

Flatwater Lake Homeowners Association, Inc.

Rules and Regulations of the Flatwater Lake Development Subdivision

All Flatwater Lake Homeowners Association, Inc. (“Association”) members, owners, residents or occupiers of the 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 Flatwater Lake Development 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 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 Association Board of Directors.

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 May 8, 2020, or in the Association’s Bylaws dated June 15, 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 of Directors. 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 of Directors immediately. Furthermore, each owner shall take reasonable steps to warn or otherwise abate the condition or obstruction until the Board of Directors 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, the Declarant, Hampton Development Services, Inc., and their 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, be fully vaccinated, and shall be on a leash when not located and appropriately under control at their home Lot. Excessive barking, howling, and whining by dogs when outside will not be tolerated, and dog owners are required to take steps to prevent such behavior.

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 Covenants (Declaration) as adopted or revised from time to time.
2. All watercraft, motorized vehicles, or ATVs operating on the lake or any area 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 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 Directors of the Association. The Board of Directors 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 punished in any manner deemed appropriate by the Board of Directors, including temporary or complete revocation of all right to use or occupy the Lake or any common facilities. Any

punishments 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 of Directors.** 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 (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 at Flatwater Lake unless the dealer or vendor certifies compliance with safe power washing or other preventive industry accepted measures. Between Memorial Day and Labor Day, access to the boat ramp must be scheduled in advance with a Board member. Once a resident's boat is launched in the spring, it is expected to remain on the lake until fall. If any watercraft is removed from the lake, the owner must certify appropriate decontamination certifications prior to re-entry into the lake.
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. Pontoon boats are limited to 24 feet in length. Airboats or jet boats are prohibited. It is required that engines on boats and jet skis be four-stroke models. Stand-up jet skis are the exception to this rule. **All watercraft must display a Lot number and an annual Flatwater Lake sticker prominently on the left (port) or right (starboard) sides. Proof of all required watercraft and umbrella insurance will be required prior to obtaining the annual Flatwater Lake sticker. Jet skis are discouraged during Holiday weekends or other periods of high Lake traffic. Homeowners will be expected to use a commonsense approach to this restriction.**
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 one-half (1/2) 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. In limited circumstances and areas, the Board may publish a traffic pattern that allows limited wakesurfing from time to time. No parasailing or kite surfing is permitted.
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 one hundred 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, kayaks, 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.
17. Buoys, platforms, diving floats, trampolines, etc., shall not be placed in the lake without prior written approval from the Design Review Board. Any said items placed without approval will be removed. No watercraft, skier or wakeboarder should ever go inside a buoy. Fines will be assessed if this activity is observed. Small "lily pads," "Maui mats," or other temporary floating devices near the shoreline are acceptable provided they do not interfere with traffic flow on the Lake.
18. Use extreme caution when the lake is icy.
19. Hunting is not allowed at Flatwater Lake.
21. Automobiles, UTV's, ATV's with at least four wheels, are allowed on the roads and other Association property. All other motorized vehicles and snowmobiles are prohibited. Automobiles, UTVs and ATV's must be properly licensed and registered under all applicable laws, and must display a Lot number and an annual Flatwater Lake sticker prominently on the bumper.
22. Repair of any boats, automobiles, motorcycles, trucks, or other vehicles between 8:00 p.m. and 6:00 a.m. shall be prohibited. Broken down vehicles, boats, trailers, etc., shall not be visibly stored, parked, or abandoned on any Lot or driveway.
23. Motorized vehicle speed limit is 25 MPH in the Flatwater Lake Development 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 Flatwater

Lake Development Subdivision need to be aware 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 Property.

24. 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.
25. Lots and lawns must be maintained and weed controlled prior to, during, and after construction. Lawns will not be permitted within 10 feet of the lake. Lawns are encouraged on the front and side yards, but only Zero Phosphorus fertilizers will be appropriate for use in a Lake environment for lawns, shrubs, trees, and/or flower beds.
26. The boat ramp gate must remain locked at all times. Any boats, watercraft, docks, 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.
27. Each Lot owner is allowed the following watercraft / recreational vehicles at Flatwater Lake:
 - a. 2 - Boats
 - b. 2 - Jet Skies
28. During peak usage times and dates, the Association may limit owners to only one watercraft on the water at the designated time. The Row Home owners will only have such access as permitted in the Row Home slips provided for in the Declaration.
29. 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.
30. All personal signs such as "garage sales," "birthday party," etc., must be removed within 24 hours of the event. No signs shall be erected on any common area or other Association property without the prior approval of the Board.
31. Public Address systems and loud radios will not be tolerated after 10:00 p.m., and at all times consideration must be given to adjacent residences.
32. No feeding of migratory geese or waterfowl is allowed.
33. No hauling in of sand, gravel, or other materials shall be permitted without the prior approval of the DRB.

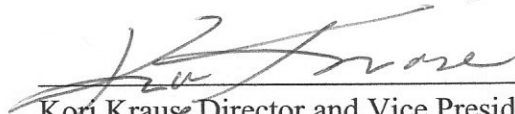
V. Amendment

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 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 of Directors. 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 of Directors. Notwithstanding the foregoing, the Declarant shall have the right to also amend these Rules and Regulations for five (5) years following the filing of the Declaration.

IN WITNESS WHEREOF, the Association has caused these to be executed and adopted this 23rd day of September, 2021.

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

By: 
Robert D. Hampton, Director and President

By: 
Kori Kraus, Director and Vice President

By: 
Camille S. Pserros, Director and Secretary/Treasurer

Exhibit "A"

Lots 1 through 16, Flatwater Development Addition Replat 1, being a replatting of Lots 1 through 15, all in Flatwater Development Addition Replat 1, City of Valley, Douglas County, Nebraska.

Lots 17 through 84, and Outlots A, B and C, Flatwater Lake Development 2nd Addition, being a part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW/14), All in Section 36, Township 16 North, Range 9 East of the 6th P.M., in Douglas County, Nebraska.

Lots 85 through 131, and Outlot D, Flatwater Lake Development 3rd Addition, being a part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), All in Section 36, Township 16 North, Range 9 East of the 6th P.M., in Douglas County, Nebraska.

Exhibit B - Flatwater Lake Boat Direction Map

