

This PDF file contains Article 10, Section 24 of the covenants, followed by the form to be used to apply for boat or watercraft lifts and the form that gives the applicant consent to proceed.

Section 24. BOAT HOUSES, BOAT LIFTS AND PERSONAL WATER CRAFT LIFTS.

(a) PURPOSE AND INTENT. It is the purpose hereof to provide the framework for the Association to manage the installation of boat lifts under this section and rules promulgated by the Directors and ratified by the membership as per Section 26 hereof that reasonably protect the interest of owners in water view, safety, and a simple dock environment. This section and those rules should be interpreted in light of that intent and applied accordingly.

(b) GENERAL RULE. Boat houses of whatever type and in whatever form and whether free standing or associated with a boat lift are prohibited without exception. Except as otherwise provided in this section, boat lifts and personal water craft lifts are prohibited.

(c) LOW-PROFILE BOAT LIFTS FOR POWER BOATS. An Owner must apply to the association on its form and obtain its prior written consent to install a low profile boat lift for a power boat with respect to the dock and slip associated with such owner's unit. Upon submission of a boat lift installation application to, and approval and issuance of an Association Consent by the Board of Directors upon the advice of the Docks Committee composed of three or more members appointed by the board, installation may commence. Such proposed boat lift installation shall comply with specific limitations that:

(1) Such lifts shall conform to the design concept of low profile boat lifts without sides or a roof and shall not extend seaward beyond the end of the dock without the consent of the adjacent owner.

(2) Lift pilings shall be separate from pilings supporting the common dock.

(3) Neither the lift nor its support pilings shall encroach upon the dock area of the common dock accessing the lift.

(4) The piling supporting the lift or any part of the lift mechanism shall not exceed forty-two (42) inches above the floor of the associated common dock. Said dock floor shall be maintained at the same level as those of other docks in the development.

(5) The lifting cross beam shall not be raised higher than the floor of the common dock, except temporarily for maintenance on the boat or lift. If the vessel has a Flying Bridge the Directors may as a matter of administrative enforcement upon application duly made require the cross beam to be raised to a lesser extent except during inclement weather.

(6) Such lift shall not be rated at more than 12,500 pound lifting capacity; and (7) Such installation shall comply with all applicable electrical codes with appropriate inspections and other safety requirements reasonably required by rules adopted as described in subsection (a) of this section.

(d) PERSONAL WATERCRAFT, DAVIT LIFTS,

SAILBOATS UNPOWERED VESSELS, AND FINGER DOCKS.

Personal watercraft lifts shall be installed on a piling separate from pilings supporting the common dock and shall not rotate over the common dock. Finger docks and manually operated davits restricted to less than 500 pounds shall be considered separately. Lifts for sailboats and unpowered vessels, and powered vessels with flying bridges will be considered separately under the lift specifications in subsection (c) of this section with due concern for the special view obstruction problems presented by such boats. All such lifts shall meet related Safety and electrical service requirements reasonably required by applicable rules.

(e) FORM OF APPLICATION AND CONSENT. There shall be a boat lift application and consent form contained in a single recordable instrument which shall be in a form prescribed by the Board of Directors. The original of this form shall be notarized and witnessed by all parties in a form recordable in the public records of Okaloosa County, and shall when granted in each instance shall be recorded by the association at the applicant's expense.

(f) ADMINISTRATIVE ENFORCEMENT. Any owner may seek administrative enforcement of the provisions of this section pursuant to procedures adopted by the Board of Directors that shall include initial review and recommendations by the Docks Committee, followed by review and, in appropriate cases, action by the board of directors. Nothing herein shall abridge a member's right to access to court to enforce this section or rules adopted thereunder either as an initial recourse or subsequent to the administrative enforcement process.

(g) CHOICE OF LAWS. Florida Law rather than Admiralty Law or Federal statutes limiting damages shall govern liability and damages in claims between members, or a member and the Association and the application shall contain a prominently displayed provision to such effect in capitalized text immediately above the line for applicant's signature.

(h) AFTER THE FACT APPLICATIONS. Because of lift safety and property damage considerations after the fact applications may not be entertained unless the prior installation is first completely removed.

WORHA Application Form for Boat Lift /Personal Watercraft

I (we)(Print name (s)) _____, Owner(s) of Unit _____. Specifically Lot _____, Water-Oaks Townhouse Sub-Division _____, Plat Book _____, Page _____, of Public Records of Okaloosa County, Florida, hereby apply(s) for consent to install a boat lift/personal watercraft (*select one, or both*) _____ from Water-Oaks Regatta Homeowners Association, Inc. in accordance with Article X, Section 24 of the Third Amended Declaration of Covenants and Restrictions of said association.

Undersigned contract and agree that they will strictly comply with all the conditions, limitations and provisions of the Covenants regarding the installation and maintenance of the lift. (*See Covenants Article X, Section 24.*)

Undersigned agree that nothing in any way surrounding the consent of the association based here-upon shall be a basis for applicant, or anyone claiming through applicant or in applicant's right to assert civil liability against any member of the Board of Directors, or the said association.

All electrical work shall be done by the licensed or certified electrician listed below:

Name: _____ Phone: _____

Address: _____

Certificate/License Number: _____

Undersigned hereby irrevocably grant(s) to the inspection department of the City of Niceville a right to come upon the dock and into the unit, upon reasonable notice during working hours, to inspect the installation at the request of the association and agree, if in the judgment of the city, it is necessary to uncover work.

No boat lift currently exists in the riparian area adjoining the lot described above at the time of this application.

Date submitted _____ X _____

X _____
Applicant(s)

Witnessed:

X _____

Date witnessed _____

(Printed Name)

(Address)

X _____

(Printed Name)

(Address)

