

Flatwater Lake Homeowners Association, Inc.

Rules and Regulations of the Flatwater Lake Development

All Flatwater Lake Homeowners Association, Inc. (“Association”) members, owners, residents or occupiers of the Flatwater Lake Development (“Subdivision”) (or any new re-plats thereof) are responsible for ensuring that they and their guests understand and abide by the Rules and Regulations of the Subdivision. The Subdivision includes the following property: See Exhibit A attached hereto and incorporated herein by this reference.

Disregard for and abuse of these Rules and Regulations are grounds for suspension of privileges to use the lake or any other common facility.

These rules and regulations are designed to give Lot Owners, including all Condominium Unit Owners, a common understanding for expected behavior and to help maintain a safe environment for all owners and guests. There will be times when an owner is exhibiting poor judgment and placing themselves or other owners, guests and families at risk of harm and yet not actually breaking any specific rule(s). Additionally, owners, from time to time, may break a rule without risk of harming anyone or causing problems to other owners. The Association’s Board of Directors (the “Board”) and all owners should take into account, when reporting infraction(s), whether infractions truly exhibit negligent behavior or are a technical violation of the rules and regulations. Additionally, it is assumed that owners will try to directly communicate observed violations and resolve minor grievances with other owners before taking these grievances to the Board.

The Association, or individuals acting under the authority of the Association, is not liable for any damages and/or injuries sustained while guests or residents are using the Association facilities or on Association property. Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Subdivision’s Declaration filed on _____, 2020, or in the Association’s Bylaws dated _____, 2020.

If a member of the Association wishes to report an observed violation of these Rules and Regulations, a written complaint should be filed with the Board. This written complaint may be shared with others in the Association. The complaint should include:

1. The date and time of the violation.
2. The nature of the violation.
3. The lot number and/or name of the violator, if known.

I. Guests and Safety

All owners and any other person or entity using or entering the Subdivision, including lessees and other persons in the Subdivision through the acts or omissions of an owner, shall be responsible for taking reasonable steps to ensure the safety of all owners and guests. Any condition or obstruction within the Subdivision that may pose a risk of safety to the owners or their guests shall be reported to the Association's Board immediately. Furthermore, each owner shall take reasonable steps to warn or otherwise abate the condition or obstruction until the Board has had time to address the situation. **All owners are required to obtain an umbrella liability policy with coverage of at least one million dollars (\$1,000,000) naming the Association and its officers and directors as additional insureds.**

II. Swimming

1. Swimming across the lake, or in the boat launching area is prohibited. **Diving into the lake head first is strictly prohibited.**
2. Scuba Diving is allowed only by special written permit from the Association. All scuba divers must use a flag while diving. All watercraft of any kind must stay 75 feet from this flag.

III. Noise, Pets

Noise rising to the level of a nuisance shall be prohibited. Pets must be under control at all times, and shall be on a leash when not located and appropriately under control at their home Lot.

IV. Lake & Miscellaneous Rules

1. Owners or any party using or occupying any part of the Association's lake or common facilities (any beach areas, boat ramps, trails, shorelines or other common areas) must comply with the restrictions set forth in the Declaration of Covenants, Conditions, Restrictions, and Easements (the "Declaration") as adopted or revised from time to time.
2. All watercraft or ATVs operating on the lake or within the Subdivision must comply with all applicable laws, Regulations, ordinances, and these Rules and Regulations.
3. Should any owner or owner's immediate family member, guest, lessee, or invitee, permit, authorize, or participate in any way in the violation of these Rules and Regulations, this may be grounds for revocation of the owner's rights and privileges to use the lake or any common facilities. In addition, privileges may be revoked until the set charge or fine has been paid and until a written

application for reinstatement has been made to and approved by the Board of the Association. The Board shall issue fines and other punishments for any rule violations in their sole discretion and in the furtherance of the goals of the Subdivision and the enjoyment and safety of all. Punishments may include warnings, fines, reprimands, loss of lake privileges, and for repeated and severe violations, revocation of a dock easement. Parties other than owners may be reprimanded in any manner deemed appropriate by the Board, including temporary or complete revocation of all right to use or occupy the lake or any common facilities. Any reprimands issued by the Board may be overturned by a vote of the Association Members as outlined in the Association's Bylaws.

4. **Guest boats or other watercraft are not allowed on the lake without express permission from the Board.** There are no exceptions to this rule. Only watercraft owned, stickered, and under the control of owners will be allowed in the water. Anyone intending to install a boat dock or lift must submit a plan to the Design Review Board (the "DRB") as early as possible. The risk of Zebra Mussel infestation is significantly associated with dealer boats and trailers that travel from water to water. Therefore, in an effort to protect our most valuable asset, no dealer boats or trailers will be allowed on the Lake unless the dealer or vendor certifies compliance with safe power washing or other preventive industry accepted measures.
5. No watercraft shall be equipped with sanitary facilities of any kind that is capable of directly discharging into the water.
6. Jet Skis and Boats with Inboard, Inboard-Outboard, and Outboard motors are allowed, subject to limitations as set forth in the Rules and Regulations. Maximum boat length is 24' feet, and shall be no taller than 12 feet above the waterline. **Airboats are prohibited.** It is required that engines on boats and jet skis be four-stroke or compliant two-stroke environmental sound models. Stand-up jet skis are the exception to this rule. **All watercraft must display a Lot number prominently on the left (port) and right (starboard) sides.**
7. No boat motors may be altered or modified from their original factory production standards to increase their performance or horsepower. Watercraft using Captain's Call or other non-muffled exhaust is not permitted.
8. Speed in the launching, shore, bay and dock areas is always No Wake. Speed on the lake between ½ hour after sunrise and sunset is No Wake.
9. All boating or watercraft operation will be in a counterclockwise direction as outlined on Exhibit B – Boat Traffic Pattern Map attached hereto. Only with extreme caution and yielding the right of way to all skiers and other boats shall a boat operator cut across the lake. All hot dogging, abrupt turns, spins, jumping, etc., shall not be allowed. This rule applies to jet skis as well as boats pulling tubers. Double-ups (making a sharp turn and re-crossing one's wake to create a bigger wake) are not allowed in the skiing and wakeboarding channels.

EXTREME CAUTION MUST BE USED UNDER THE BRIDGE AND IN ALL NARROW AREAS OF THE LAKE. ANY WATERCRAFT PULLING A SKIER OR OTHER TOWABLE IN THESE NARROW AREAS MUST PROCEED IN A STRAIGHT DIRECTION AND IN THE CENTER LINE OF THE CHANNEL.

10. Wakesurfing is currently **NOT** allowed to help protect the shoreline and dock facilities.
11. Watercraft must not follow a person being towed at a distance closer than 300 feet. Watercraft traveling faster than No Wake shall not travel within 100 feet of another boat.
12. All watercraft and persons pulled by boats must remain a minimum of 25 feet from the shoreline, boatlifts, and docks except when the watercraft is leaving or returning to shore. It is assumed good judgment will be used in these situations and that all Nebraska boating rules, regulations and statutes will be fully complied with by all residents and operators.
13. Downed skiers/riders/tubers have the right of way at all times.
14. All boats must use appropriate lights if on the lake at night.
15. Sailboats, canoes, rowboats, paddleboats, any vessel not operating under mechanical power, any anchored vessel, and swimmers always have right of way over any vessel operating under mechanical power.
16. Towlines may not exceed 75 feet in length. No horseplay or wild rides are allowed.
18. Buoys, platforms, diving floats, trampolines, etc., shall not be placed in the lake without prior written approval from the DRB. Any said items placed without approval will be removed. No watercraft, skier or wakeboarding should ever go inside a buoy. Fines will be assessed if this activity is observed. Small “lilly pads” or other temporary floating devices near the shoreline are acceptable provided they do not interfere with traffic flow on the lake.
19. Use extreme caution when the lake is icy.
20. Hunting is not allowed at Flatwater Lake.
21. Automobiles, ATV’s with at least four wheels, and golf carts are allowed on the roads and other Association property. All other motorized vehicles are prohibited. ATV’s and Golf carts must be properly licensed and registered under all applicable Nebraska laws, and must be marked with the Owner’s Lot number.
22. The motorized vehicle speed limit is 25 MPH on the Subdivision. This speed

limit applies to all vehicles on all roads AND also applies to all vehicles off-road in the common areas. Loud vehicles are not permitted and stock mufflers (read: quiet) are required. At no time, should these vehicles be used in a manner that creates excessive noise or is a hazard to residents. Motorized vehicles traveling on the Subdivision need to beware that non-motorized forms of travel (walkers, runners, bikers, roller-bladers, etc.) utilize the roads and common areas day and night. Those operating motorized vehicles should be courteous and ever vigilant of these folks on the Subdivision.

23. Headlights and taillights must be operational after dark on all motorized vehicles. Discretion should be used when operating these vehicles at night. Those operating motorized vehicles after dark should be courteous and make sure they are operating their vehicles in the safest and quietest manner possible.
24. Lawns will not be permitted within 10 feet of the lake. Lawns are encouraged on the front and side yards, but all fertilizers or other chemicals shall be organic or certified appropriate for use in a Lake environment.
25. The boat ramp gate must remain locked at all times. Any boats, watercraft, dock lifts and dock or lift parts must not have been in any other lakes within the previous 6 months. If these items have been in any other body of water within the above time frame, they must be certified “clean” by an approved boat dealer. Failure to abide by this rule may subject you to the loss of lake privileges for up to 12 months.
26. Each Lot Owner is allowed the following watercraft / recreational vehicles at Flatwater Lake:
 - a. 2 - Boats
 - b. 2 – Jet Skies

During peak usage times and dates, the Association may limit Lot Owners to only one watercraft on the water at the designated time. The Condominium Unit Owners will only have such access as permitted in the condominium slips provided for in the Declaration.

28. Camping shall only be allowed for the period of times permitted in the Association’s Declaration, or as approved on a case-by-case basis by the Board.

V. Amendment

These Rules and Regulations shall be binding on all owners and any person or entity using the lake or any other common facility, and may be changed or amended by a written majority vote of the entire membership as provided for in the Association’s Bylaws. The number of votes which each Lot or Condominium Unit Owner is entitled to is as set forth in the

Declaration and the Association's Articles of Incorporation. These Rules and Regulations may also be changed or amended by a majority vote of the Association's Board. In the event of any conflict, a rule change or amendment enacted by the Lot Owners as outlined above shall have priority and binding effect over any conflicting rule or regulation adopted by the Board. Notwithstanding the foregoing, the Declarant shall have the right to also amend these Rules and Regulations for three (3) years following the filing of the Declaration.

IN WITNESS WHEREOF, the Association has caused these to be executed and adopted this ____ day of _____, 2020.

FLATWATER LAKE HOMEOWNERS
ASSOCIATION, INC., a Nebraska nonprofit
corporation

By: _____
-----, Director and President

-----, Director and
Secretary/Treasurer

-----, Director and Vice President