

Lakewood Villages Lake Lot Owners Association Lake Area Rules Committee

Lake Area Rules

Mission – Each lake rule is in place to support one or more of the following objectives:

1. To maintain, protect, and preserve the integrity and tranquility of the lake environment
2. To ensure the safety, privacy, and security of each lake lot owner
3. To ensure equitable access, use, and enjoyment of the lake
4. To protect and preserve the monetary value of all lake lot properties and lake lot areas
5. To prevent abuse of lake area use and privileges by any lake lot owner

All rules and fines apply to each lake lot owner, lots 136 through 205 inclusive, Replat 5 lots 1 & 2, Replat 3 lots 1 & 2, and Replat 6 lots 1 & 2.

All rules apply to any guest of a lake lot owner, lots 136 through 205 inclusive, Replat 5 lots 1 & 2, Replat 3 lots 1 & 2, and Replat 6 lots 1 & 2.

All Federal, State, City, and County Laws apply; no rule can be less restrictive than any level of law.

All fines will be assessed against the lake lot owner for violations made by the lot owners or their guests.

All fines double after the first offense.

Section 1 Lake Property Access Rules

Rule 1. Lake Access

1.1 Each lake lot 136-179 inclusive shall have access to the lake through the 20' shoreline easement to the rear of the lot property or through the shoreline easement that has been granted in favor of the lot property. Access through easements by the lot owner shall not extend outside of the bounding property lines for that lake lot.

1.2 Each lake lot 180-205 inclusive, Replat 5 - 1 & 2, Replat 3 - 1 & 2, and Replat 6 - 1 & 2 shall have access to the lake through the 35' lakeshore easement as well as through the lakeshore property which sits to the rear of the lot and the lakeshore easement. Access through easements and/or lakeshore property by the lot owner shall not extend outside of the bounding property lines for that lake lot.

Lake access for lots with terrain that prevents owners from using the lake for swimming, fishing, or boating may be granted via areas approved by the board of the Lake Lot Homeowner's Association on a per lot basis.

Lot owners of Lots 180-183 have the right to access the water through all association owned property located directly behind these lots, with specific access to Lake Lot Owners Association owned and

installed dock structures located behind Lot 181. Owners of Lots 189 and 190 have the right to access the water through Out lots 3 and 2D.

1.3 LVLA property (i.e. for fishing, boating, winter sports) is for the express use of Lake Lot residents (defined as those who physically reside in a home on a LVLA Lot). Visitors are authorized access if they are physically accompanied by a LVLA resident. This policy extends to Out Lots, docks, dams, and the lake itself.

1.4 Access other than that granted by these rules shall be considered trespassing and subject to a \$50.00 fine.

Rule 2. Lake Association Owned Property Access

2.1 Access to lake association property for purposes of maintenance, stabilization, inspection, litter control or any other purpose must be approved by the Lake Association Board of Directors. Access other than that granted by this rule shall be considered trespassing and subject to a \$50.00 fine.

*Lake Association Owned Property includes but is not limited the following:

- 2.1.1 Out Lot 1 which includes the Lower Lake, Lower Dam/Lower Spillway, the Wetland Area (The Wetland Area boundaries are Maass Road to the north, Lot 179 to the west, Lower Dam/Spillway to the west, Jochim's Cast Concrete to the east, and Lot 205 to the south.), and the property located between circles (Lakeside, Fountain, Eastlake, and Bay Circles) on Maass Road, Lots 156 through 179 inclusive.
- 2.1.2 Out Lot 2 which includes the Upper Lake, Upper Dam/Upper Spillway, Out Lots 2A-2D, the property located east of Out Lot 2A, west of Lot 180 and north of Timberridge Drive, and the property located between circles (Westlake, Shoreline, and Lakeside Circles) on Maass Road, Lots 136 through 155 inclusive.
- 2.1.3 Out Lot 3
- 2.1.4 Out Lot 4

Rule 3. Parking

3.1 No parking on any lake association owned property to include wetland area, out lots, dams/spillways. Parking on property specified in this rule is considered trespassing and is subject to a \$50.00 fine.

Section 2 Lake Property Use Rules

Rule 4. Lake Property Use & Access

- 4.1 Approved warm and cold weather lake uses are defined as swimming, boating, fishing, skating, and sledding. All activities are at the lake lot owner's own risk.
- 4.2 Lake use access is only permitted through a lake lot owner's lake access as defined under **Section 1 Lake Property Access Rules**.

Rule 5. Lake Hours

- 5.1 All lake use is limited from 6 a.m. to 10 p.m. daily. Lake use prior to 6 a.m. or after 10 p.m. shall be considered in violation of this rule and is subject to a \$10.00 fine.

Rule 6. Swimming

- 6.1 Swimming is allowed but at the lake lot owner's own risk. No lifeguards will be on duty at any time.
- 6.2 No diving at any time. All diving shall be considered in violation of this rule and will be subject to a \$50 fine.
- 6.3 Personal rafts, floating devices and all other recreational water equipment in the lake must be attended or in use by the lake lot owner at all times and must be removed from the lake each day no later than 10 p.m. Any unattended recreational water property or any recreational water property remaining in the lake after 10 p.m. shall be considered in violation of this rule and is subject to a \$10.00 fine.

Rule 7. Boating

- 7.1 No boat exceeding twelve feet bow to stern is permitted on the lake. Canoes longer than twelve feet are permitted. All boats must be non-motorized with the exception of boats that may be equipped with an electric trolling motor not to exceed 2HP for purposes of craft stabilization or emergencies. Any boat in the lake other than the type defined here shall be considered in violation of this rule and is subject to a \$100.00 fine.
- 7.2 Boats must be stored in accordance with the covenants (**Paragraph B.12 of Article III**). Boat storage violations are subject to a \$100.00 fine.

Rule 8. Fishing

- 8.1 NE state fishing laws apply. All people fishing on the lakes must have a current NE fishing license, no exceptions.
- 8.2 Only catch and release is allowed. \$25.00 fine.
- 8.3 No set lines/No jugs. \$100.00 fine.
- 8.4 NE state fishing laws apply. All people fishing on the lakes must have a current NE fishing license, no exceptions.
- 8.5 Only catch and release is allowed. \$25.00 fine.
- 8.6 Maximum limit of 2 poles per person. \$10.00 per pole fine.
- 8.7 All poles must be attended at all times. \$10.00 fine.

8.8 All fishing tackle must be removed from lake area. \$25.00 fine.

8.9 Please review the state rules at the Nebraska Game and Parks Commission website.

<http://www.ngpc.state.ne.us/fishing/guides/fishguide>

Unlawful Fishing Practices:

- to borrow or use the permit of another or lend your permit to another.
- to leave fish or any part thereof on the banks or in the water of any stream, lake or other body of water.
- to fish on any private land without landowner permission.
- to use a crossbow or similar device, with the exception of a handicapped person with a medical certificate on file.
- to seine sport fish of any size.
- to leave fish in a trap for more than 24 hours.
- to use float lines.
- to attach limb lines with nails, or more than 12 inches above the water to trees on any lake or reservoir.
- to attempt to snag fish
- to keep a foul-hooked fish, which is any fish hooked externally.

Section 3 General Rules

Rule 9. No Dumping/Discharge/Littering of Any Kind Whatsoever

3.1 \$500.00 fine.

Rule 10. No Hunting/No Trapping/No Harassment of Wildlife

3.2 \$500.00 fine.

Rule 11. Flora/Fauna

3.3 No removal of flora or fauna from lake area property without express permission of the board of the Lake Association. \$500.00 fine.

3.4 No introduction of any flora or fauna to lake area property. \$500.00 fine.

Rule 12. Pets

3.5 Must be under the control of lake lot owner at all times (leash laws apply!). \$50 fine.

Rule 13. Property Appearance

3.6 Property appearance must be in accordance with the covenants (**Paragraph B.11 of Article III**). Property appearance violations are subject to a \$10.00 fine.

3.7 No portable swimming/wading pools of any kind whatsoever shall be stored or permitted to remain in the front or side of any dwelling. \$10.00 fine.

3.8 No portable play equipment of any kind whatsoever shall be stored or permitted to remain in the front or side of any dwelling except while in actual use. \$10.00 fine.

Section 4 Rule Enforcement Process

- 4.1** All rule violations must be reported within five days of observance to the Rules Committee. A rule violation may initially be submitted to the Rules Committee by phone, email, or person-to-person, but a hard copy (paper) report for the rule violation must be on file with the Rules Committee within five days of the initial communication. Names of people reporting violations will not be published.
- 4.2** The Rules Committee will acknowledge receipt of the rule violation report within 15 days of submission.
- 4.3** If the rule violation report is deemed valid by the Rules Committee, one warning letter will be sent to the lake lot owner violating the rule requesting correction of violation or discontinuance of activity resulting in violation. The period of time in which a violation must be remedied will be specified in the warning letter and will be determined on a per violation basis.
- 4.4** If the period of time specified by 4.3 to remedy a violation expires, the Rules Committee will instruct the Treasurer to send one invoice for the fine amount associated with the rule to the lake lot owner in violation with a note indicating the fine can be appealed one time to the Rules Committee within 15 days of receipt of the invoice.
- 4.5** If the Rules Committee approves the appeal, the fine to the lake lot owner in violation will be waived. Although the fine may be waived, the Rules Committee will determine whether the violation is valid for purposes of counting future violations involving the same lake lot owner. If the appeal is not approved by the Rules Committee, the Treasurer will be instructed to send a second invoice for the fine amount to the lake lot owner in violation with a note indicating the fine can be appealed one time to the Board of Directors within 15 days of receipt of the second invoice.
- 4.6** If the Board of Directors approves the appeal, the fine to the lake lot owner in violation will be waived. Although the fine may be waived, the Rules Committee will determine whether the violation is valid for purposes of counting future violations involving the same lake lot owner. If the appeal is not approved by the Board of Directors, the Treasurer will be instructed to send a third invoice for the fine amount to the lake lot owner in violation with a note indicating the invoice due date with no options for appeal.

4.7 If the lake lot owner in violation has a second reported violation of the same kind within a six month period (provided the previously documented violation had been determined to be valid by the Rules Committee), an invoice for **double the fine amount** associated with the rule will be sent to the lake lot owner in violation with a note indicating the invoice due date with no options for appeal.

4.8 Creation of Lien and Personal Obligation of Fines - If the lake lot owner in violation fails to pay a fine by the due date specified by the Lake Association Rules Committee, the fine shall bear interest from the due date at the rate of eleven per cent (11%) per annum or the maximum annual rate of interest at which individuals may contract if said maximum annual rate of interest is less than eleven percent (11%) per annum. The Lake Association may bring an action at law against a lake lot owner personally obligated to pay the same or may foreclose the lien against the property in the same manner as provided by the law for the foreclosure of mortgages. No lake lot owner may waive or otherwise escape liability for the fines provided herein by non-use of the Lake Area, or abandonment of the lake lot owner's lake lot. The lien of the fine provided for herein shall be subordinate to the lien of any first mortgage for first deed of trust. Sale or transfer of any lake lot shall not affect the fine lien. However, the sale or transfer of any lake lot pursuant to mortgage foreclosure or the exercise of rights under a deed of trust shall extinguish the lien for such fines as to payments which became due prior to such sale or transfer, but all person(s) who owned the lake lot at the time when the lien attached shall remain personally liable for payment of the amount of the lien.

The lake lot owner in violation shall be personally responsible for all expenses (fines, fees, legal costs, etc.) of administering the unpaid fine, filing the lien, and bringing the action at law against the lake lot owner.