

New Orleans Municipal Yacht Harbor Management Corporation

Boathouse Work Compliance Procedures

These Boathouse Work Compliance Procedures ("Compliance Procedures") have been established by the New Orleans Municipal Yacht Harbor Management Corporation pursuant to the Leasehold Improvements provision contained in the Boathouse Leases for boathouses located at the Municipal Yacht Harbor. They may be amended, from time to time, by the Board of Directors of MYHMC.

DEFINITIONS:

As used herein these terms shall have the following meanings:

<u>MYHMC:</u>	New Orleans Municipal Yacht Harbor Management Corporation.
<u>Boathouse Lease:</u>	The lease between MYHMC and any Lessee with respect to a Boathouse.
<u>Lessee:</u>	Any person or entity that leases a Boathouse at Municipal Yacht Harbor from MYHMC.
<u>Boathouse:</u>	Each of the boathouses located at Municipal Yacht Harbor that is leased by MYHMC to a Lessee; more particularly the Leased Premises, as defined and described in the applicable Boathouse Lease.

BOATHOUSE COMPLIANCE PROCEDURES:

Invalidation of any one of these Boathouse Work Compliance Procedures, or a portion thereof, by judgment of court, shall in no way affect any other provision which shall remain in force and effect.

No Boathouse shall be constructed, altered, added to or in any fashion modified without the written consent of MYHMC pursuant to the following Compliance Procedures, all applicable laws and in compliance with the terms of the applicable Boathouse Lease.

CP-1. The Lessee shall provide a fully completed application on a form approved and provided by MYHMC, together with the following documents:

- (1) Four (4) sets of architectural plans (including graphic renderings displaying the proposed color(s) or color combinations for both the front and back of the boathouse) showing the proposed construction, alteration or addition (the "Work"), bearing live stamps of a registered architect who prepared the plans, or of a professional structural engineer who assisted in the preparation of the plans for the Work.
- (2) Four (4) copies of letter of support from adjacent neighbors, if the Work requires the consent of the neighbor.

- (3) A letter, and three (3) copies thereof, signed by the Lessee describing the exterior materials to be used in the Work, the colors of the exterior façade (with color chip approximating the proposed color) and types of doors, windows and other exterior visible elements the Boathouse Lessee proposes to use in conjunction with the Work.
 - (4) Four (4) sets of photographs showing the interior and exterior condition of the boathouse presently.
 - (5) Such other information that the Rules & Standards Committee shall require in an instruction sheet for use by Lessees, as revised from time to time.
- CP-2.** The Rules and Standards Committee of the MYHMC Board of Directors ("Rules and Standards Committee") will review the application and related submissions for completeness and will notify Lessee of any deficiencies promptly. After receiving a fully completed application and all other papers and materials required by CP-1, the Rules and Standards Committee shall determine whether the proposed Work is in compliance with the MYHMC Design Criteria. In doing so the Committee will comply with the open meetings laws, conducting properly noticed public meetings and taking all votes in such public meetings.
- CP-3.** If the Rules and Standards Committee finds that the proposed Work is not in compliance with the Design Criteria, it shall promptly notify the Lessee in writing, mailed to Lessee's record address with MYHMC.
- CP-4.** Lessee shall have the right to appeal an adverse finding by the Rules and Standards Committee to the Board of Directors of MYHMC ("MYHMC Board") by delivering a written notice to the President of the MYHMC Board within thirty (30) days after the date the writing specified in CP-3 is mailed.
- CP-5.** If the Rules and Standards Committee fails to make the determination called for in CP-2 within forty five (45) days after receiving a completed application and the other papers required by CP-1, Lessee shall have a right to appeal to the MYHMC Board by delivering written notice to the President of the MYHMC Board, detailing the dates and actions relevant to that issue. In the event an appeal to the MYHMC Board occurs in this fashion, the MYHMC Board shall proceed to make the determinations its Rules and Standards Committee otherwise would have made.
- CP-6.** In an appeal pursuant to CP-4, Lessee will be given a right to make a presentation of reasonable length and content (as determined by the President of the MYHMC Board) during a regular or special meeting of the MYHMC Board. The appeal shall be decided by a majority of a quorum of the MYHMC Board and members of the Rules and Standards Committee shall remain eligible to vote as to any such appeal.
- CP-7.** In the event the Rules and Standards Committee, or in the case of a successful appeal, the MYHMC Board, determines the Work is in compliance with the Design Criteria, the Chair of the Rules and Standards Committee shall promptly execute a compliance certificate in a form approved for that purpose

by the Rules and Standards Committee("Compliance Certificate") and deliver (a) the original to the Lessee and (b) a copy to the City of New Orleans Department of Safety and Permits ("Department of Safety and Permits").

- CP-8.** As to Design Criteria DC-1 (compliance with New Orleans City Code Section 170-645), any disagreement between MYHMC and the Department of Safety and Permits shall be resolved in favor of the view taken by the Department of Safety and Permits.
- CP-9.** Based upon the principle stated in CP-8, in the event that the sole reason for the Rules and Standards Committee or, in the case of an appeal, the MYHMC Board, having decided adversely to a Lessee is a finding that the Work could not comply with Section 170-645 of the New Orleans City Code, Lessee shall have a right to appeal to the Department of Safety and Permits. A finding by the Department of Safety and Permits that the Work will comply with Section 170-645 of the New Orleans City Code shall be binding as to MYHMC.
- CP-10.** In the event the Lessee appeals to the MYHMC Board pursuant to CP-4 or CP-5 and the MYHMC Board fails to make a determination as to whether the Work is in compliance with the Design Criteria within sixty (60) days after receipt of the required notice of appeal from Lessee and the full application and related papers required by CP-1, then the Department of Safety and Permits may consider that MYHMC concludes that the Work will be in compliance and Lessee will be deemed to have complied with all requirements of the Design Criteria.
- CP-11.** If Lessee undertakes or performs any Work in a manner inconsistent with, or differing from, that which was approved by MYHMC as specified here and/or Lessee should undertake or perform the Work in violation of a building permit issued by the City of New Orleans, Lessee shall be in violation of these Design Criteria and Maintenance Standards and in breach of Lessee's Boathouse Lease.