

Proposed- May 2023

Governance of the Lake Recreation Area for the Eldorado Heights Homeowners Association

The Lake Recreation Area consists of the Eldorado Heights Homeowners Association (EHHOA) property that is fenced in and generally borders Lake Hauser on the west, USFS to the east, a private lot to the south, and BLM to the north. There is open space, a parking area for boat trailers, a pavilion, an outhouse, a well house, picnic areas and a marina. The EHHOA also provides a porta-john for use from May-September.

All EHHOA members in good standing are allowed to use the Lake Recreation Area. In order to ensure fair use for all members, the following rules are established for use of the Lake Recreation Area.

General Rules for the Lake Recreation Area

This area is for EHHOA members only. Guests are allowed when accompanied by the EHHOA member. Overnight camping is not permitted in the Lake Recreation Area. Pets must be kept under control at all times and are the responsibility of the owner.

Huotari Lane

Members are reminded that Huotari Lane is an HOA private road with access to members' homes and the Lakefront Area.

HUNTING IS NOT PERMITTED ON HUOTARI LANE.

General Rules for the Pavilion

No overnight sleeping or camping is allowed in the pavilion. If using the charcoal grill, make sure the coals are out and cold when you leave, return the grill to its original position.

General Rules for the Marina

The EHHOA bears the burden of adequately maintaining safe dock/walkway areas for members use. The EHHOA defines two types of boats for use at the marina: motorized and non-motorized.

Non-Motorized Vessels

Non-motorized includes kayaks, rafts, canoes, sailboats, inflatable boat, or any type of water going vessel without a motor.

Usage of the marina facilities can be daily or seasonal. Seasonal is defined as a boat which is permitted to berth during the months of April-November without being removed from the marina.

Motorized Vessels

Motorized boats include skiffs, runabouts, john-boats, or any other type of vessel powered by a motor. For the use of this definition, non-motorized sailboats larger than 16 feet are included. All motorized boats owned by EHHOA members must apply for a marina permit for identification purposes.

Seasonal permit. Any resident who is the owner of a private pleasure boat shall be entitled to make application for a permit to tie, moor or dock a boat to the dockage facilities at the EHHOA marina. Such permit shall be issued in the order in which the applications are received and assigned to a specific berth by the EHHOA Board or designee. The seasonal berths will be clearly marked as "Reserved"

- (1) These regulations are established in 2023, required by necessity out of more boat owners moving to the EHHOA, however, the seasonal boat slip dues were instituted in 2021 to begin saving money for dock expansion and construction. In all fairness to the new HOA members, boat owners who have paid boat slip dues in previous years will receive priority placement over those who have not paid said dues. The EHHOA Board or designee will keep a database on boat owners who have paid for the seasonal slip and boat owners who indicate that they would like a seasonal slip if an opening becomes available. Boat owners who have previously been allotted a berth will be granted a berth in the next calendar year provided their application and dues are paid on time and in full. There is no automatic renewal, an application must be submitted during the proper application period, including boat owners who are requesting a seasonal berth. If a long-term boat owner does not renew their application in the allotted time, the next eligible boat owner on the HOA stand-by list will be notified and given a chance to apply for the seasonal permit.
- (2) All member boats must be registered with the Board each year and display the current year sticker.

Daily permit. Any resident who is the owner of a private pleasure boat shall be entitled to make application for a permit to tie, moor or dock a boat at the EHHOA marina for daily use. The daily use docks will be clearly marked as "Daily Use Only."

(1) Application. Such application shall be on the form furnished by the EHHOA Board and shall set forth the vessel's registration number, if any, the name of the boat, the manufacturer's name, the overall length and beam of such boat for which the permit is applied, the date of such application and the name and address of the owner.

(2) Expiration. Such permit shall be valid from March 1 of each year and shall expire on November 30 of the year for which it is issued. All boats must be removed from the marina by this date. Renewal applications and permits for subsequent years shall be available on and after February 1 of each year. In the event that such permit is not renewed by February 28 of that year, the permit shall be available to the next applicant in the order in which the applications for such permits are received.

(3) Acceptance of permit. Acceptance of a permit shall constitute an agreement that the permit holder will hold the EHHOA Board its authorized representatives completely blameless for any liability in connection with the operation, docking, tying, mooring, removal or disposal of his boat.

(4) Display of permit. Every permit issued hereunder shall be accompanied by a decal or other authorized identification which shall bear the number of the permit and the year of issuance of such

permit. Such identification shall be firmly affixed to the windshield or other conspicuous place in such a manner that the same shall be easily read and distinguishable. Any boat without a valid permit so displayed may be removed by the EHHOA Board at the owner's expense. Any person violating this section shall be deemed guilty of a violation. Service of notice of such violation shall be given by affixing a copy thereof to the boat in a conspicuous place.

(5) Renewal of permit. An owner who, in the judgment of the EHHOA Board or designee, is in good standing as to the payment of fees, EHHOA dues, and compliance with the rules and regulations of the marina, shall have the option to renew a permit. For seasonal permits, EHHOA members who received a permit in the year prior will have priority in the renewal process. If they choose to not submit a renewal, or cannot occupy the berth permitted by the EHHOA, then the berth permit will pass over to the next available applicant, who would then have priority for the upcoming year.

(7) Use of permit fees. The EHHOA will set aside all fees for maintenance and construction of the marina.

(8) Load/Unloading dock. One berth slip will be set aside for use only to aid in loading/unloading boats, to ensure there is ability for everyone launching a boat to be able to safely board and depart the area. This slip is not for daily use/overnight use, it is only for initial launch or trailering of the vessel. This will be the first slip on the walkway from the ramp. It will be clearly marked "Loading/Unloading Only – No Berthing."

Procedure upon application for a permit.

(1) The EHHOA Board or designee shall determine whether a permit should be issued. In the event the application is granted, the permit shall be issued upon compliance with all applicable requirements. In the event the application is denied, notice of denial of a permit shall be given in writing by regular mail and addressed to the applicant at the address shown on the application. Such notice shall set forth the grounds for the denial and shall be final

Denial of permit application; grounds. An application for a permit to tie or make fast a boat to the dockage facilities of the EHHOA marina may be denied by the EHHOA Board or designee under the following conditions:

(1) If fraud or a misrepresentation of a material fact is contained in the application for a permit;
or

(2) If, within two (2) years of the application date, the applicant has been convicted of a violation of these articles, or of any rule or regulation of any local, state or federal agency having jurisdiction over navigation, or a permit to tie or make fast a boat to a marina has been previously revoked, except that a permit may be granted if, in the judgment of the EHHOA Board, the person has since conducted himself or herself in a law-abiding manner and the issuance of a permit will not be contrary to the laws or rules of any agency having jurisdiction, or disturb the public peace or good order, or jeopardize the safety of other permit holders, their boats or public or private property; or

(3) If, within two (2) years of the application date, the applicant has violated the conditions of a prior permit, or the marina policy, or the provisions of this article or any rule or regulation issued

thereunder, or has knowingly disregarded or disobeyed a reasonable request or order of the EHHOA Board or designee; or

(4) If, in the judgment of the EHHOA Board, the issuance of a permit to the applicant would jeopardize the safety of other permit holders or their boats or town property; or would jeopardize the peace and good order.

(5) If a permit application is denied, the fee shall be returned to the applicant.

Removal of boats. A permit to dock a boat at the marina shall constitute authorization by the EHOA Board, its agents, servants or employees to remove such boat from the marina to a suitable place, at the expense of the owner, in the event that it becomes necessary to move such boat because of the expiration of the permit or for such other grounds or reasons as are set forth in this ordinance.

Revocation of permits. The EHHOA Board or designee has the right to inspect or cause to be inspected any boat anchored, moored, docked, tied or otherwise confined at the Lake Recreation Area or any boat using the marina launching ramp. The EHHOA Board or designee reserves the right to revoke any permit issued.

Daily Use

Daily use slips are provided for members' use at the marina. These are clearly marked. The daily use is a 24 hour period, i.e. Friday evening to Saturday evening. At the end of the 24 hours, the boat must be pulled from the berth.

Marina Rules and Regulations

Persons using the docking facilities of the EHHOA marina shall at all times obey any reasonable request of persons designated by the EHHOA Board to be in charge of such facility.

- A. Emergency repairs only are permitted on boats moored at the EHHOA marina.
- B. All persons operating motor vehicles within the Lake Recreation Area shall obey the ordinances regarding traffic of motor vehicles.
- C. The EHHOA Board shall not be responsible for the loss, damage, theft, destruction or other injury to any boat, vessel or watercraft, including equipment, fixtures and contents of any boat, vessel or watercraft for which a permit has been issued or otherwise, whether the boat is tied to, launched from or attached to any installations provided by the EHHOA, and the use of the dockage installations at the marina shall be the sole responsibility of the owner or persons holding the permit.
- D. The EHOA shall not be responsible for any personal injury, loss of life or damage to property of any person in connection with the use of the marina.

L. No person owning or in charge of any animal shall cause or permit such animal to enter a marina unless the same shall be carried or shall be on a leash for the purpose of taking said animal upon a boat.

M. Commercial activities. It shall be unlawful to use or permit the use of a vessel docked, made fast or tied at a town marina to be used for the sale, lease or hire of merchandise or services, or for the purpose of renting or leasing occupancy of the vessel to any person at any time.

Additional rules and regulations. The EHHOA Board or designee has the right to enact additional rules and regulations with respect to the use of the marina. Any permit hereafter issued shall be issued subject to the holder thereof conforming to the rules and regulations now in force and effect or that thereafter may be adopted.

Rates. The EHHOA Board shall from time to time, by resolution designate the rates to be charged for the use of dock space and other facilities of the marina.