

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

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. The EHHOA Board reserves the right to suspend privileges at the Lake Recreation Area for violations of these regulations, per the covenants of the EHHOA.

### **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. It is not to be used as a storage area for personal items such as tubes and floats. Use only the number of tables that are necessary for your party, and clean the tables after use and return them to their original place. KEEP THE AREA CLEAN. Take all trash when you leave. 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**

#### **Non-Motorized Vessels**

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

Non-motorized boats are allowed to use the kayak storage rack for day use, or overnight use on the weekends only. Non-motorized boats are not authorized in the boat slips, however, a non-motorized boat can dock briefly (loading/unloading, restroom breaks) as long as motorized boats are given the priority use of the slips.

Non-motorized boats are not required to apply for an EHHOA marina permit. A non-motorized sailboat larger than 16 feet may apply for a dock permit identical to a motorized boat. The permit application process is described below.

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**

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 established in 2023, required by necessity of oversubscription of seasonal slips. Seasonal boat slip dues were instituted in 2021 to provide monies for dock expansion and construction without the support of non-boating members. In fairness to the HOA members, boat owners who have paid boat slip dues in the previous year will receive priority placement over those who wish to establish seasonal dockage for the first time. The EHHOA Board or designee will maintain a database on both boat owners who are current seasonal slip holders and boat owners who indicate that they would like a seasonal slip if an opening becomes available. Boat owners who held a seasonal slip in the previous calendar year will be granted their previously held spot in the next calendar year provided their application and dues are received on time and in full. There is no automatic renewal, and an application must be submitted during the proper application period, including boat owners who are requesting a new seasonal slip. If a current slip holder does not renew their application in the specified renewal period, 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.

(1) Application. Such application shall be on the form furnished by the EHHOA Board, available for via google docs and will be sent to you via email when requested. A hard copy of the application form is attached below, and can be sent via USPS mail upon request. Requests for the form can be made to [info@edh-hoa.com](mailto:info@edh-hoa.com). Said form must include 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.

(a). Guest Use. If an EHHOA member has a guest who would like to use the marina, that EHHOA member may apply for a temporary permit on behalf of their guest. This permit will be on a daily basis only, and all other applicable rules will apply to the use and storage of the boat and trailer. The EHHOA member assumes liability for the guest’s property. Cost will be \$20 per day.

(2) Expiration. Such permit shall be valid from April 1<sup>st</sup> 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 said permit is not renewed by March 31<sup>st</sup> of that year, the slip shall be available to the next applicant in the order in which the applications for such permits are received.

(3) Any EHHOA member who acquires a motorized boat after the initial permit period shall submit the application to the EHHOA Board or designee. The permittee will only receive a permit if space is available.

(4) 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.

(5) 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.

(6) 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 subsequent years.

(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.

(2) It shall be unlawful (trespassing) for a person to tie or make fast a boat to the dockage facilities of the EHHOA marina beyond 24 hours without permit, or for which a permit has been denied.

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 HOA property; or would jeopardize the peace and good order.

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

Commercial Vessels. Are not authorized in the Boat Dock/Mooring area. It is for private use of members only.

Removal of boats. A permit to dock a boat at the marina shall constitute authorization by the EHHOA 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.

Minors. No permits hereunder shall be issued to persons under 18 years of age.

Nontransferability of permit. A permit granted by the EHHOA Board or designee shall not be assigned or transferred. Persons holding the permit may not sublease the space assigned to the holder of such permit or allow any other person to dock, moor or otherwise use such space, and the same may be used only by the boat for which the permit is issued.

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 to any such boat if:

- A. The boat is in violation of United States Coast Guard and/or Montana state regulations;
- B. The EHHOA Board or designee determines that such boat may endanger other boats, persons or facilities in the vicinity of such boat;
- C. The EHHOA Board or designee determines that it is hazardous or dangerous to moor, dock or tie such boat to the facilities of the marina;
- D. The EHHOA Board or designee determines that such boat is being used for any unlawful purpose;
- E. The EHHOA Board or designee determines that the owners, operators or person using such boat have failed to obey a provision of this Article.

Notice of revocation. The EHHOA Board or designee shall notify the permit holder of an impending revocation of permit at least 10 days before the effective date of such revocation. Such notice shall be

by regular mail to the address supplied by the permit holder when said holder applied for the permit or to a changed address subsequently supplied by the permit holder. The permit holder may then forward a written request that the revocation be abandoned based upon the permit holder's cure of the violation of the applicable Code provision. The EHHOA Board or designee shall have the discretionary power to abandon or delay the revocation. If the EHHOA Board or designee does not abandon or delay a scheduled revocation, the permit shall be revoked as of the scheduled date. When a permit is revoked, the holder of such permit must remove the boat from the dockage facilities on or before the scheduled revocation date. Failure to remove the boat within the prescribed period of time will constitute authority for the EHHOA Board or designee to remove the boat to a suitable place at the owner's expense. The acceptance of the permit to moor or dock the boat at dockage facilities at a marina shall constitute full authority and authorization of the EHHOA Board or designee, servants or employees to remove such boat without any liability on the part of the EHHOA Board or designee, its agents, servants or employees.

### **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, however, boats on trailers can be kept at the parking area as described below. The 24-hour period and parking will be enforced by the EHHOA Board or designee.

Boat trailers should be parked where the sign indicates on the east side of the Lake Recreation Area. Ensure the vehicle/trailer does not block the right-of-way through the parking area.

An EHHOA member utilizing the daily use slips may leave their boat on the trailer in the parking area for up to 14 days. At the end of the 14-day period, it must be removed from the area for a minimum of 7 days.

### **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. No person shall place or store any articles on the dock or pier nor deface, mark, damage or wreck any structure, attach any wood, metal or other material to the dock facilities, the dock piling or wharf belonging to, or under control of, the EHHOA Board, nor shall any person or persons be permitted to damage or deface, mark or destroy or attach anything to said dockage installation as aforesaid, without approval in writing from the EHHOA Board or designee.

B. No person shall lift, drag, launch or otherwise cause any boat to be dragged, lifted, launched, passed upon or otherwise taken across the dock, bulkhead, pilings or other dockage facilities, wharf, catwalk or dockage installation surrounding or installed at the marina except as hereinafter provided. Launching of watercraft through the ramp facility provided at the EHHOA marina will be under the sole direction of the owner or responsible representative of the owner without risk or liability in any manner to the EHHOA Board.

C. No owner or other person in charge of any boat, vessel or other watercraft shall empty, clean out, pump out or otherwise discharge water or waste material from the bilge or toilets into the waters at the marina.

D. Loitering, trespassing in boats, unauthorized climbing and boarding, damaging or interfering with boats docked, stored or moored in the EHHA marina is prohibited.

E. No boat, vessel or other watercraft shall take on gasoline or other fuel unless such boat, vessel or watercraft is in compliance with all applicable county, state and federal laws and regulations and moored at an approved fueling station or is refueling by the use of a United States Coast Guard or Underwriters approved fuel container. This section shall not be construed to prohibit the use of any Coast Guard or Underwriters approved fuel tank in the fueling of any boat, vessel or other watercraft, provided that the engines are not running.

F. Owners of boats are required to supply, install and maintain their own lines for mooring, tying and securing their boats properly.

G. Only one boat shall be permitted to moor per boat slip. Tenders, including rowboats, floats or any such small craft tied to a larger boat, are not permitted in the EHHA marina except when firmly secured to the upper deck or the swim platform or placed in the davits of the larger boat.

H. Emergency repairs only are permitted on boats moored at the EHHA marina. No boat carpentry or painting of any kind is permitted. Owners of boats holding permits to dock or moor their boats at a marina shall be responsible for the appearance and cleanliness of the boat, pilings and bulkhead in front of and adjacent to the berth or dock space assigned to such owner.

I. All persons operating motor vehicles within the Lake Recreation Area shall obey the ordinances regarding traffic of motor vehicles.

J. The EHHA 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 EHHA, and the use of the dockage installations at the marina shall be the sole responsibility of the owner or persons holding the permit.

K. The EHHA 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 the marina unless the same shall be under control. Owners are responsible for the conduct of their pets at all times, and liable for any damage or injury they may cause. Owners must pick up and remove all pet waste/excrement immediately.

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.

O. Boat trailers may be stored seasonally (space permitting) in the area clearly marked for boat trailer parking.

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. The current seasonal permit rate \$400.00 per calendar year, valid during the dates noted above.

### Eldorado Heights Homeowners Association Boat Slip Permit Application

This application is required for all vessels which will be docked in the Lake Recreation Area of the HOA.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Lot Number: \_\_\_\_\_ Telephone: \_\_\_\_\_

#### Vessel Information

Name of Boat (if applicable): \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Overall Length: \_\_\_\_\_ Beam: \_\_\_\_\_

Hull Identification Number (if applicable): \_\_\_\_\_

This permit application is for:

\_\_\_\_\_ Seasonal Use (cost of seasonal permit is \$400 which must be included with this application)

\_\_\_\_\_ Daily Use

This application and payment in full must be submitted between February 1<sup>st</sup> and March 31<sup>st</sup> of each year. Boat owners will be mailed their permit tag during March of the year the permit is authorized. Permit must be placed in a visible spot on the vessel.

Any member who comes into possession of a vessel outside of the application period in February may still complete this form and submit it to the HOA for daily use at the marina.