



Heritage Lake Property Owner's Association

Lake Rules

2023

Adopted 12/12/2022

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Definitions

- “Heritage Lake” Heritage Lake is a private, 320-acre lake located west of Indianapolis, just off Rockville Road/SR 36. It is located in the community of Heritage Lake, managed by the Heritage Lake Property Owners Association
- “Heritage Lake Common Property” “Common Properties” shall mean and refer to those areas of land shown on any recorded subdivision plat of The Properties and intended to be devoted to the common use and enjoyment of the owners of The Properties as defined in the Heritage Lake Restrictive Covenant Definitions, Article 1.
- “Rules” or “Heritage Lake POA Rules” Rules and or regulations defined and published by the Heritage Lake Property Owners association under authority of the By-Laws Article X Section 1.
- “Lake Season” The period of Watercraft Registration in effect from April 1 to March 31 of each year.
- “Lake Privileges” The rights of the Owner to easement of enjoyment as defined in the Restrictive Covenants Article IV Section 1.
- “HLPOA” or “POA” Means Heritage Lake Property Owner’s Association
- “Board” Means the Board of Directors of the Heritage Lake Property Owners Association
- “Idle Speed” or “No Wake” Means the slowest speed to maintain steerage, whereby the wake or wash created is minimal **and not to exceed 5 miles per hour.**
- “Intoxicated” Means under the influence of alcohol and/or a controlled substance and/or combination thereof such that there is an impaired condition of thought and/or action, and the loss of normal control of a person’s faculties to such an extent as to endanger any persons or property.
- “Main Body of the Lake” Means the area south of the mouths of the East and North Forks and in the middle of the Lake.

- “Member or Property Owner” Means any person, firm, partnership, or corporation who owns a home or lot within the properties of the HLPOA. (Any person who belongs to the family of a member and maintains the same residence as the member to whose family he/she belongs).
- “Non-allowed Watercraft” Guest boats, Houseboats, Air boats, under water watercraft, boats in excess of 26 feet and pontoons in excess of 30 feet. Any watercraft with a bathroom and/or galley facility (other than a gas or charcoal grill), a through the hull drain, power craft with over the transom exhaust, unmanned tow power craft, and personal watercraft as tow power craft are not permitted.
- “Notice of Appeal” Notification submitted to the POA Office by a person having been issued a citation for a rules infraction, to appeal the citation or associated penalty.
- “Reckless” or “Unsafe” Means any act or omission while operating or while a passenger of a watercraft that could endanger the safety of persons or property. Reckless operation includes, but is not limited to, zigzagging, racing, excessive speeding, excessive weaving, jumping, high speed turns, operating a watercraft while intoxicated, operating a watercraft too close to swimmers, skiers, or wakeboarders, violating the no wake or idle speed zones, operating a watercraft too close to the shoreline or another watercraft.
- “Watercraft” Means any motorized or non-motorized craft for use on the lake.
- “Power craft” Any watercraft with a motor. A boat powered only by a trolling motor does not fit the definition of a power craft.
- “PWC” Means personal watercraft with a Class A inboard motor, and includes but is not limited to jet skis, wave runners, water scooters, water bikes, etc.
- “Personal Flotation Device” Means a US Coast Guard approved life vest, life jacket, life belt, or equivalent. Seat cushions and life rings are specifically excluded for purposes of this definition.
- “Safety Patrol Officer” “SPO” Personnel hired by POA Manager to enforce rules or engage in safety patrols.

- “Sunset/Sunrise” All power craft are to be at idle speed between sunset and sunrise. These times are readily available from the internet.
Cell tower lights are not actual depiction of sunset.
- “Water Skiing” Means towing a person(s) by a power craft in any manner such as on skis, wake boards, surfboards, tubes, kneeboards, or other flotation devices. A PWC is not allowed to tow any of the above-mentioned devices on Heritage Lake.
- “Watercraft Operating Permit” The permit issued by the POA to an individual who has passed the required Test.

A: GENERAL RULES AND INFORMATION

1. General Regulations

The boating and fishing laws of the State of Indiana apply to any situation not addressed by Heritage Lake POA Rules. Boating and fishing laws of the State of Indiana shall apply to all waters under the jurisdiction of Heritage Lake, including ponds, and to all watercraft navigating or moving thereon and all fishing thereon. The Heritage Lake Board reserves the right to adopt rules and regulations that may be more restrictive than the boating and fishing laws of the State of Indiana.

2. Agreement to be bound by the Rules

By operating a watercraft on Heritage Lake, you agree to the following:

- a) To become familiar with and comply with all rules adopted by the Heritage Lake POA relating to the use of Heritage Lake;
- b) To comply with all applicable local and state laws;
- c) To comply with all instructions of the Heritage Lake SPO and local and state law enforcement;
- d) To fully cooperate and allow the Heritage Lake SPO to conduct safety inspection of your watercraft and related safety equipment;
- e) To safely operate watercraft on Heritage Lake; and
- f) To adhere to sanctions and pay fines assessed by the Heritage Lake POA for violations of the Rules.

3. Enforcement Procedures and Schedule of Fines

In order to ensure a safe lake environment for all Heritage Lake residents and guests, the Heritage Lake POA engages SPOs to monitor lake use. An SPO is granted authority to enforce the Rules. An SPO and/or the Heritage Lake POA Board may issue a violation citation to any Property Owner because of engaging in unsafe behavior while on Heritage Lake or Heritage Lake common property, or a violation of any Heritage Lake rule approved by the Heritage Lake POA Board. An SPO shall also have the authority to order any person to immediately vacate Heritage Lake and/or any Heritage Lake Common Property in order to maintain peace, a safe lake environment and prevent a continuing violation of Heritage Lake Rules. Heritage Lake Property Owners shall be responsible for the conduct of their family members and guests while utilizing Heritage Lake and/or Heritage Lake Common Property. Any fine or sanction imposed hereunder shall be the responsibility of the Heritage Lake Property Owner. **All lake suspensions are imposed immediately at the time of the violation.**

The Heritage Lake POA Board has adopted a progressive fine and sanction schedule. Fines and sanctions shall be imposed as follows:

<u>Violation Level</u>	<u>Fine</u>	<u>Suspension of Lake Privileges</u> <u>Number of Days</u>
Level 1	\$250.00	30 days
Level 2	\$150.00	15 days
Level 3	\$50.00	10 days

A second violation of the same level in a single lake season shall be treated as a violation of the immediately higher violation level. Two (2) Level 1 Violations in a single lake season shall be subject to a Level 1 fine and a suspension of lake privileges for the remainder of the lake season. All fines must be paid in full prior to the resumption of lake privileges. Any unpaid fines shall become a lien on the real property of the responsible Heritage Lake Property Owner. The use of Heritage Lake by a Property Owner or their family members or guests while lake privileges are suspended shall be considered a trespass on Heritage Lake POA property. All fines imposed by a violation citation shall be paid within ten (10) days of the date of the violation citation unless an appeal is timely filed as set forth below.

The Heritage Lake POA shall be entitled to recover its attorney fees, litigation expenses, and costs incurred in enforcing and collecting any fine and sanction imposed hereunder.

4: Appeal Procedure

A Property Owner may appeal a violation citation and the corresponding sanction and fine. The following appeal procedures shall apply to all appeals:

- a) An appeal must be commenced by the Property Owner filing a Notice of Appeal with the Heritage Lake POA business office within ten (10) days of the date the violation citation issued to the Property Owner. A Notice of Appeal form is available at the clubhouse office.
- b) The Notice of Appeal must be accompanied by the following information:
 - i. A concise statement describing the factual and legal grounds for the appeal;
 - ii. A copy of all documents upon which the appellant relies supporting the appeal; and
 - iii. The names and contact information of any witness the appellant intends to have testify in support of the appeal.
- c) Appellant will receive notice of the appeal hearing. Failure to appear shall result in the dismissal of the appeal. Appellant is entitled to one (1) continuance of the hearing date for good cause shown. A written request for a continuance must be delivered to the clubhouse office not less than forty-eight (48) hours prior to the scheduled hearing date and time. The request for continuance must state the grounds for the requested continuance.
- d) Appellant shall have the right to call disclosed witnesses and present documentary evidence at the appeal hearing. Appellant shall also have the right to cross-examine a witness testifying in support of affirming the violation citation. Appellant shall have the right to be represented by an attorney at the appeals hearing.
- e) The Board shall hear appellant's appeal. An affirmative vote of not less than seventy-five percent (75%) of the Board members present at the hearing shall be required to grant the appeal and reverse the violation citation. All decisions of the Board shall be considered final and non-appealable. Any fine affirmed by the Board shall be paid within seven (7) days of the date of the of the Board's appellate ruling.
- f) Appeal hearings shall be open to the Heritage Lake POA members.

B: BOATING RULES AND REGULATIONS

B.1: Watercraft Operating Rules

(Includes ski boats, pontoons, fishing boats and PWC's)

LEVEL 1 SAFETY RULES

VIOLATIONS OF ANY LEVEL 1 SAFETY RULE WILL RESULT IN A \$250.00 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

1. All traffic in excess of idle speed (including both power craft and person(s)-in-tow) shall operate at a reasonable distance outside the buoys, and from any other watercraft, so as not to produce a hazardous wake or wash.
2. During the period between *sunset and sunrise*, as officially published, no watercraft shall:
 - a. Operate at a speed greater than *idle speed*.
 - b. Tow any object except a disabled watercraft.
 - c. Create a wake that is disruptive to persons, watercraft, or property.
 - d. Operate a radio, stereo, or musical equipment creating excessive noise.
3. No person shall race or operate a watercraft in a reckless or unsafe manner.
4. No person shall operate any watercraft in a designated swimming area.
5. No person shall sit on the gunnels or railings of a watercraft, dangle feet from the watercraft, ride forward of the safety railing on watercraft or sit on the seat backs while a watercraft is operating in excess of idle speed.
6. No watercraft shall contain more persons or weight load more than the boat's safe occupancy limit, which includes persons in tow (skiers, tubers, etc.)
7. Persons the age of sixteen (16) and older, or fifteen (15) (if she/he passes the Indiana Boating Safety Course) may operate a power craft with a horsepower rating in excess of ten (10) HP. They must also pass the HLPOA Watercraft Operating permit exam. The Indiana Boating Safety Course can be found at www.boat-ed.com.
8. A 15 year old power craft operator may only carry passengers if the passenger is 18 or older.
9. Persons 14 and under may only operate a power craft with less than 10 hp.

The SPO is authorized to call the local law enforcement for assistance if anyone is suspected to be under the influence of alcohol or drugs.

10. Operation of a watercraft while under the influence not involving personal injury and or property damage will result in a Level 1 violation and fine.
11. Operation of a watercraft while under the influence involving personal injury and or property damage will result in an immediate suspension of all Lake Privileges. The penalty shall include a fine of \$1000 and loss of Lake Privileges for one (1) calendar year from date of infraction. Each operator of a watercraft shall, as a condition of Lake Privileges, agree to submit to a breathalyzer test at the request of an SPO.

LEVEL 2 SAFETY RULES

VIOLATIONS OF ANY LEVEL 2 SAFETY RULE WILL RESULT IN A \$150.00 FINE AND A FIFTEEN (15) DAY SUSPENSION OF LAKE PRIVILEGES.

1. All watercraft, except sailboats under sail, outside the 75-foot buoy must operate in a counterclockwise direction, keeping near the right hand (starboard) shore, except when picking up a downed skier or tuber. Sailboats under sail and tacking must attempt to maintain a counterclockwise general direction. Sailboats using auxiliary motor power shall be considered motorized watercraft and must adhere to the counterclockwise direction.
2. All power craft towing a skier shall return to the downed skier(s) by first displaying the orange flag prominently so it is visible to other power craft operators, slowing the power craft to idle speed, then turn to the right towards the shore and idle directly to the downed skier(s)
3. Wake surfing may only be performed near the middle of the Main Body of the Lake. Wake surfing is prohibited in the North Fork or East Fork (Clubhouse Cove).
4. Both the operator and the owner of a watercraft are responsible for any damage caused by the operation of his/her watercraft or his/her watercraft's *wake or wash*.
5. All persons must wear a life jacket (PFD) while riding a PWC.
6. The operator of a personal watercraft must be 18 years of age or older, if carrying a passenger.
7. All trick, aggressive and abrupt maneuvers by PWCs, shall only be permitted in the designated SEPARATE course area, normally at the south end of the lake, within the 200' X 200' area as designated by buoys. These maneuvers must not place the operator, or any other person or watercraft, in any kind of peril. Only one (1) watercraft is permitted in the area at a time with no passengers.
8. Ballast boost is only allowed in surfing/main body area. Ballasts must be turned off/drained before leaving the surfing/main body area. The Ballast should not be turned on/filled prior to entering the surfing/main body area. This rule does not prohibit wakeboarding with ballast in the north fork.

LEVEL 3 SAFETY RULES

VIOLATIONS OF ANY LEVEL 3 SAFETY RULE WILL RESULT IN A \$50.00 FINE AND A TEN (10) DAY SUSPENSION OF LAKE PRIVILEGES.

1. No personal buoys or lake markers of any type are permitted in Heritage Lake without written approval by the POA Property Manager or Board. A sticker will identify buoys that are approved.
2. The operator of any watercraft must possess or be able to produce a current valid driver's license for age verification, POA card and Watercraft Operating permit.
3. *Prior* to entering a "no wake" zone, the operator of a watercraft must reduce the speed of the watercraft to "idle speed" or "no wake" speed.

4. No “towable” in tow is allowed inside the Marina idle zone as defined by the idle buoys, (no wake zone).
5. A maximum of six (6) boats may tie up as a group in Heritage Lake coves and must face north or south. If more than six (6) boats are tied up as a group, *all* participating boats shall be subject to a Level 3 fine. Greater than six (6) boats may only tie up in the dam area.
6. Any one (1) lot may be represented on the Lake at any one time by a maximum of two (2) power crafts on holidays and weekends. Weekends are defined as Friday at sunrise through Sunday at sunset. One (1) additional power craft may be operated by any one (1) lot during non-holidays or weekdays, Monday through Thursday.

B.2: Additional Watercraft Operating Rules

1. When two watercraft are approaching head on or nearly head on, each watercraft shall bear to the right.
2. When two (2) watercraft are approaching each other obliquely or at right angles, the watercraft on the left shall yield the right of way.
3. A watercraft may overtake and pass another watercraft on either side if space permits *AND* the maneuver can be done safely, but the watercraft overtaken shall have the right-of-way.
4. Non-motorized watercraft, sailboats, row boats, rafts, etc. shall have the right-of-way over a powered watercraft.
5. Upon display of a red flag or red lights by the SPO, all traffic must slow down and use extreme caution until the emergency condition has passed, and the red flag is lowered, or red lights are turned off.
6. On the small fishing ponds, gasoline powered craft are prohibited. Small electric trolling motors may be used on watercraft.
7. Watercraft at anchor shall not block private docks from access.
8. All boats equipped with a mechanism that can send engine exhaust either through the transom or below the waterline are required to set it in the “below the water line setting”.
9. All inboard/outboard engines shall be equipped with a marine muffler without a bypass device.
10. US Coast Guard recommends that children 13 and under should wear a PFD while on any watercraft.

C.1: WATER SKIING, TUBING, TOWING

LEVEL 2 SAFETY RULES

VIOLATIONS OF LEVEL 2 SAFETY RULES WILL RESULT IN A \$150 FINE AND A FIFTEEN (15) DAY SUSPENSION OF LAKE PRIVILEGES.

1. Personal watercraft, (jet ski, wave runner, or other similar power craft designed to ride or stand on and designated as a PWC), is not permitted as a tow power craft.
2. Anyone being towed (skier, tuber, wakeboarder, surfer, etc.) shall properly wear a Coast Guard approved PFD.
3. Kite skiing, parasailing, and similar activities are prohibited.
4. Water skiing, tubing and similar activities are only permitted outside the idle buoy markers.

LEVEL 3 SAFETY RULES

VIOLATIONS OF LEVEL 3 SAFETY RULES WILL RESULT IN A \$50 FINE AND A TEN (10) DAY SUSPENSION OF LAKE PRIVILEGES.

1. No towline shall be longer than 75 feet in length.
2. When any skier, tuber, wakeboarder, or surfer is being towed and falls into the water, an orange flag must be displayed quickly and prominently so it is visible to other power craft operators. The minimum size of such flag is 16" X 16" and can be purchased at the Marina.
3. When 2 or more persons are skiing, and one skier falls, any remaining skier(s) must fall into the water so the power craft can safely retrieve all skiers in the same area.
4. A minimum of two persons, one operator and one observer, is required in a watercraft towing a skier(s) or tuber. The minimum age for the observer in a watercraft towing a skier(s) is six (6) years of age, and the observers must maintain unobstructed continuous vision on the person(s) being towed.

C.2: ADDITIONAL SKIING, TOWING RULES

1. Skiers shall not take off perpendicular to shore or cross the lake at an angle.
2. Beginner skiers are encouraged to take off from the north or south ends of lake, out of heavy traffic.
3. Any slalom ski course must be approved in writing for installation by the Board.

D: FISHING

THE FOLLOWING RULES APPLY TO THE SMALL FISHING LAKES/PONDS WITHIN HERITAGE LAKE PROPERTIES, AS WELL AS TO HERITAGE LAKE.

1. Only members in good standing and their guests are permitted to fish.
2. Unaccompanied non-members fishing in Heritage Lake or ponds is strictly prohibited.
3. No fishing in the marked swimming/beach areas at any time. Fishing must be a reasonable distance from swimming areas anytime there are swimmers present. All fishing lines must be maintained a reasonable distance from all swimmers, docks, and watercraft. Casting of fishing lines shall be performed in a manner so as not to damage, snag, or hook other watercraft, docks, boat lifts and covers and personal property adjacent to or located near the shoreline.
4. Fishing is permitted throughout the year. A license is not required.
5. The SPO is empowered to inspect fish in possession for compliance with the Rules.

VIOLATIONS OF THE FOLLOWING LIMITS WILL RESULT IN A LEVEL 3 VIOLATION WHICH IS A \$50 FINE AND A TEN (10) DAY SUSPENSION OF LAKE PRIVILEGES.

6. Daily limits per person, per day on the quantity and size of fish, is as follows:
 - a) Bluegill/Sunfish: Limit in possession-25 fish per person or 75 fish per boat.
 - b) All Catfish: Limit in possession-4 fish, minimum 15 inches, maximum 25 inches.
 - c) Black and White Crappie: Limit in possession- 10 fish, minimum size is 8 inches.
 - d) Largemouth Bass: Limit in possession- 5 fish, 13 inches or less.
 - e) Smallmouth Bass: Catch and Release only.

VIOLATIONS OF THE FOLLOWING LIMITS WILL RESULT IN A LEVEL 2 VIOLATION WHICH IS A \$150 FINE AND A FIFTEEN (15) DAY SUSPENSION OF LAKE PRIVILEGES

- f) Red Ear (Shellcracker)- Catch and release only.
 - g) Walleye: Limit in possession- 1 fish over 18 inches.
 - h) White Bass: Limit in possession- 10 fish under 17 inches.
 - i) Hybrid Striped Bass: Limit in possession-1 over 18 inches.
7. Commercial fishing is prohibited.
 8. Placing fish in Heritage Lake for stocking purposes is prohibited without the written consent of the Heritage Lake Property Owner's Association's Board.
 9. The use of leeches, gizzard shad, goldfish, or carp as bait is prohibited.

10. The use of seines, traps, gigs, firearms, explosives, shocking devices, set lines, arrows, spear guns, or other similar devices is prohibited.
11. Holes cut in the ice for fishing shall be no larger than eight (8) inches in diameter cut by a commercial auger, (no axe cut holes). Cutting holes in the ice for any purpose other than fishing is prohibited.
12. No fish structure shall be placed in Heritage Lake without the written approval from the POA Property Manager.
13. Sanctioned fishing tournaments sponsored by the Lake Committee may have altered rules as approved in writing by the Board.

E: WATERCRAFT EQUIPMENT REQUIREMENTS

LEVEL 3 SAFETY RULES

VIOLATIONS OF LEVEL 3 SAFETY RULES WILL RESULT IN A \$50 FINE AND
A TEN (10) DAY SUSPENSION OF LAKE PRIVILEGES.

1. All watercraft are required to be equipped with at least one (1) Coast Guard approved life preserver, life jacket, or buoyant vest, for each person on board, which shall be easily accessible. All watercraft sixteen (16) feet or over must also be equipped with one throwable device. The throwable device may be a seat cushion and is recommended that a line be attached for rescue purposes.
2. All power craft towing tubers/skiers and other such persons or accompanying swimmers are required to be equipped with an orange "warning" flag for use when a skier/tuber is down in the water, or towing a disabled watercraft.
3. All power craft are required to have a working fire extinguisher on board the craft.
4. The motor on all power craft shall be equipped with a stock muffler and exhaust system that ports below the waterline, i.e., outboard motors, or be equipped with a stock factory muffler and exhaust system that channels through the transom as to muffle or suppress the sound of the exhaust and to prevent excessive or unusual noise at all times. The Board reserves the right to determine what constitutes excessive noise.
5. All boats equipped with a mechanism that can send engine exhaust either through the transom or below the water line *are required* to set the exhaust discharge "below the water line setting".
6. All inboard/outboard engines shall be equipped with a marine muffler without a bypass device.

ALL WATERCRAFT BEING OPERATED FROM SUNSET TO SUNRISE MUST DISPLAY REQUIRED LIGHTS AS FOLLOWS:

7. Forward (bow) lights; a fixed, red light for the left (port) side and a fixed, green light for the right (starboard) side. These lights must be lit when watercraft is underway.
8. Rear (stern) light; a fixed bright light to throw light in a full circle (360 degrees). This light is intended to be lit when the watercraft is underway, adrift, or at anchor. Pontoons may display a light on the forward edge of the canopy showing 180 degrees forward and a light on the after edge of the canopy showing 180 degrees astern.
9. Operators of a small craft without navigational lights must use a hand lantern or a large flashlight to shine continuously.
10. Docking lights on pontoons shall only be used when docking or identifying the shoreline after dark and shall not be illuminated in the normal process of cruising on the lake.

F: BOATING AND SWIMMING ADVISORY SYSTEM

FAILURE TO COMPLY WITH THE RED OR YELLOW FLAG SYSTEM WILL RESULT IN A LEVEL 2 FINE, \$150 AND A 15 DAY SUSPENSION OF LAKE PRIVILEGES.

For safety purposes, Heritage Lake Property Owners Association has implemented an advisory flag system. The flags will serve as a warning system for boaters and swimmers.

Locations: Marina point, southwest end of lake
Conservancy area, south end of lake
Clubhouse Point, entry to east Fork
Lincoln Hills Beach, north end of lake

Flag color and advisory is:

Yellow: Idle/no wake only. Caution swimming advisory, boating advisory, etc. Red: Lake is closed for all boating and swimming activities.

Examples for Red flag situations:

Dangerous high (or low) water levels
Debris flushed in during heavy storm creating a hazard
Major fish kill
Blue green algae outbreak

Examples for Yellow flag situations:

High water level due to storms

Sufficient time (10 minutes) will be given for boaters already on the lake to observe the yellow or red flags.

G: WATERCRAFT OPERATING PERMIT EXAM

ANY MEMBER OR FAMILY GUEST OPERATOR FOUND OPERATING A WATERCRAFT ON HERITAGE LAKE WITHOUT AN OPERATING PERMIT, IS A LEVEL 1 VIOLATION WHICH IS A \$250 FINE AND A 30 DAY SUSPENSION OF LAKE PRIVILEGES.

1. Effective for the 2023 boating season, *all* Property Owners/members wishing to operate a watercraft on Heritage Lake shall be required to take and pass a Watercraft Operating Permit Exam.
2. Once the exam is completed and passed, you will receive a certificate for a Watercraft Operating Permit.

WATERCRAFT OPERATOR'S PERMIT EXAM PROCEDURE

The exam will be available on-line at Heritagelakepoa.com or can be taken at the Marina or Clubhouse via a tablet.

- a) Log into your member account from the Heritagelakepoa.com website
- b) From the menu, select Information
- c) From the sub menu, select Documents
- d) Scroll down and select Watercraft Operating Permit
- e) Read the Welcome information of the document and follow directions.
- f) You will be prompted to fill in your HLPOA information and agree to the terms.
- g) You will need your POA card for member number info.
- h) Upon receiving a passing score, you will receive a certificate with your score, via email. Save the email to show at the Marina for proof of taking and passing the test to receive your Watercraft Operating Permit.

The exam must be completed and passed before any watercraft can be registered and stickered.

H.1: REGISTRATION OF WATERCRAFT & TRAILERS

FAILURE TO MEET ANY OF THE REQUIREMENTS IN SECTION H WILL RESULT IN A LEVEL 1 VIOLATION WHICH IS A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

All watercraft operated on Heritage Lake shall be the personal property of a POA member/owner. The watercraft (and any trailer) shall be registered at the Marina and must display an annual Boat Permit sticker before placing the watercraft in Heritage Lake.

1. New Watercraft/Property Owner Registration- The Property Owner must show a current POA membership card, valid driver's license, valid Watercraft Operating Permit, proof of insurance, proof of ownership of power craft, (ownership may be established by a certificate of title, certificate of origin, state registration card, or current excise tax receipt). See Non-allowed watercraft in definitions, Page 3.
2. Watercraft registered last year/same Property Owner- The Property Owner must show a current POA membership card, valid driver's license, valid Watercraft Operating Permit, along with proof of insurance and verification or proof the watercraft was registered the immediately prior year.
3. Motorized watercraft must be physically present for registration to receive the annual Boat Permit Sticker. A Heritage Lake employee will place the annual Boat Permit sticker on both sides of the bow(front).
4. Non-motorized watercraft do *not* need to be present at the time of registration and do not require proof of ownership or proof of insurance.
5. No watercraft shall be issued an annual Boat Permit sticker until lot numbers are on the craft. Lot numbers displayed on each watercraft should be three (3) inch minimum height, be in contrasting color to the watercraft, and indicate Property Owner's Heritage Lake address on both sides of the craft near the stern. As an example: Victory Hill, lot 299 should be displayed as VH299 or Mill Springs, lot 130 as MS130. For personal watercraft, the Heritage Lake address shall be on the front cowling on both sides where the address would be clearly visible during normal operation.
6. Watercraft Boat Permit stickers are the property of the POA and remain as such after the registration fee is paid. POA Boat Permit stickers shall be purchased on an annual basis and remain in effect from April 1st to March 31st of each year.
7. Property Owner shall pay a registration fee for *each* watercraft to be operated on Heritage Lake. This fee is determined by the Board annually.
8. Any attempt to defraud the HLPOA by misrepresenting proper ownership or previous registration shall result in a Level 1 fine and suspension.

9. All boat trailers must display a trailer sticker. The sticker will be issued at the time of boat registration and is to be placed on the left side (port or driver's side) of the trailer tongue. No trailer will be allowed to park on common areas without a current year trailer sticker.
10. Any member who misuses a watercraft Boat Permit sticker will result in the suspension of the proper watercraft's registration. Misuse of a watercraft Boat Permit sticker includes, but is not limited to, the placing of a non-motorized Boat Permit sticker on a power craft or the transfer of a Boat Permit sticker to any other watercraft.
11. It shall be the responsibility of the watercraft owner to remove the Heritage Lake Boat Permit sticker if the craft is sold.
12. When a POA member trades watercraft ownership in the same year, they may transfer the registration for a fee of \$10.00 and the existing Boat Permit sticker must be returned at the time of the change.
13. Daily watercraft passes are NOT available or authorized except for special circumstances as determined by the POA Manager and must be requested during normal POA office hours.
14. Owners who store their boat on a lift over the winter, should use the previous year Boat Permit sticker to drive to the Marina by April 1st, if possible, to get the new year registration. If the April 1 deadline is missed you must pre-register your boat for the new year and then notify the Marina you are bringing your boat over to get the pre-registered Boat Permit sticker.

H.2: ADDITIONAL REGISTRATION INFORMATION

1. All POA members and guests shall always have valid insurance coverage when using or operating a watercraft on Heritage Lake. The HLPOA assumes no liability or coverage responsibility for any personal injury or property damage caused by an uninsured or underinsured POA watercraft owner or Guest.
2. POA Members and Guests agree to hold harmless the POA and agree to reimburse the POA for any damages, costs, and expenses, including attorneys' fees, incurred by the POA as a result of the POA Member or Guest having no insurance or underinsured liability coverage.
3. Only the current annual Boat Permit sticker shall be displayed on the watercraft. All prior Boat Permit stickers shall be removed or covered by current year's Boat Permit sticker.

I: PERMITS & ELIGIBILITY REQUIREMENTS

FAILURE TO MEET ANY OF THE REQUIREMENTS IN SECTION I WILL RESULT IN LEVEL 1 VIOLATION WHICH IS A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

a. All members and/or owners in the Heritage Lake Property Owner's Association (HLPOA) in good standing with current assessments paid and having passed the Watercraft Operating Permit Exam, are eligible to use Heritage Lake and operate properly registered watercraft (see Section H.1). In addition, any child, stepchild, ward, or foster child under the age of twenty-five (25) living in the home of the Property Owner or living on-campus as a full-time student, is considered to be an eligible member, not subject to the purchase of any additional memberships or permits related to the use of lake facilities. Also included is any person domiciled and residing in the Property Owner's home as a dependent member of the immediate family. These additional persons must also pass the Watercraft Operating Permit exam if they are to operate a power craft without the registered owner present in the watercraft.

b. In addition to members and/or owners, the following persons are eligible for a "Family Guest Operator's License": emancipated children, siblings, sons-in-law (current), daughters-in-law (current), fathers-in-law (current), mothers-in-law (current), parents, grandparents, or grandchildren of any member/owner. Where applicable, a step relationship also applies. The Property Owner shall register eligible person(s) through the purchase of a Family Guest Operator's License and pay the license fee. Upon passing the Watercraft Operator's Permit exam, the Family Guest Operator may operate the watercraft belonging to any properly registered member/owner. This Family Guest Operator's License only applies to lake access/boating privileges. The Family Guest Watercraft Operating License shall not grant access to other common amenities, such as the pool, beaches, activity center, etc.

1. FAMILY GUEST OPERATOR'S LICENSE REGISTRATION PROCEDURE:

- a) The property owner shall register eligible person(s) through the purchase of a Family Guest Operator's License, by showing current POA card and driver's license at the HLPOA Office.
- b) The Property Owner shall pre-register eligible person(s), by name, as defined in Section I.b., wherein the applicant is *required* to obtain a Family Guest Operator's License by passing the Watercraft Operating Permit exam. See section G.

- c) With a Family Guest Operator's License on the watercraft, the person properly registered, the boat may be operated by the guest without the presence of the Property Owner.
- d) Watercraft operator must always have the Family Guest Operator's License in the boat or PWC.
- e) Seasonal License: \$200 for the first Family Guest Operator's License issued, and \$100 for each additional permit.
- f) Short-Term License: \$75, to be issued for up to ten (10) consecutive days. The Short-Term License will be limited to one per person, per season.

2. UNREGISTERED PERSON

FAILURE TO MEET ANY OF THE REQUIREMENTS IN SECTION I.1 WILL RESULT IN LEVEL 1 VIOLATION WHICH IS A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

- a. If a registered owner, member, or Family guest operator allows an unregistered person to falsely use the owner's, member's or Family guest operator's permit, the SPO will instruct the unauthorized operator to immediately leave the Lake.
- b. If the owner, member, or Family guest operator commits a second offense under this section, the owner, member, or Family guest operator will have their lake use privileges suspended for one year from the date of the violation.

J: NON-REGISTERED "GUEST IN ACCOMPANIMENT" OF POA MEMBER

When an invited guest operates a watercraft, the member who invited the guest assumes sole responsibility for ensuring the guest is aware of all rules and regulations of the HLPOA. Any member who allows an invited guest to operate watercraft agrees to assume sole financial responsibility for all actions, violations, fines, and damages resulting from the operation of the watercraft by their guest.

FAILURE TO MEET ANY OF THE REQUIREMENTS IN SECTION J WILL RESULT IN LEVEL 1 VIOLATION WHICH IS A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

- 1. Guests cannot operate a power craft on Heritage Lake without the presence and supervision of a registered POA Member:
 - a. On the same boat or being towed by the boat as a guest.
 - b. On the same personal watercraft of the guest.
 - c. On a second personal watercraft riding with the guest on a personal watercraft within close proximity, and within the visual field of the POA member.

d. On a second power boat and your guest on a personal watercraft within close proximity, and within the visual field of the POA member.

A “guest” may operate a paddle boat/board, canoe, kayak, (any non-motorized watercraft) in the area between the shoreline and the 75-foot buoy as well as in any areas designated no wake zones. The guest operator must have permission from the property owner and the property owner must be available for verification.

K: BUOYS

1. Anchoring to, moving, removing, tampering with, or damaging any official buoys, markers, slalom course buoys, or any swimming posts, buoys, ropes, or markers is prohibited.
2. Idle speed (no wake) must be maintained within fifty (50) feet of designated swimming buoy lines.
3. Idle speed (no wake) must be maintained inside the buoys placed near the shorelines, in all coves, and all other areas designated by buoys.
4. Buoy placement shall be at the discretion of the POA Property Manager and a buoy placement Committee appointed by the Board.
5. The area within fifty (50) feet of the spillway and/or spillway tubes is off limits to all persons and all watercraft of any type.

L: SWIMMING

1. All swimmers must stay within the buoys, unless accompanied by a watercraft.
2. Swimmers accompanied by any watercraft shall display an orange warning flag with a minimum size of 16” X 16” on the watercraft from which they are swimming and stay within a reasonable distance of the watercraft. Flags are available for purchase at the Marina or the HLPOA Office.
3. Any person using underwater diving equipment must be authorized by the SPO and must be accompanied by another swimmer in a watercraft which is equipped with a diving flag and the orange warning flag referenced in item L2.
4. Diving from and swimming around piers owned by the Heritage Lake Property Owners Association is prohibited.

M: DOCKING, PARKING AND STORAGE

1. POA docks at the boat launch, access sites, common areas near swim beaches or parks, and other designated common areas are for loading and unloading only. Boats shall not be anchored, moored, or tied at these docks.
2. Fishing is prohibited at the gas pump side of the Marina dock. This also includes the area from the gas pump around to the swimming area.
3. Boats may be left beached and/or tied overnight at the designated areas only after reserving the site and paying the appropriate fees at the HLPOA office.
4. The Association is not liable for theft or damage to boats or for property stored in boats.
5. No docks may utilize steel drums in their construction. Steel drum docks constructed prior to January 1, 1978, must be maintained in a satisfactory condition.
6. Vehicles may not be parked on common areas for more than 48 hours without written approval of the POA Property Manager.

N: MISCELLANEOUS

1. All unattended boats and floating water items, such as mat islands, trampolines, towable toys, etc. when not in use shall be secured immediately adjacent to owner's docks and should not extend more than 24 feet from the owner's shoreline. All such devices shall be removed from the lake at dusk and remain removed until dawn.
2. Deposit or discharge of trash, hazardous materials, debris, chemicals, and garbage in the waters of Heritage Lake is prohibited. Littering from a watercraft or from the shore will be subject to loss of Lake privileges.
3. Aircraft will not be permitted to land on the Lake except in an emergency.
4. Specific water events or activities must be authorized through the Lake Committee by the Board. Notice of such approval will be a posted in advance.
5. Animal hunting or trapping for sport will not be allowed on Heritage Lake waters, shoreline, or common properties. Discharge of firearms for target practice or any other reason shall not be allowed on Heritage Lake waters, shoreline, or common properties.
6. Winter use of Lake: All cars, trucks, ATVs, RVs, or similar vehicles are prohibited from driving on the ice on the Lake. Motorized vehicles are limited to snowmobiles with Heritage Lake stickers and lot number displayed. Proof of ownership is required (no bill of sales accepted). Snowmobiles may not operate on the Lake between sunset and sunrise or within 100 feet of a person, except at a speed of five (5) mph or less.
7. No pets are allowed on the Marina dock, in the Marina facility or in POA restroom facilities, except for guide dogs or service dogs in use.

O: WATERCRAFT ACCIDENT PROCEDURES

LEVEL 1 SAFETY RULE

VIOLATIONS OF ANY LEVEL 1 SAFETY RULE WILL RESULT IN A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

1. The operator or owner of a watercraft involved in an accident resulting in personal injury or death shall call 911.
2. If it is determined by the SPO or the POA Property Manager that an operator or owner of a watercraft has caused an accident resulting in a personal injury, will receive a thirty (30) day suspension of boating privileges for the first offense, and a year suspension from the date of the incident for a second offense within the same boating season.
3. If it is determined by the SPO or the POA Property Manager that an operator or owner of a watercraft has caused causing an accident resulting in a death will receive an immediate one calendar year suspension from the date of the incident.
4. If the operator or owner of a watercraft has caused an accident resulting in property damage, he/she shall promptly report the incident to the SPO or appropriate authority by calling 765-386-7447, opt 7. Damages to a boat exceeding \$750 requires a police report, Ind. Code § 14-15-4-2.
5. If it is determined by the SPO or the POA Property Manager that an operator or owner of a watercraft causing an accident resulting in property damage failed to promptly report the incident, the operator and owner of a watercraft involved in the property damage accident will receive a Level 1 suspension of boating privileges for the first offense and corresponding fine, and a one-year suspension from the date of the incident for a second offense.

P: General Rules

1. The Heritage Lake Property Owners Association (the “Association”) prohibits any owner, their family members, and their guests, from erecting, towing, maintaining, displaying, and/or flying, on Heritage Lake, any Association common area, and/or any lot or structure within the Association, any painting, emblem, vehicle or vessel wrap, sign, flag, banner, or display, which includes any of the following materials:
 - a) Any lewd, profane, obscene, or vulgar language, material, photographs, or depictions;
 - b) Any human nudity, including partial or complete genitalia;
 - c) Any racial, ethnic, or religious slurs; and/or
 - d) Any depictions or descriptions of sexual conduct.

Q: Errors and Omissions

Any errors or omissions in this document do not in any way invalidate the content or intent of the rules contained herein.

HERITAGE LAKE MARINA

765-386-7447 Option 4

Open daily

8:00am to 8:00pm

Spring through Fall

**HERITAGE LAKE PROPERTY OWNER'S ASSOCIATION
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