

# BAY WATCH III CONDOMINIUM ASSOCIATION

BW III BOARD OF DIRECTORS  
P. O. Box 5429  
Ocean City, MD 21843

## Bay Watch III Bulletin #19

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**Subject: Reminder and Clarification: Common Area Management Policy including Slips**

**Release Date: June 17, 2024**

The Association, via the Board of Directors, have received several recent inquiries concerning common area changes and amendments to include modifications of slip/finger pier structures.

As such, the Association seeks to remind and clarify the responsibilities of the Association as well as the process in place for owners to seek approval for changes, amendments or modifications of structures considered common or limited common elements.

### **Common and Limited Common Elements**

#### ***Association Responsibility and Management***

The Bay Watch III Association holds responsibility for the management, oversight and maintenance of all elements of our community defined as common elements (Article III of BWIII Bylaws) and limited common elements (Article IV of BWIII Bylaws).

Common and limited common elements include but are not limited to building exterior lighting, areas that surrounds the buildings including landscaping, sidewalks, parking lots, boardwalk, pilings and finger piers as examples.

Slips, pilings and finger piers for clarification are considered limited common elements whereas owners "own" the water between the structures but the structures are under association management and association responsibility, via the Board of Directors. Owners "enjoy" acceptable limited use of the common element structures (Article XI, section 1 and 2 of the BWIII Bylaws).

In many instances, the Association holds and is responsible for securing and maintaining insurance covering common and limited common elements.

### ***Change, Amendment and Modification Process for Owners***

As a reminder to all owners and pursuant to the Bay Watch III Bylaws, no changes, amendments or modifications of any kind shall be made to any common areas (boardwalk, finger piers, parking lots, lawns, etc.) without prior written approval from the Association's Board of Directors.

The Board, at its discretion, may require or request specific details (including plats/drawings) of any proposed change, amendment or modification.

Owners should document in written form the changes, amendments or modifications they seek to common or limited common elements. Documentation should include, but not be limited to owner contact information including condominium unit and/or slip number, a description of the change, amendment or modification being requested, images of equipment being considered and common/limited common element where change, amendment or modification will be made.

Owners should submit all documentation to [board@baywatchiii.org](mailto:board@baywatchiii.org)

As a reminder, Ocean City requires a permit for any addition, change or modification (ladder, rack, new boat lift as examples) of a structure (including lifts, finger piers, pilings or boardwalks). The Association advises owners to seek consideration of their request by the Board of Directors before seeking a permit from Ocean City.

Any approval given by the Board of Directors will be contingent upon owner successfully retaining an approved permit from Ocean City. A copy of the approved permit must be submitted to the Association for record keeping.

Owner must also facilitate the required inspection by Ocean City. Owner must submit a copy of the completed inspection to the Association for record keeping.

Any use of the installed/completed change, amendment or modification should only occur when an inspection by Ocean City is passed and a completed inspection certificate is provided to the owner.

Securing an approved permit from Ocean City prior to consideration of the request from the Board of Directors will not influence or otherwise guarantee that the Board of Directors will approve the request.

### **Reminder Slip Maintenance and Owner Responsibilities**

Below are excerpts from Bulletin #17, released in November of 2016 as a reminder for all owners:

*The Association is responsible for the following limited common elements*

- The finger piers
- The pilings
- Electric to the dock
- Boardwalk
- Dock Numbers

In addition, the Association must maintain insurance, including fire insurance, on all limited common elements noted above.

- Any lift incorrectly or unsafely installed will be the responsibility of the owner to correct.
- We will also require notification to the board of directors as well as a permit and inspection from the authority having jurisdiction for new boat lift installations.

The following is a list of the detailed rules regarding the electrical:

- All electrical work on BWIII docks requires a permit from the local jurisdiction.
- The BWIII association is only responsible for the single phase 120 volt electrical installation containing the dock receptacles on the pilings.
- All boat lifts tied into the Bay Watch III 120 volt dock receptacles must be "cord and plug" connected as a means of disconnect.
- BWIII is NOT responsible for any electrical circuits tied into these circuits.

- The current electrical installation does NOT have provisions for 240 volt boat lifts.
- Boat lift requiring 240 volts must be run on a dedicated circuit back to the breaker box in the utility sheds at the owner's expense. These circuits will be solely the responsibility of the owner.
- The BWIII association reserves the right to disconnect any electrical installations to boat lifts that are deemed unsafe, violating any codes or causing problems with the original installation.
- The BWIII association recommends new owners have their electrical installation to their boat lifts inspected by a licensed electrician.
- All electrical installations must meet current codes adopted from the town of Ocean City
- All electrical equipment must be labeled and listed for use in wet locations.
- All conductors shall be approved for conditions of use.
- Conduits, boxes and fittings approved for the condition of use, shall protect all branch circuits.
- All non-current carrying metal parts of the docking facility in contact with the water or may become electrically energized must be bonded to the equipment grounding system.
- All outlets shall be GFCI protected installed 3 feet above dock decking.
- All outlets must be installed in weatherproof enclosures with "in use covers" installed.
- All current carrying conductors shall be protected from physical damage by conduit approved for the condition of use.