended in parks or other Common Areas for more than twenty-four (24) consecutive hours. (Class B).
- E-8** Dumping of personal items is prohibited in all Common Areas. (Class B). This prohibition also applies to leaving items with a "free" sign on them.
- E-9** Dumping of trash of any kind into the HMC portable toilet facilities or onto any Common Area is prohibited. (Class B).
- E-10** No structures may be erected or signs posted in Common Areas without prior written authorization by the Island Manager or Board. (Class C).
- E-11** Swimming is prohibited in the vicinity of the North Beach Marina and in the boat launching area. (Class C). Swimming at the North Beach Park and surrounding areas is allowed only in the area(s) designated by float lines. (Class C).
- E-12** Water skiing and jet skiing is prohibited in the vicinity of the North Beach Park boat launch and the North Beach Marina, and within swim areas. (Class B). Note: Water skiers and jet skiers are encouraged to use the area extending southward from the Sand Bar.
- E-13** No watercraft may be used within the North Beach Park swim area(s) designated by float lines, except for personal "watercraft-style" flotation devices for use by small children. (Class A).
- E-14** All Member boats must have a valid HMC sticker prominently posted near the operator's station or the bow. (Class C). Member boat trailers must also display a valid HMC sticker in a prominent location near the trailer's tongue. (Class C). Any Guest boat using the North Beach Marina must display a valid Guest pass in a prominent location so it is visible from the dock. (Class C).



**E-15** Vessels and personal watercraft shall not be operated at a speed in excess of 5 knots (roughly 5 mph) (no wake) unless they are being operated beyond any no-wake buoy markers or greater than 300 ft. beyond the North Beach Marina, launch, or beach areas. (Class B).

**E-16** Vessels and personal watercraft may not be tied up to community pilings or dolphins (Class C).

**E-17** North Beach Marina.

a. Boats 32 ft. in length or less may load, unload, and/or moor at any dock at the North Beach Marina. Boats exceeding 32 ft. in length may not use the North Beach Marina except as set forth below. (Class B).

b. Boats of any length may use the designated load/unload zone for a period of no more than one (1) hour. (Class B).

c. Boats may only be docked at the North Beach Marina (in any location) for a continuous period of no more than twenty-four (24) hours on Thursday through Sunday and on July 4<sup>th</sup>. (Class B). This Rule shall not apply during any period of time during which the ferry is out of service.

*Example of Permissible Use:* Daily use of your boat, including a spin around the island, or boating over to the mainland or out into an inlet.

*Example of Impermissible Use:* Tying one's boat at the North Beach Marina and moving it from spot to spot without ever using the boat, or placing a boat on the dock and leaving it there day after day without any Active Use.

d. Only one boat per Membership (including Guests of Members) may be moored at the North Beach Marina at any one time. (Class B). This restriction does not include boats using the designated load/unload zone. Fires of any sort, including grills, barbecues, and fireworks, are prohibited at the North Beach Marina. (Class A). When on the docks at the North Beach Marina, use extreme caution when lighting cigarettes, cigars, pipes, etc.

e. Smokers shall not dispose of spent smoking materials (*e.g.*, cigarette butts) at the North Beach Marina or in the water. (Class C). Smokers must remove their spent smoking material from the North Beach Marina. (Class C).



**E-18** Boat Moorage and Storage at North Beach Park (other than at the North Beach Marina)

Storage of small boats on HMC property is at the boat owner's own risk. HMC is not responsible for any boats stored on HMC property.

- a. Between April 1<sup>st</sup> and September 30<sup>th</sup>, Members may only store actively used small boats on the beach along the eastern waterfront of the North Beach Park that lies between the south boundary of the Park and the location of the southernmost bench on the waterfront. Small boat storage is prohibited in other areas of the North Beach Park. (Class B). To provide more space for all boaters, boaters should store their small boat perpendicular to the shoreline.
- b. Between October 1<sup>st</sup> and March 31<sup>st</sup>, Members may not store small boats on the beach at the North Beach Park. (Class B).
- c. Throughout the year, boats may be moored using mooring or anchor lines along the waterfront in the area extending southward from the Sand Bar along the east side of North Beach Park. Such moorage is prohibited in other areas of North Beach Park. (Class B).
- d. During the period in which the North Beach Marina floats are removed from the water and stored at the North Beach Park, boats may also be anchored along the waterfront in the area between the Sand Bar and the boat launch. Small boat storage on the North Beach Park lawn or in the North Beach Park parking lot is prohibited. (Class B).

**F. Fire Prevention**

Island property is particularly susceptible to damage from uncontrolled fires because of our extensive wooded areas and limited fire protection facilities. Therefore, it is extremely important that proper precautions be taken with any fire on the Island, especially open fires, including but not limited to adherence to the following Rules.

**Violation of any Rule in this subsection is a Class A violation.**

- F-1** Everyone must comply with all requirements and restrictions on open fires imposed by the State of Washington and Pierce County. Note: This information can be obtained by calling the Fire District No. 16 headquarters at Key Center at (253) 884-2222, or from the following websites:

Key Peninsula Fire Department - [www.keypeninsulafire.org](http://www.keypeninsulafire.org)

Pierce County Fire Marshal - [www.co.pierce.wa.us/pc/abtus/ourorg/dem/fireprev.htm](http://www.co.pierce.wa.us/pc/abtus/ourorg/dem/fireprev.htm)

- F-2** Everyone must comply with all additional requirements and restrictions imposed by the Board during critical fire danger conditions. Note: Given the special conditions and inaccessibility of the island, the Board has the authority to declare a burn ban that is more strict than one imposed by the State or County. In fact, the Island may be subject to a burn ban even if the rest of Pierce County does not have a burn ban in effect.

- F-3** Any necessary fire permits must be obtained from Pierce County Fire District No. 16 prior to initiating an open fire.

- F-4** All open fires must be completely extinguished before leaving the immediate area.

- F-5** **FIREWORKS ARE PROHIBITED ON HERRON ISLAND.**

*Exception:* Legal fireworks are permitted at the designated area at the North Beach Park between dusk and midnight on the Fourth of July only.

- F-6** Fires are prohibited on South Beach and at the South Beach Park. Open fires are prohibited in other Island parks and other Common Areas unless specifically authorized in advance by the Board or the Island Manager or when confined to the community fire pit at North Beach Park.

**G. Conduct of People and Pets**

Members are responsible for the conduct of their family members, Tenants, Guests, Contractors, and pets while on the island or other HMC property. All federal, state, and county laws apply on the Island as they would elsewhere in Pierce County and Washington State. Any person who poses a threat to the health, safety, or well-being of any other person, pet, wildlife, or property on the Island or to the property of HMC may be subject to civil lawsuit or criminal prosecution as applicable. In addition, any non-Member or pet that poses a threat to the health, safety, or well-being of any other person, pet, wildlife, or property on the Island or to the property of HMC may be expelled or banned from the Island by action of the Board.

A long-standing custom on Herron Island has been to allow any Member, Tenant, or Guest to walk along any part of the Island's beach area. Other uses of the private beaches or hillsides, such as digging clams, picking oysters, picnicking, etc., are strictly forbidden without the specific permission of the Owners of those properties. Any such use without Owner permission may constitute a trespass onto private property.

Trespassing onto private property is prohibited by State and County law; please respect private property. Owners may call law enforcement or file a civil lawsuit in response to trespassing violations or in response to vandalism, etc., of real or personal property. HMC does not enforce or intervene in matters involving trespass onto private property or vandalism of real or personal property except to the extent that such trespassing or vandalism involves or affects property owned by HMC. HMC does not enforce these types of matters between Owners.

**Violation of any Rule in this subsection is a violation of the Class indicated within the Rule.**

- G-1** No one shall destroy, vandalize, or otherwise damage any HMC property or facilities on Herron Island in any way. (Class A). Examples include but are not limited to graffiti and driving on the beach or in park areas other than those designated for parking. In addition to the remedial actions set forth in these Rules, HMC may prosecute alleged perpetrators to the full extent of the law. Rule K (Damages to HMC Property) may also apply.
- G-2** No one shall disrupt an official HMC meeting or HMC office operations in such a way that prevents business from being conducted in a safe or efficient manner. (Class A). Note: State law allows HMC Members to attend open Board meetings as observers, and the Board has traditionally encouraged courteous, polite comments and questions from Members at Board meetings.
- G-3** Owners must either arrange garbage pick-up service or remove their trash and garbage when they leave the Island. (Class B).
- G-4** No one shall deposit their household trash/garbage in HMC garbage receptacles or in HMC areas or right-of-ways. (Class B). No one shall burn trash or garbage on the Island. (Class B).

- G-5** Dog owners must maintain control of their pets on all property of the Island, in both private properties and Common Areas, so that the pets cause no harm and are not a nuisance to wildlife and people. (Class B). Dog owners must “scoop their dog’s poop” and dispose of it with their own trash. (Class C).

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**H. Public Disturbance and Public Nuisance Noise**

Noise pollution disrupts the peace and serenity of our surroundings, impacts our quality of life, and depresses the value of our properties. Please be considerate of your neighbors on the Island.

The Pierce County Code makes unlawful any excessive continuous or intermittent noises that interfere with the use, value, and enjoyment of property, and which pose a hazard to the public health, safety, and welfare. Pierce County Code § 8.72.090 defines Public Disturbance Noise and, in part, prohibits frequent, repetitive, or continuous sounds made by any animal or machinery, vehicles, and sound amplifiers that “unreasonably disturb or interfere with the peace, comfort, and repose of property Owners or possessors.” Pierce County Code § 8.72.100 defines Public Nuisance Noise, and prohibits “any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of the damage may be unequal.”

**Violation of any Rule in this subsection is a Class B violation.**

- H-1** No one shall emit or cause to be emitted any noise of any nature that can be heard beyond a Member’s Lot between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday or between 11:00 p.m. and 8:00 a.m. on Friday and Saturday. Examples of such noises include: loud voices or music, barking dogs, noise from construction equipment and construction activity, and noise from vehicles, chain saws, lawn mowers, and other yard and garden equipment. *Exception:* Board sanctioned activities, such as annual Fourth of July activities at North Beach Park.
- H-2** No one shall emit or cause to be emitted at any time any Public Disturbance Noise (PCC § 8.72.090) or Public Nuisance Noise (PCC § 8.72.100).

**I. Water and Sanitation**

The Island's water supply is a valuable and limited resource. Conservation must be practiced; please avoid unnecessary use of water. Additionally, repair leaks on your water lines as soon as they are detected, and promptly report leaks on the Herron Island main supply lines.

**Violation of any Rule in this subsection is a Class A violation.**

- I-1** Everyone must comply with the Pierce County Code (PCC), including PCC § 8.36 (On-Site Sewage Disposal Systems), which applies to all property on the Island.
- I-2** Sanitary systems in travel trailers and RVs must be completely self-contained or be connected to a previously approved and operational septic system.
- I-3** Trailers and RVs may only be brought to and used on Herron Island with the written approval of HMC through the use of a valid signed "Recreational Vehicle Certification" (Form 13) obtained from HMC. Trailer and RV certificates shall be valid for one year from the date of their issuance and shall automatically expire at that time unless renewed with HMC. Trailers and RVs must comply with all provisions set forth in HMC Form 13.
- I-4** Washing of vehicles, RVs, and travel trailers may only be done on an Owner's private property and only using water through that Owner's water connection. HMC water sources may not be used for washing except for a quick rinse of a boat when taking it out of the water at the North Beach Marina.
- I-5** Owners shall notify the HMC Office prior to making any alteration to their water connection or water system on their Lot. The HMC Office may direct that the affected Owner complete a new certification using the Herron Island Water Cross Connection Checklist required by the Herron Island Cross Connection Control Program.

**J. Firearms and Wildlife**

**Violation of any Rule in this subsection is a Class A violation.**

- J-1** The discharge or use of lethal weapons is prohibited on Herron Island. Examples of such lethal weapons include but are not limited to firearms, crossbows, and bows and arrows.
- J-2** No one shall brandish any lethal weapon in a threatening manner. Examples of such lethal weapons include but are not limited to firearms, crossbows, bows and arrows, knives, and swords.
- J-3** Hunting, harassing, molesting, injuring, or killing wildlife or other animals is prohibited everywhere on Herron Island. Title 77 RCW also controls the treatment of fish and wildlife.

*Exceptions:* Weapons may be used to put down injured animals or animals that pose an immediate threat to the safety of people or to put down an obviously sick or dying animal on private property. Except in a dire emergency where immediately necessary to protect human life, permission must be obtained from the HMC Office, the Island Manager, or a member of the Board prior to putting down any animal using a lethal weapon that discharges a projectile (such as firearms, crossbows, and bows and arrows). If none of these can be reached, a voicemail message must be left on the HMC Office voicemail prior to taking action. In circumstances where prior permission or notification cannot reasonably be obtained, the HMC office, the Island Manager, or the Board must be notified as soon as is practical after such action has been taken.

**K. Damages to HMC Property**

In addition to any of the fines set forth in these Rules, the HMC Board or the Rules Committee, following a hearing, may impose an additional Assessment secured by lien for restitution of any damages to HMC property.

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**Schedule of Fines**

Violations of the Rules are classified as A, B, and C. The maximum fines for each class of violation, per numbers of offense, are specified below.

The Board or the Rules Committee has the authority to impose fines that are less than the maximums shown below when circumstances warrant. The fines will constitute Assessments secured by a lien upon any Lot belonging to or occupied by the person against whom they were assessed and will be collectable in the manner provided by HMC Bylaws.

Penalties for violations beyond a 3<sup>rd</sup> offense may be determined by action of the Board in its discretion.

MAXIMUM FINES per Class			
Violation	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Class A	\$1,000	\$2,000	\$5,000
Class B	\$500	\$1,000	\$2,000
Class C	\$100	\$200	\$300