

FOOTHILLS POINTE OWNERS' ASSOCIATION DOCKAGE FACILITY RULES AND REGISTRATION

- A. **Purpose:** Dockage is available to Foothills Point Owners' Association (FPOA) members in good standing for their registered and insured personal boats/personal watercrafts (PWCs). The following defines the terms, owner responsibilities, and process for securing and using dock slips at the FPOA marina.
- B. **Applicable Covenants, Conditions, and Restrictions (CC&Rs):**
1. Article VI, Section C. Rules for Common Areas. (page 12): "The Association is authorized to adopt rules governing the use of the Common Areas and to provide penalties for violation of the same."
 2. Article II, Section A 4 (page 7): "The right of the Association (acting by and through the Board) to charge reasonable fees for the use of the parts of the Common Elements."
- C. **Dockage:** All FPOA members who are current on their FPOA dues and fees are eligible for one (1) dock slip as follows:
1. **Boat Slip, PWC Docking Platform Slip and Kayak Dock Slip Ownership:** All docks, boat slips, PWC slips, and kayak slips are owned by FPOA and assigned by the FPOA Dock Committee via the Dock Committee Chair. Individual FPOA members do not own dock slips and may not sell, rent, or transfer their assigned boat slip, PWC slip, or kayak slip to another member. Furthermore, FPOA members with an assigned boat slip shall not allow other FPOA members use of their assigned boat slip without permission of the Dock Committee.
 2. **Boat Lift/PWC HydroHoist Docking Platform Ownership:** Boat lifts and PWC HydroHoist docking platforms are owned by individual FPOA members and can be installed only in lift-capable boat slips with the approval of the Dock Committee and assignment by the Dock Committee Chair. It is the responsibility of owners to insure their boat lift and docking platforms.

It is also the responsibility of the owning FPOA member to have boat lifts and PWC HydroHoist docking platforms removed from the FPOA docks. Owners may sell their boat lifts or PWC platforms to other members and options for doing so include:
 - a) Remove and take the lift/platform.
 - b) Sell to an outside party; remove within 30 days from FPOA docks.
 - c) Sell to an FPOA member on the Dock Lift Slip Waiting List. See FPOA website for current list.
 - d) Coordinate with the Dock Committee Chair for other possible remedies.
 3. **Registration and Insurance:** The registered owner of the boat, PWC and/or kayak **MUST** be a FPOA member. Members must complete the FPOA Dock Registration form (Attachment 2) for all boats/PWCs/kayaks to be docked at FPOA docks. In addition, copies

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of the current boat/PWC State registration and declaration of insurance page including information regarding effective dates and insurance liability coverage are to be submitted upon initial assignment of a boat/PWC slip and annually thereafter. The annual slip reservation payment will not be accepted by the FPOA treasurer unless a completed FPOA Dock Registration form, a copy of the boat/PWC State registration and a copy of the insurance declaration page accompany payment. The insurance policy must include at least three hundred thousand dollars (\$300,000) in liability coverage. If these documents are not submitted in a timely fashion, dock privileges will be revoked and the boat/PWC slip will be assigned to the next member awaiting a boat/PWC slip. Management of boat/PWC registration and insurance will be the responsibility of the Dock Committee.

4. **Temporary Boat Slips:** A limited number of temporary boat slips are available for use by any FPOA member with prior Dock Committee approval. Temporary boat slips are available on a first-come first-serve basis and requests should be submitted to the FPOA Dock Chair/designated Dock Committee representative for approval. Requests should include dates of intended use, current boat/PWC State registration and insurance declaration page required of all FPOA boat/PWC slip holders. This information should be submitted to Steve Oliver (soliver@utk.edu). Currently, use of temporary boat slips is limited to fourteen (14) consecutive days. Temporary slips may not be modified by any member without the express written permission of the Dock Committee. This includes attaching fenders, cleats, edging, etc.
5. **Reserved Boat Slips and Costs:** One boat slip may be reserved on a first-come, first-served basis only by FPOA members who are current on their FPOA fees and on the following basis:
 - a. Boat slip reservations are made for a twelve (12) month term beginning February 1 and ending January 31. Boat slip reservation fees **MUST** be paid by the last day of February for the ensuing year. Effective February 1, 2025, the split-year fee (\$400/\$100) will be discontinued. The new reservation fee will be \$1,400 for 2025. For renewals after 2025, the reservation fee will be \$400. All new slip reservations will cost \$1,400 for the first year and \$400 for subsequent renewals. If the boat slip reservation fee has not been paid by the last day of February, the boat slip will be deemed vacated by the FPOA Dock Committee and reassigned to the next member on the Dock Waiting List.
 - b. The Dock Committee will post the list of assigned boat/PWC/kayak slips on the FPOA website by March 1.
 - c. PWCs will not be docked in slips designated as boat slips.
 - d. If a member changes a boat slip reservation, i.e. moves or is moved from one boat slip to another, the member shall only be required to complete payment of one Initial Reservation Fee as if no boat slip change had occurred.

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- e. Should a member on the boat slip waiting list elect not to take the first available boat slip, the next person on the waiting list shall be entitled to the boat slip and the waiting list sequence will remain as it was prior to the boat slip being accepted by the alternate member i.e. by electing not to take the next available boat slip, the member will not lose their place on the waiting list. However, if a member at the top of the list elects not to accept a slip twice, the member would then be placed at the bottom of the waiting list.
 - f. Once members have been assigned a boat slip, they can request "an upgrade" and be placed on various waiting lists. For example, members assigned an exterior boat slip can request an interior boat slip and be placed on the "Slips Waiting to Move Inside" waiting list. When an interior slip becomes available, the member at the top of the Slips Waiting to Move Inside waiting list will be offered the opportunity to move slips. Similarly, members assigned a boat slip can request to be placed on the Lift Slip waiting list. Only members with an assigned boat slip can request to be placed on the Lift Slip waiting list.
 - g. One boat slip is allowed per FPOA household regardless of the number of lots owned. However, members who currently have two boat slips are grandfathered and can continue to maintain two slips until further notification by the FPOA Dock Committee.
 - h. Members are assigned to specific boat slips by the Dock Committee Chair and, except for those reserving lift-capable boat slips, may be assigned to a new location at any time to accommodate compliance with rules, boat size, safety concerns, or special needs as determined by the Dock Committee. If the Dock Committee Chair determines the need to reassign any current member, the member will be notified in writing, stating the reason(s).
 - i. If a member is assigned to a boat slip and subsequently asked to relocate to a different boat slip, he/she will have thirty (30) days to comply or to file a written appeal with the FPOA Board, stating the reason(s) for objection. The FPOA Board will review the member's appeal and provide its final ruling, in writing, to the member. Following a final ruling, if the need to relocate is affirmed, the member shall move the boat/PWC/kayak within thirty (30) days of receiving the final written ruling.
- 6. PWC Docking Platform Slip Reservations:** Any FPOA member in good standing can reserve a vacant PWC slip under the following guidelines:
- a. Temporary PWC Dockage: A limited number of temporary PWC tie-up slips are available for use by any FPOA member with prior Dock Committee approval. Temporary PWC tie-up slips are available on a first-come first-serve basis and requests should be submitted to the FPOA Dock Chair/designated Dock Committee representative for approval. Requests should include dates of intended use, current PWC State registration and insurance declaration page required of all FPOA boat slip holders. This information

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should be submitted to Steve Oliver (soliver@utk.edu). Currently, use of temporary PWC tie-up slips is limited to seven (7) consecutive days.

b. Reserved PWC Dockage:

- i. All reserved slips for PWCs must use a HydroHoist PWC Docking Platform.
- ii. A maximum of two PWC Platform slips allowed per household.
- iii. PWC platforms must be purchased by the slip renter and attached in assigned slips.
- iv. PWC slip occupants must adhere to all dock rules and provide FPOA Dock Registration Form/PWC State registration and insurance declaration page.

c. PWC Platform Slip Reservations:

- i. Platform slip reservations are made for a twelve (12) month term beginning February 1 and ending January 31.
- ii. Platform slip reservation fees **MUST** be paid by the last day of February for the ensuing year.
- iii. Effective February 1, 2025, the split-year fee (\$100/\$50) will be discontinued. The new reservation fee will be \$700 for 2025. For renewals after 2025, the reservation fee will be \$200. All new slip reservations will cost \$700 for the first year and \$200 for subsequent renewals.
- iv. If the Platform slip reservation fee has not been paid by the last day of February, the slip will be deemed vacated and re-assigned to another FPOA member.

7. Kayak Dockage:

- a. A maximum of two (2) kayak slips will be allowed per household.
- b. Any FPOA member can reserve a vacant kayak slip under the following guidelines:
 - i. Kayak slip reservations are made for a twelve (12) month term beginning February 1 and ending January 31.
 - ii. Kayak slip reservation fees **MUST** be paid by the last day of February for the ensuing year.
 - iii. Effective February 1, 2025, the split-year fee (\$100/\$50) will be discontinued. The new reservation fee will be \$400 for 2025. For renewals after 2025, the reservation fee will be \$125. All new slip reservations will cost \$400 for the first year and \$125 for subsequent renewals.
 - iv. If the slip reservation fee has not been paid by the last day of February, the slip will be deemed vacated and reassigned to another FPOA member.

8. General Restrictions:

- a. Boats/PWCs are limited to specific maximum width and length standards depending on the dock and location of slips as established by the Dock Committee (See Attachment 1). Boat/PWC width and length are measured by overall length including motors and platforms.

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- b. No boat/PWC may be cross tied in any boat slip.
- c. All boats/PWCs must have at least the minimum safety equipment as required by the State of Tennessee and must possess a current State registration.
- d. FPOA members and their guests shall always be responsible for the safe operation of their boats/PWCs while within the dockage area. They shall be responsible for all damage caused to the docks, other boats/PWCs, or any other property. Damage to the facility will be repaired by the FPOA and billed to the responsible member. A **NO WAKE** restriction is in effect within 200 feet of the dockage and ramp area.
- e. The fueling of a FPOA member-owned boat/PWC while docked in the assigned slip or on a HydroHoist lift is allowed. Each member should familiarize themselves with safe refueling practices. The following precautions are advised:
 - i. Clear the area of anyone not directly involved with fueling the vessel.
 - ii. Extinguish all smoking materials, turn off electronics and ensure the vessel is secured to the dock.
 - iii. Maintain awareness of how much fuel the tank holds to avoid overflow.
 - iv. Immediately clean up all fuel spills.
- f. Boat/PWC owners are responsible for maintaining free access to the docks or fingers. Encumbrances such as inflatable vessels/mattresses, trash/garbage, grills, or dock boxes/storage lockers are not permitted. Also, owners must remove and properly dispose of all garbage, oil, batteries, trash, and other such material.
- g. The docks shall be posted "BOAT/PWC OWNERS & GUESTS ONLY". The docks are not to be used for picnics, swimming, diving, or horseplay of any kind.
- h. Electricity is supplied to the docks primarily for raising and lowering boat lifts and other short-term uses. Extended use of heaters or battery chargers or other electrical devices is highly discouraged.
- i. Major overhauls, or use of outside labor for that purpose, are not allowed at the dockage facility. Routine boat/PWC maintenance is permitted provided it is completed on the day commenced.
- j. Boat/PWC trailers may be parked on a "DAY USE ONLY" basis in the FPOA Clubhouse parking lot except for the four parking spaces adjacent to the pool, which are reserved for vehicles of pool users.
- k. The marked areas on the road leading to the launch ramp may be used for parking member or guest vehicles with attached trailer, but the vehicle and trailer must not be separated at any time. Parking is to be parallel to the side of the launch ramp road. Additional temporary (twelve-hour maximum) parking is available in front of the Clubhouse in the marked areas on the upper level of the parking lot. If additional parking is necessary, the trailer and tow vehicle may be detached and parked as feasible, occupying two regular parking spaces. Boat/PWC trailers are never to be left unaccompanied by the owner's vehicle unless the vehicle or trailer is experiencing mechanical troubles, or the towing vehicle is the only means of transportation.

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- l. The FPOA does not assume any responsibility or liability to members and guests for loss or damage by fire, water, lake level, obstruction (above or below water), wind, acts of third parties, theft, vandalism, or acts of God; nor does the FPOA assume any responsibility or liability for personal injury to the member or anyone the member may invite upon the premises. To ensure protection for all members, each member reserving a boat slip shall carry liability insurance as referenced in Section C.3 above. The FPOA does not assume any responsibility for loss or damage to personal property of the member, and the member waives all rights and claims for personal injury damages or loss in respect to the matters referred to in this section.
- m. FPOA docks may not be modified or enhanced by any member without the express written permission of the Dock Committee. This includes attaching fenders, cleats, edging, etc.
- n. FPOA docks are not to be used as storage facilities. Boats/PWCs must have a current State registration, meet Coast Guard safety requirements, and have engines in working order. Boats/PWCs must be in safe, seaworthy operating condition. A member who fails to appropriately maintain their boat/PWC will receive written notice of the problems and have thirty (30) days to take corrective action to repair, remove it from the docks or appeal the need for corrective action by providing his/her reasons, in writing, to the FPOA Board. The FPOA Board will review the member's reasons and provide its final ruling, in writing, to the member. If it becomes necessary to revoke dock privileges, no funds will be returned to the member. Following a final ruling, if the FPOA revokes dock privileges, the member shall remove the boat/PWC within thirty (30) days of receiving the final written ruling. If the owner fails to remove the boat/PWC within the said thirty (30) day period, FPOA will arrange for removal and stored at the owner's expense.

9. Provisions For Fixed Lift Devices:

- a. To maintain a consistent visual image for all lift-capable boat slips, **ONLY HydroHoist Ultralift Series 4400UL, 6600UL, or HydroHoist Front Mount Series 4400FM or 6600FM lift devices are approved for installation in any lift-capable boat slips.**
- b. Members who desire to add a lift to any lift-capable boat slip must request and get approval of the Dock Committee in advance of the planned installation. (See Attachment 1).
- c. The member owning a lift unit shall be responsible for maintaining his/her installed system. The system must remain in a safe and proper operating condition. A member who fails to appropriately maintain his/her lift unit will receive written notice of the problems and have thirty (30) days to take corrective action to repair the unit, remove it from the docks, or appeal the need for corrective action by providing his/her reasons, in writing, to the FPOA Board. The FPOA Board will review the member's appeal and provide its final ruling, in writing, to the member. If it becomes necessary to revoke dock privileges, no funds will be returned to the member. Following a final ruling, if

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the FPOA revokes dock privileges, the member shall remove the unit within thirty (30) days of receiving the final written ruling. If the member fails to remove the unit within the said thirty (30) day period, the FPOA will arrange to have the unit removed and stored at the owner's expense.

- d. If a member sells their lift, the owner of the lift cannot commit or convey to the new lift owner any right or priority to the boat slip where the lift is installed (see Boat Slip Ownership paragraph above). The Dock Committee will make every effort to work with the new owner to reserve the boat slip where the lift is currently installed.
- e. If a member sells his/her Foothills Pointe property and has a lift installed in a boat slip, the lift must be sold or removed within thirty (30) days after sale closing date. If the original lift owner has not removed the lift from the boat slip within thirty (30) days after closing, the lift will be deemed abandoned and become the property of the FPOA.

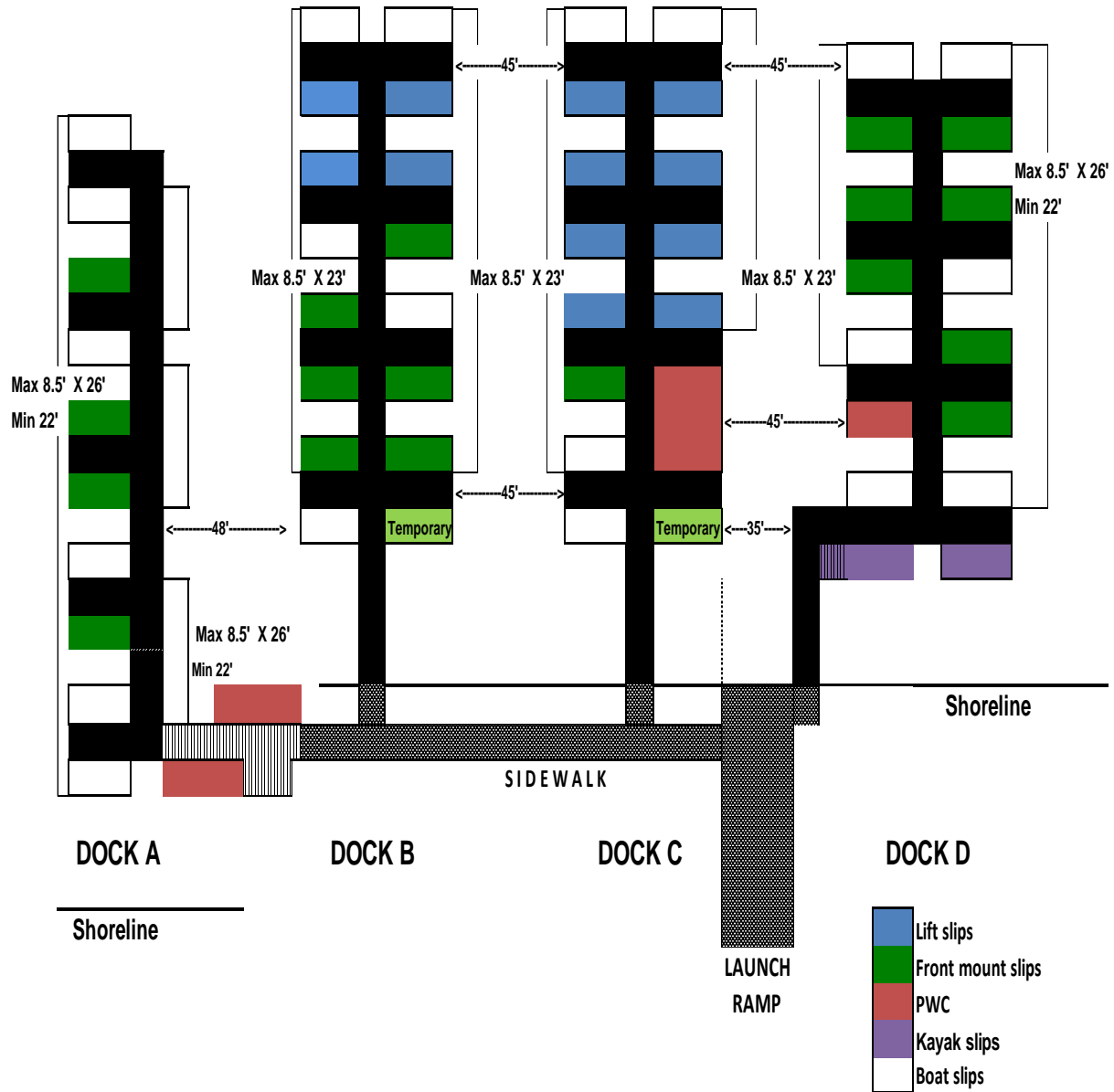
2 Attachments:

- 1. Dock Configuration Diagram
- 2. FPOA Boat/PWC Registration Form

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Attachment 1

FIGURE 1 Dock Configuration Diagram



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DOCK RESERVATION FORM (Complete this when reserving a dock slip; please type or print and return to FPOA, 350 Southshore Dr., Greenback, TN 37742)

Owner Name _____ Lot Number(s) _____

Owner's Address _____ City _____ State _____ Zip _____

Phone Number Home _____ Work _____ Email _____

FPOA BOAT/PWC REGISTRATION (Complete the following for each watercraft):

Boat Make _____ Model _____ Year _____

State of Registration _____ State Registration Number: _____

Overall Length (Bow to Back of Motor): _____ Feet _____ Inches

Beam: Width: _____ Feet _____ Inches

Insurance Carrier: _____ Phone Number: _____

Address of Carrier: _____

Policy Number: _____ Liability Limit: _____
(\$300,000 minimum required)

I have read, understand, and will abide by the Foothills Pointe Owners' Association (FPOA) ***Dockage Facility Rules and Regulations***. As an FPOA member reserving an FPOA slip, using a temporary slip or the launch ramp, I agree to indemnify and hold harmless the FPOA, its officers, directors and members from any and all loss or damages arising from or in any manner connected with acts or omissions on the part of myself, my guests or invitees in any manner connected with the use of the FPOA docks, slips and/or launch ramp. In further consideration for my use of the FPOA dock, slip and/or launch ramp, I hereby release and discharge the FPOA, its officers, directors and members from all claims for loss or damage, including personal injury or death, which I may incur, arising from or in any manner connected with my use of the dock, slip and/or launch ramp.

Please attach copies of the insurance declaration page and State boat registration.

Owner Signature _____ Date _____