

# SKY VALLEY ASSOCIATION, INC. BOAT SLIP and MARINA POLICY

Approved: May 2022

Sky Valley Board of Directors

## Preamble:

This policy attempts to ensure the full utilization of Sky Valley's docks and marina area, control use of the launch ramp, and minimize the potential for introduction of Aquatic Invasive Species (AIS) while providing access to the lake for Sky Valley property owners. The following policy and rules apply to the "boat docks," the "personal watercraft (PWC) docks," and the "launch ramp," which are three separate entities permitted by the Maryland Department of Natural Resources. For reference, a member of Sky Valley Association is defined in the By-Laws, Article III, Section 3.01.

## Policy

1. Boat slip usage will be governed by the following policies:
  - A. The slip season will be published in the Sky Valley newsletter. No boat shall be put in a dock prior to the published "in" date and no boat shall remain in the water past the published "out" date. Violators shall lose their dock privileges.
  - B. Members must use only their assigned numbered slip. Trading of boat slip assignments is prohibited unless agreed upon and the slip re-assigned by the Sky Valley Manager (Manager).
  - C. The Manager shall maintain the list of dock assignments and will be responsible for assigning docks as they become available according to this policy document. A waiting list for docks will be maintained by the Manager and updated when a change is made to the list. This list is located in the "members only" section of the Sky Valley Website.
  - D. No member of Sky Valley shall be entitled to or use more than one dock as long as there is a waiting list.
  - E. Docks are to be occupied exclusively by members in good standing of Sky Valley Association. However, house guests or renters of the member's home may use a member's assigned dock if that member removes their boat temporarily and prior written notice of each intended use is given to the Manager. A renter or guest must present a registration certificate showing ownership of the boat to the Manager prior to using said dock. If the registration, due to multiple owners, does not list the member as an owner, members must provide a copy of the title demonstrating ownership. Guests

and renters MAY NOT bring rental boats to the Sky Valley Marina. (see Section 2. for allowed use of the SV launch ramp).

- F. Payment for use of a dock must be accompanied by a copy of the current boat or PWC registration indicating member ownership or co-ownership of that craft (see below definition of qualifying boat and PWC). If the registration, due to multiple owners, does not list the member as an owner, members must provide a copy of the Title demonstrating ownership. Crafts that do not meet this requirement will NOT be considered for a slip assignment. If more than one craft will be used in the dock, the member must be owner or co-owner of each craft. **Members who do not submit the required registration with slip payment will be considered NOT to own a craft and the slip WILL NOT be assigned.**

**Sky Valley Definition of Boat and PWC for purposes of this policy**

The term "boat" as used herein shall mean a powerboat or sailboat of at least 16 feet in length. A power boat shall have at least a 25hp engine. A Personal Watercraft (PWC) is defined as a craft powered by a water jet drive and is ridden "on" as opposed to "in." By our DNR permit, boats cannot use the PWC docks and PWC's cannot use the boat docks. Violators will lose their privileges. All rules remain the same for both types of docks.

- G. All association fees, dock usage fees, and any other outstanding obligations to the association must be PAID ON TIME and in full to obtain a dock. "On time" means postmarked by the due date on the invoice which will be Feb. 28, of the applicable year.

- H. Slips will be assigned each year in the following order of priority:

Improved lot – Dock assigned previous summer to qualified boat owner

Unimproved lot – Dock assigned previous summer to qualified boat owner

Improved lot – No dock assigned previous summer – qualified boat owner

Unimproved lot – No dock assigned previous summer – qualified boat owner

Multiple users – Qualified boat owners may request and be granted use of more than one slip if they own or co-own more than one boat and slips are available. The principle to be used in assigning multiple slips will be to maximize the number of slips being used by members and to maximize the number of members who have multiple slips. For example, if one member has three slips and another has one slip but requests a second slip, the first member shall give up one slip to the second member. Also, if a member has more than one slip and another member who does not have a slip requests

one, the member with multiple slips will give one up to the member with none. (member is defined as a lot as previously indicated). Members will be required to give up their multiple slips in reverse order in number of slips and order in which slips were assigned. A member with the greatest number of slips will be the first required to give up a slip when needed and if two or more have the same number; the one last assigned will be required to give up a slip.

Within any category, docks shall be allocated on a basis of seniority as established by years of continuous dock usage in good standing.

**Definition of “Qualified Boat Owner.”** A “Qualified Boat Owner” as used herein shall mean a member in good standing who owns or co-owns a validly registered powerboat, sailboat, or PWC as defined in Section F

- I. Priority listing for slip usage will be forfeited for any of the following reasons:  
Failure to pay dues, dock fees, special assessments, or other obligations to Sky Valley on time.

Failure to provide requested boat registration on time.

Member is not owner or co-owner of boat.

Failure to indicate renewal by specified date on statement.

Sale of property to which a slip has been assigned, except in the following instances:

- a. If the member owns other improved property in Sky Valley, they shall retain seniority.
- b. If a member purchases improved property in Sky Valley, which is under contract at the time of closing on the original Sky Valley property, they may retain seniority. However, closing on the new property must take place within 60 days of the closing on the original property in order to retain dock seniority.
- c. If a member sells their improved property and purchases a lot in Sky Valley, they may retain dock seniority providing the lot is purchased prior to closing on the sale of the improved property.
- d. Property passed to immediate family:  
If a member transfers their property to immediate family, the new family member retains the seniority of the original member that passed down the property including dock privileges providing all of the provisions of this policy are met in full including craft ownership.

Dock and marina facilities usage shall be immediately terminated and/or priority listing forfeited for any of the following reasons:

- a. Misuse or damage to marina facilities by members, guests, or renters
  - b. Violation of this Policy
  - c. Suspension of members privileges as outlined in the By-Laws
  - d. Failing to meet any Sky Valley financial obligation on time
- J. After all available slips have been assigned, those members that qualify for and desire a slip will be placed on a permanent waiting list for each category as set forth in Section H of this document. Seniority will be established by written request only; the date established by the postmark date if mailed or the date the email was received by the Manager. The Manager shall keep this list up to date in the office in both electronic and hard copy version as well as post it in the members only section of the Sky Valley Website. As slips become available, they will be assigned from this list in accordance with this policy.

If a member comes to the top of the list and does not elect to take a slip or does not currently qualify as a boat owner or co-owner, that member may elect to remain on the waiting list in that position by notifying the Manager in writing. The next senior member will then be solicited.

- K. If a member is notified that they are eligible for a slip but do not own a qualified craft, the following rules shall apply:
- a. If the notification is given during the boating season which is May 1 to September 30, and the member wants a dock, the member is required to pay the pro-rated seasonal dock fee within 10 days of notification to reserve the slip. The member then has 30 days from the date of notification to present evidence of ownership or co-ownership of a qualified craft. A bill of sale or registration documentation will be accepted. The dock fee will be refunded on a pro-rated basis if the member fails to show evidence of purchase in the allotted time period, and the next member on the list will be solicited.
  - b. If the notification is given in the off season (after September 30 and before May 1), and the member wants a dock, the member is required to pay the full seasonal dock fee to reserve the slip and has until the following June 1, to provide the required evidence of ownership or co-ownership. Failure to provide such documentation by the required date

will result in loss of slip and the dock fee will be refunded on a pro-rated basis. The next senior member on the list will then be solicited.

- L. Slip assignments and location will be administered by the Sky Valley Manager under supervision of the Board of Directors. Efforts will be made to accommodate special requests and to assign the same slip in successive years. It should be noted that dockage for Pontoon Boats is limited due to their size and it is recommended that the member discuss the potential dock issues with the Manager prior to purchasing one.
  - a. Oversized Boat Size Assignment Limitations  
The State of Maryland limits the number of Sky Valleys docks and how far they may extend out into our cove. Our dock system has no more room to grow. The Sky Valley maintenance staff has designed the largest boat slips possible within the limitations of the State of Maryland rules to ensure safe boat operations inside our marina. The maximum boat size length for assignment and/or docking is 26 feet long. The Sky Valley boat slips have different widths depending upon the year it was constructed. Sky Valley will not reduce the total number of boat slips so wider boat slips can be constructed. In addition, Sky Valley will not force someone to move from their assigned slip to accommodate someone with an oversized boat. Boat Slip Policy
  - b. Oversized Boat Slip Assignment: The first person on the Boat Slip Waiting List will be assigned a boat slip when a slip wide enough to accommodate their boat becomes available. If the member's boat will not fit the available slip, the slip will be offered to the next person on the waiting list
- M. Short Term Dock Usage
  - a. Pool Docks – These docks have been eliminated and have been assigned to members on the waiting list.
  - b. Short Term Dock Usage - There are members' assigned docks that may be available to members, guests, and renters on a first come basis. They are assigned through the Manager. A current vessel registration must be presented to the Manager as proof of ownership for guests and renters. A member may request a short-term dock for a rental boat. Availability is NOT guaranteed for use of a short-term dock.
- N. Time Sharing Docks – Members who have docks but do not use them frequently are encouraged to time-share with other members. The Manager will maintain a list of members who wish to time-share along with appropriate dates. Members who time share will not lose their seniority as outlined under Section H. Members who time share and are on the waiting list will maintain their position on that list. Fees will be on a pro-rated seasonal basis.

- O. Any violation of the dock policy or obvious intention to deviate from it shall result in loss of dock privileges.
- P. Other than family property transfers as described in Section I.d, when property is sold, if a dock is assigned to a member owning said property that dock is released for assignment to another member. Docks are not transferrable with property to a new member.
- Q. All matters concerning interpretation of this policy shall be resolved by the Board of Directors whose decision will be final.

2. The following rules will apply to the marina area:

- A. The launch ramp is a private permitted facility for use by Sky Valley members, their guests, and full-time residents only. The primary use of the launch ramp is for taking boats to and from an assigned SV dock. Day use of the ramp for boat and PWC launch and retrieval is permitted for members and guests only.

In order to minimize Association liability and control the introduction of Aquatic Invasive Species in the lake, short term renters of Sky Valley property are not allowed to use the S V launch ramp for the launching or retrieval of boats. Access to the launch ramp will be controlled by key lock. Members in good standing may request a key from the Manager. Members are responsible for control of the assigned key. Do not loan or give your key to others. In order to minimize the introduction of Aquatic Invasive Species (AIS) into Deep Creek Lake through the SV Launch Ramp pathway and thereby maintain our DNR permit in good standing the following actions are necessary:

-Members are responsible for their own, guests and full-time residents safe use of the boat ramp. This includes knowledge of boat ramp and dock use policy and the inspection of the boat/trailer to avoid the introduction of AIS into the Lake.

-Members, guests and full-time residents with transient boats/trailers who have conducted an AIS inspection and necessary cleaning may use the SV ramp for launch and retrieval.

-Transient boats/trailers owned by SV short term renters are encouraged to receive an AIS inspection and necessary cleaning and must be launched and retrieved from a facility other than SV (such as Deep Creek State Park which provides for AIS inspection).

-Short term renters must notify the Manager prior to bringing a boat to an assigned member's vacant dock or an assigned dock.

Proof of vessel ownership is required.

-The SV member is responsible for informing renters and any rental agency of the SV Boat Slip and Marina Policy.

-The fairway dock located to the right of the launch ramp may be used for loading and unloading during launching and retrieval. No overnight or extended parking of water craft is allowed, except for Manager assigned boats.

- B. Sky Valley has a limited number of docks, all of which are assigned. Do not put a boat in a dock has not been assigned to you by the Manager.
- C. No vehicles of any type are allowed in the marina area except to launch or retrieve craft at the ramp. If needed, a special handicap permit may be issued by the Manager for access. No trailers are to be parked between the lake front and gate. Parking is allowed on the road side of the gate only and shall provide for emergency response vehicle access at all times.
- D. Canoes, kayaks, sailboards, jon boats, etc. are to be kept on racks provided by Sky Valley. No craft may be left overnight on the shore or on the lakefront. The only permitted storage is on the racks. The Manager will assign slot numbers for craft on the racks and will maintain a list of owners. All craft should be tagged with a tag from the Manager indicating member name and lot number.

The SV launch ramp and marina areas may be used to “hand launch” these craft not defined as a boat (see Section 1.F.).

- E. Power boat docks will accommodate two boats. Members may purchase a “finger” to create two single slips if so desired from Sky Valley. Sky Valley will furnish the unit and it will become the property of Sky Valley. Notify the Manager if a member desires to exercise this option.
- F. Sky Valley will furnish the docks with bumper strips and cleats. No other items are permitted to be fastened to the docks. The Manager should be notified of any special requirements or dock repairs needed.
- G. Modifications to the docks by members is prohibited.  
Sky Valley Association is the owner of all of the docks. A program has been initiated to replace all the old docks over a period of years as time and funds are available. The new docks will be constructed with a surface of synthetic lumber and front and back cleats will be provided bolted to the frames. High quality rub rails will also be installed on the new docks. Members will not be permitted to add fixed bumpers to these new docks because it will damage

the synthetic boards. Any bumpers, etc. must be fastened to the boat. Violations may result in loss of the assigned dock.

3. The following rules apply to **Canoes, Kayaks and Paddleboards** (CKaPs):

A. Operation:

1. CKaPs will not be stored on the ground overnight or be left on the ground and interfere with Sky Valley mowing and trimming operations. CKaPs will also not be attached to Sky Valley Boat Docks or PWC Slips.

2. CKaPs will not be launched from Sky Valley Property when motorized boat traffic makes launching hazardous. Caution will be used while boating near boat docks or PWC slips.

3. CKaPs will not be launched inside the buoy line or operated inside the buoy line area of the Swim Docks at any time.

4. CKaP users will not launch from the boat launch ramp when motorized boats are waiting to launch.

B. Sky Valley Storage Racks

1. The Sky Valley Manager authorizes CKaP owners to use specific storage racks. A storage usage fee will be charged to reimburse Sky Valley HOA for construction and repair costs, time management of the program and lawn care underneath the racks. All items stored on the storage racks must be authorized. All fees must be paid in full and the CKaP will have a unique Sky Valley issued identification number attached to or painted on each of the CKaPs.

2. Conditions of use:

- a. Unauthorized use of the storage racks is not allowed.
- b. Recurring usage fees are due yearly on 1 March every year. Usage fees are the same fee for yearly use or single use.
- c. When possible, the Sky Valley General Manager will assist persons who are physically impaired to be assigned to the lower storage racks.
- d. Without approval from the Sky Valley Manager, users may not place a CKaP on any storage rack not assigned to them.
- e. Conditions of use for future short-term storage rack will be determined upon completion of construction and will be posted in this location (Boat Slip Policy section 3-B-2-e.)

3. Fees, Fines and Resale



- a. Unauthorized use of CKaP storage racks is not allowed and will result in an immediate usage fee bill. Failure to pay the usage fee may also result in a fine.
  - b. Any CKaP Relocation and Storage Fees will be determined by the General Manager based on reimbursing Sky Valley for labor, time, fuel and the removal of any locks.
  - c. Resale of CKaPs: After reasonable attempts to identify and contact the owner have failed, the CKaP will be resold as abandoned property. Monies earned through resale will be used to reimburse Sky Valley for usage, relocation and storage fees.
4. Any Person depriving an owner of a paid, assigned storage rack location is not allowed and will result in immediate CKaP removal and possible fees and fines.
5. Weight Restrictions.
  - a. The Sky Valley Manager will determine if CKaPs are too large or too heavy to be supported by the storage racks. All items kept on the racks must be stored upside down to prevent the collection of rain water inside the CKaPs and causing an unnecessary weight burden on the racks.
  - b. The storage racks are intended to support only two CKaPs. Additional light weight water toys are authorized if stored neatly.
6. Theft and Damage Prevention: **Sky Valley will not be responsible for any damage or loss of anything stored on or around the Sky Valley CKaP storage areas.** It is the user's responsibility to prevent theft or damage to their property. All items stored over winter must be firmly attached to the storage racks to prevent loss or damage due to high winds. Locks are highly recommended.
- 7, Members are not allowed to place their own CKaPs storage racks on any of the Sky Valley shoreline.

### **History and facts about the Sky Valley dock system:**

Sky Valley has 292 lots but only 157 permitted docks. Despite legal attempts to secure additional docks we had to settle with the state for that number due to space and DNR rules. We did increase from 100 to 157 successfully. This policy is the Board of Directors attempt to be fair to members, recognize seniority, and utilize our docks to the greatest extent possible. The PWC docks are a separate permitted entity to be used only for those craft and are assigned in the same manner as power boat docks.

Our launch ramp is the only private permitted ramp on the lake so we need to guard its usage carefully. Limiting the launch ramp use to members, supervised guests and full-time residents lessens the SV Association liability and helps to minimize the possibility of AIS introduction into the Lake. These efforts also demonstrate the Sky Valley commitment to our members and maintain our good relationship with the DNR.