

# **FAWN LAKE COMMUNITY ASSOCIATION LAKE USAGE REGULATIONS**

## **A. GENERAL STATEMENT**

The purpose of these regulations is to establish clear parameters for all activities on Fawn Lake in order to enhance the safety and preserve the environment for all property owners who wish to enjoy this extraordinary asset.

As a corporation, the Fawn Lake Community Association (FLCA) must adhere to all applicable State and Federal laws and regulations. This applies to our rules regarding the use of watercraft on Fawn Lake. However, as a private lake, we may, and have made, rules applicable to our special needs (counterclockwise boat traffic patterns, no wake zones, etc.). As well, we may, and have made, rules that are more restrictive than those currently required by the state or federal statutes (boat quarantine, for example). But, if we make rules that are less restrictive than, or in direct conflict with, existing or future laws, our rules will be superseded by the offended state or federal statute. Every watercraft operator on Fawn Lake should be aware of these state regulations. All information regarding Virginia watercraft laws can be obtained from the Virginia Department of Game and Inland Fisheries at 540-899-4169, or at their website, [www.dgif.state.va.us/boating](http://www.dgif.state.va.us/boating).

Operating a watercraft on the lake is a privilege, not a vested right. The privilege is subject to these Lake Usage Regulations and the Declaration for Fawn Lake, as such may be amended, modified or revised from time to time.

## **B. TEMPORARY LAKE CLOSURE**

Lake closure or lake restrictions of not more than 72 hours will be approved by the President of the FLCA Board of Directors. Longer periods of closure or restriction will be approved by the FLCA board. Under Emergency Conditions the Fawn Lake Emergency Plan will be followed. Announcement of all lake closures and/or restrictions will be sent through the Community Association email system. In addition a sign will be posted at common area entry points (beach, marina, community dock and canoe/kayak launching area).

## **C. BOATS**

Boats, Personal Watercraft (PWCs), pedal craft and all other mobile watercraft that are not owned and registered by property owners of Fawn Lake shall not be permitted on the lake without prior written approval from the Board of Directors of the FLCA. PWCs include jet skis, wave runners, jet packs, powered surfboards, and possibly others. Any other motorized watercraft not explicitly mentioned in these regulations shall not be permitted on the lake without prior written approval from the FLCA Board of Directors.

## 1. Size Limitations:

Maximum boat **lengths** are:

Personal watercraft (PWC) Maximum of 14 feet 0 inches

All other watercraft Less than 21 feet 0 inches as registered.

NOTE: Length of any boat, according to the National Marine Manufacturers Association, NMMA, is measured as follows:

“Boat length is defined as the straight-line horizontal measurement from the foremost part of the boat to the aft most part of the boat, measured parallel to the centerline and the waterline. Attached bowsprits, pulpits, boomkins, rudders, sails, outboard engine brackets, handles, railings, and other similar attached extensions are not included in the measurement. Integrally formed, molded, or welded components and appendages, such as bow pulpits, swim platforms, sliding boards, attachment structure for propulsion systems, and structural rub rails installed by the builder are included in the length.”

If there is any question with regards to the length of the boat, the FLCA reserves the right to physically measure the boat using the above guidelines and that will serve as the official length of the watercraft for registration purposes.

In addition to the maximum length permitted, the maximum beam **width** of any boat registered and used on Fawn Lake shall be no greater than eight feet, six inches wide (8', 6"). Additionally, any attached appendage, integrally manufactured by the dealer or an after market boat accessory dealer installed or bolted on by the owner, may not be permitted if the result of the overall width exceeds nine feet (9', 0"). The slips range in width from 19 feet, 7 ¼ inches for a wooden dock and 21 feet, ¾ inches for a floating dock. Each slip is designed to accommodate two boats therefore the maximum beam width for any boat can not exceed 9 feet.

The beam measurement will be based on the manufacturers advertised boat beam width. However, the FLCA, as in the case of boat length, reserves the right to measure each boat beam width if there is a question of accuracy.

**Height** – No boat shall be permitted in Fawn Lake, including the Marina, that contains a fixed structured roof or upper deck that is used to support the weight of a person for standing, sitting, laying down or as a platform for jumping or diving.

No homebuilt/kitbuilt motor powered boats are permitted on the lake unless pre-approved by the Lake Usage Committee and the FLCA Board of Directors. In addition, no powered boats will be registered that do not meet US Coast Guard specifications/approval.

Inboard, outboard, and inboard/outboard motors are allowed. An oil injection system is required for all outboard motors that are rated above 40 HP. All motorized watercraft exhausts must vent underwater and be adequately muffled to reduce excessive noise.

There is a policy in place regarding personal watercraft (PWC). The policy states that only property owners who had registered PWCs at Fawn Lake in calendar year 1998, would qualify for a “Grandfather” permit to operate on the lake. No additional PWCs are permitted on the

lake. Specific conditions and qualifications concerning the “Grandfather” permit for PWCs are contained in the FLCA Board Resolution effective January 1, 1999. Effective February 11, 2008, the FLCA Board of Directors approved a resolution that no longer permitted replacement of a PWC to be effective immediately. A copy of this Board Resolution is available in the FLCA Administrative Office. PWCs include jet skis, wave runners, jet packs, powered surfboards, and possibly others. Any other motorized watercraft not explicitly mentioned in these regulations shall not be permitted on the lake without prior written approval from the FLCA Board of Directors.

There is also another policy in place regarding the length of watercraft other than PWCs. The policy states that all powered watercraft (other than PWCs) with length in excess of 20 feet registered prior to February 2004 will be “Grandfathered” but cannot be replaced nor transferred to another Fawn Lake owner. The FLCA reserves the right to further limit the number, size and power of boats, change hours of operation for boats, and remove or change categories of boats permitted on the lake.

## **2. Boat Registration, Operator Certificate, Insurance and Fees:**

### **a. Boat Registration:**

- (1) All watercraft on Fawn Lake must be registered to a Fawn Lake property owner. Additionally, to operate any watercraft on the lake, the property owner must apply annually for a FLCA decal. This decal must be permanently and prominently displayed on the watercraft with the lot number/letter. Decals will be issued in two colors each year, separately identifying gasoline powered craft from all others. Decal colors will change with each registration year, and will be valid from the year issued until April 15th of the following year. Other than as permitted in these regulations, decals are not transferable to other people or other boats, PWC’s or watercraft without the written consent of the FLCA board.

If you own a boat that is not eligible to be registered and used on Fawn Lake, a special decal can be obtained from the FLCA office to put on your watercraft which will allow for entry in and out of the front gate. To obtain a decal, please bring proof of ownership and the applicable registration fee to the FLCA office and the special decal will be issued.

- (2) Stand up paddle boards and windsurfers do not need to be registered. However, if they are stored at the canoe and kayak club they are to be registered and labeled with stickers and lot numbers for tracking purposes.
- (3) Flotation rafts, water trampolines, etc. floated on the lake are not considered as watercraft and are not intended to be operated in motion. They are considered seasonal and must be deflated, removed from the lake and stored inside or off property through the off-season months (November 1<sup>st</sup> through April 1<sup>st</sup>). Otherwise, they are restricted to use

within 50 feet from the resident owner's shoreline and within the extended side property boundary lines. The rafts/floats/trampolines may not include any diving deck or platform, sliding board, or motor of any kind. During the season, they must be moved back to the owner's own shoreline when not in use, anchored to the owner's shoreline or dock so that they do not extend any further than 25 feet into the lake from the shoreline. When in use or stored, they must maintain a lateral distance of no less than 20 feet from the neighbors' extended side property boundary so as to avoid any conflict with their water access and enjoyment. From dusk to dawn each night, all rafts, floats, and water trampolines must be anchored to the owner's shoreline or dock as described above.

- (4) Watercraft registrants must meet the following requirements at the time of initial registration:
  - (a) Current FLCA membership in good standing;
  - (b) Evidence of ownership of motorized watercraft by submitting a copy of the Original State Certificate of Title or a Statement of Origin and a Bill of Sale/Virginia Registration and a photograph of the boat to be registered;
  - (c) Evidence that the registrant or a direct family member of the registrant, who is at least 14 years of age, has passed both the FLCA Boating Safety Test (BST) and an approved Virginia Boater Safety Course;
  - (d) Evidence of the horsepower of motor, length of motorized watercraft measured in feet and inches (FLCA reserves the right to measure the watercraft if needed), and whether the watercraft is equipped with a toilet (no toilets that discharge into the lake are permitted); and,
  - (e) Proof of required limits of liability insurance for motorized watercraft per paragraph 2(c) Insurance by submitting a copy of the Declaration page issued by the insuring company.
  - (f) Remit the applicable fee, as detailed in section 2.d. below.
- (5) For subsequent annual registration of the same watercraft, the owner shall certify that all conditions are as initially reported. In addition, proof of insurance will be provided annually by submitting a copy of the Insurance Declaration page; and proof of ownership will be provided every third year by submitting a copy of the State Certificate of Title.
- (6) As of July 1, 2016, all motorboat operators regardless of age and all PWC operators MUST have completed a Virginia boater safety course and a copy must be provided to the FLCA office.
- (7) No vested right of operation of a watercraft on Fawn Lake shall accrue through the issuance of a registration. The privilege of operating a watercraft on the lake is subject to, among other things, being a current FLCA member in good standing and complying with these regulations.

**b. Operator Certificate:**

All operators of all motorized watercraft must have a valid Fawn Lake boating Certificate, which includes having successfully passed the FLCA Boating Safety Test (BST). Only property owners and direct family members who are at least 14 years of age and have passed the BST and Virginia Boater Safety Course are allowed to operate motorized watercraft on the lake. Electric powered watercraft is considered motorized. The watercraft operator must have his/her Certificate in the watercraft while on the lake, and produce it to designated lake usage enforcement personnel as requested. Once a Certificate is issued and the BST passed, that Certificate is valid until such time as regulation changes may require periodic renewal. At the time of watercraft registration, the property owner will certify that he/she takes complete responsibility for any property damage or personal injury caused by the watercraft and further acknowledges that any penalties and fines incurred will be assessed against the registered watercraft owner.

**c. Insurance:**

At initial registration of motorized watercraft, and upon annual renewal of the registration of the watercraft for a Fawn Lake decal, the property owner must provide a copy of the Insurance Declaration page which provides evidence of personal liability insurance on the watercraft as follows:

- (1) Bodily Injury Liability and Property Damage Liability: A limit of not less than \$300,000 Combined Single Limit (CSL).

**d. Fees:**

FLCA watercraft annual registration fees for the current year are as follows:

- (1) Registration Admin Fee (\*) .....\$ 35.00
- (2) Non-motorized watercraft.....\$ 10.00
- (3) Electric powered watercraft (less than 100 lbs of thrust, trolling motors) .....\$10.00
- (4) Any watercraft with an onboard gasoline, diesel or propane engine or electric motor greater than 100 lbs of thrust..... \$125.00
- (\*) Annual fee per lot regardless of the number of watercraft registered.

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Note: If a resident purchases a new boat to replace their current boat in the same year, and their first boat was already registered, then the resident should be able to transfer their registration to the replacement boat. The resident will not be required to pay an additional registration fee but will pay a \$20 administrative fee. Registration fees are not pro-rated and are non-refundable.

FLCA watercraft registration fees shall be added as a separate line item in the FLCA budget

### **3. Safety Equipment:**

#### **a. Personal Flotation Devices (PFD):**

For each person on board the boat or being towed, etc., there must be one U.S. Coast Guard (USCG) Personal Flotation Device in accordance with Virginia Boating Safety Regulations (current edition). There are different classes of PFD's required, based on activity and boat type. The requirements are listed in the Virginia Boating Safety Regulations. All PFDs must be readily available, in serviceable condition and, if wearable, of proper size for occupants of the boat. For PWCs the operator and all riders **MUST** wear a PFD at all times.

#### **b. Fire Extinguishers:**

One B-1 type approved hand portable fire extinguisher is required on all inboards and all outboards having any of the following:

- (1) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored;
- (2) Double bottoms not sealed to the hull or which are not completely filled with flotation material;
- (3) Closed living spaces;
- (4) Closed stowage compartment in which combustible or flammable materials may be stored, and/or permanently installed fuel tanks.

#### **c. Bell, Horn or Whistle:**

All watercraft must carry an effective, sound-producing device to comply with navigation rules requiring sound signals to be made for emergencies and in certain situations when meeting, crossing or overtaking other watercraft.

#### **d. Navigation Lights:**

All watercraft are required to display navigation lights between sunset and sunrise, and during periods of poor visibility. If not equipped with navigation lights, vessels are required to display white illumination (i.e. flashlight) between sunset and sunrise,

### **4. Navigation Rules:**

#### **a. Meeting Head On or Nearly So:**

When two motorboats meet each other head on, or nearly so, each shall turn to the starboard (right side) and pass port (left side). When there is clearly no possible danger of collision, they may simply pass on either side.

**b. Crossing:**

When two motorboats approach each other in a crossing situation, the motorboat that has the other motorboat on his or her starboard side is the give-way watercraft (must stay clear and slow down if necessary). The other watercraft is the stand-on watercraft (has the right-of-way and should hold course and speed). If necessary to avoid a potential accident, the stand-on watercraft must stop and give the danger signal of five short blasts.

**c. Overtaking:**

In an overtaking situation, the watercraft being overtaken has the right of way and must hold course and speed. The overtaken watercraft is the stand-on watercraft.

**d. Right-of-Way:**

Sailboats have the right of way over motorboats, unless they are the overtaking watercraft. Canoes, kayaks, rowboats, etc., have the right of way over sailboats. Any watercraft operating under both sail and power is classified as a motorboat.

**e. Direction of Watercraft Movement:**

All watercraft must enter the main lake in a counterclockwise direction. Once on the lake, any time fewer than five powered watercraft are observed in operation, compliance with the counterclockwise pattern may be waived at the operator's discretion. The FLCA Board, or its designated agent, in connection with special events, may make temporary exceptions to this rule. Also, when any towed person falls, the watercraft operator should reduce power to idle, turn 180 degrees in the safest direction at idle, and immediately return to retrieve the fallen person in the reverse path.

**5. Boat Operation Requirements:**

a. No person shall operate any watercraft or boat that is underway while such person:

(1) has a blood alcohol concentration at or greater than the blood alcohol concentration at which it is unlawful to operate a motor vehicle;

(2) is under the influence of alcohol;

(3) is under the influence of any narcotic drug or any other self-administered intoxicant or drug of any nature, or any combination of such drugs, to a degree, which impairs his/her ability to operate the watercraft safely;

(4) is under the combined influence of alcohol and any drug or drugs to a degree, which impairs his ability to operate the watercraft safely.

Virginia's law states that boat operators with blood alcohol concentrations of 0.08 percent or more by weight, by volume, shall be presumed to be under the influence of alcoholic intoxicants. Virginia law prohibits persons younger than 21 from consuming alcohol and operating a watercraft with any measurable alcohol level.

- b. Racing: There shall be no racing of motorized watercraft.
- c. Distance: All motorized watercraft must keep a safe distance, but no less than 100 feet clearance, from other watercraft when exceeding five (5) mph. Additionally, following directly behind any watercraft pulling a skier, tuber or any person, is strictly prohibited.
- d. Speed Limits and Buoys:
  - (1) Buoys are used to mark areas for specific attention by operators of watercraft:
    - (a) A “No Wake Buoy” is a white spherical buoy or a tall white cylindrical buoy with red reflective tape and “no wake symbol”. Note: the cylindrical buoys are gradually replacing the spherical buoys.
    - (b) A “Cove Buoy” is a white cylindrical buoy with cove names on them. Cove buoys also define no wake areas.
    - (c) The combination of No Wake and Cove Buoys will define the outer limits of the 100 feet-from-shore No Wake Zone around the lake.
    - (d) Danger areas like the shoal area on the west side of the lake will be marked with a buoy, cylindrical in shape, marked at the top and the bottom with orange bands, with an open-faced diamond with a white center in between the bands.
    - (e) Boaters are encouraged to notify the FLCA if a buoy is damaged, missing or submerged below its effective utility.
  - (2) No wake is to be created inside the No Wake buoys. “No Wake” speed is the slowest possible speed required to maintain steerage and headway. Watercraft shall strictly adhere to “No Wake” speed within 100 feet from all shorelines and all areas marked as a “No Wake” zone. Also, watercraft are prohibited from rapidly accelerating and decelerating in “No Wake” zones in order to protect the shores from further erosion. Please refer to the attached Fawn Lake No Wake Buoy Exhibit approved 5/2/2005 by the FLCA BOD, amended on 8/6/07 and 3/10/14, and updated on 5/7/18 to include three additional buoys.
  - (3) The maximum allowable speed on the main lake shall be 36 mph. Speed must be decreased if the volume of boat traffic or lake conditions indicates it would be unsafe to operate at or near top speeds.
- e. **Hours of Operation:**

The lake generally is open to boat traffic 24 hours a day. All watercraft must travel at "No Wake" speed in all areas of the lake during the period of time between dusk (30 mins after sunset) to dawn (30 mins prior to sunrise), and when fog exists. During conditions of poor visibility, watercraft operators must use proper navigational lights.

**f. Water Skiing or Other Towing Activities:**

There is an inherent risk involved in water skiing and tubing which must be minimized through these safe and prudent operating practices.

- (1) Skiers or other towed persons shall not take off from, or land on, any beach, seawall, dock or pier; additionally, when dropping off a ski, it must be done in an area away from the main traffic pattern.
- (2) No person shall operate a tow watercraft to pull any person(s) on water skis, tube(s), or similar devices unless there is in/on the watercraft, in addition to the operator, a person observing the safety of the person(s) being towed. In the case of PWCs, the observer must be seated backward. An exception to this "two person" rule is when the operator is using a wide-angle ski mirror.
- (3) "Skiing and towing restrictions above "no wake" speed shall be performed on the main lake, which is circumscribed by a series of white spherical or tall 100' buoys, and by the "no wake" Cove Buoys in the mouth of each cove. These restrictions apply to both the towing watercraft as well as anyone being towed."
- (4) All towing activities (to include wake surfing) shall minimize the impact their wakes have on the shoreline and other watercraft. This is best done by increasing your stand off distance from the shoreline and other watercraft. In the case of wake surfing, boat operators are directed to surf in and along the middle of the lake and maintain a minimum of 200' from shorelines, docks and other watercraft.
- (5) When two or more skiers are being towed by one watercraft, and one of the skiers falls, the other skier(s) shall immediately drop his/her towline.
- (6) All persons engaged in skiing, tubing, etc., are required to wear a U.S. Coast Guard approved flotation device, based on activity and boat type, as listed in the Virginia Boating Safety Regulations. Watercraft towing tubes shall operate in a safe manner at all times, complying with speed limitations provided by the tube manufacturer, but not to exceed 20 mph. Only one tow watercraft shall use the slalom ski course at any one time.
- (7) Watercraft equipped with a side ski-tow bar must either raise or remove the bar when it is not in use.
- (8) Watercraft towing more than two skiers, tubes or any other related towed devices must have an accompanying pick-up watercraft.
- (9) Subsections (1), (2), (4), (5), (6), and (7) of this paragraph do not apply to competitive ski events that are properly supervised.

- g. **Mooring:** Mooring of boats on the Lake is limited only to the following:
- (1) when occupied, by being safely and appropriately anchored on the Lake, but not attached to the shoreline;
  - (2) when properly and safely moored to an approved dock on a Lot; and
  - (3) when properly and safely moored at the Fawn Lake Marina; and
  - (4) boaters are not allowed to moor to or anchor within 30 feet of any No Wake Marker, Cove Buoy or Danger buoy.

## **6. Boat Quarantine, Boat Slips, Recreational Vehicle (RV)/Boat Storage, and Canoe/Kayak Racks:**

### **a. Boat Quarantine**

- (1) All watercraft entering the Fawn Lake gates must have a current Fawn Lake registration decal properly displayed on the craft. In the case of new boats or boats which have outdated decals, it is incumbent on the property owner to be personally available at the gate to certify ownership and registration, and to secure the current decal on the craft. Any watercraft which fails to meet these requirements will either be removed from Fawn Lake property, or will be left and quarantined at the security gate parking area until such time as the property owner has registered the craft with the FLCA and has affixed the appropriate current decal on the boat.
- (2) All boats and boat trailers entering Fawn Lake must be quarantined for at least three (3) days prior to entering into the lake to prevent the reintroduction of hydrilla or the infestation of zebra mussels into the lake. However, this will be waived if the boat owner can certify that his watercraft has not been in any other body of water within the previous three days.
- (3) Boat owners may avoid the quarantine for routine servicing of their watercraft by stopping at the guard gate and signing a watercraft log when exiting the Community and again upon returning.
- (4) Boats under quarantine will be logged and locked by Community Safety officers upon entering the Fawn Lake Guard Gate. Locking mechanisms will be provided by Community Safety, which will secure the boat to its trailer preventing launching, until the mechanism has been removed. The property owner may call Community Safety to schedule removal of the locking mechanism upon completion of the quarantine, at which time Community Safety will unlock the mechanism and the boat then may be placed on the lake if all other applicable permits, etc. have been granted.
- (5) Boat owners who contract for storage or service which requires the use of outside trailers (pick-up and/or delivery), must arrange with Community Safety in advance for a thorough inspection of the trailer when it enters the gate. Qualified inspectors will be made available for inspections at a mutually agreed upon time.

**b. Boat Slips**

FLCA leases boat slips adjacent to the loading/unloading ramp on the dam end of the lake to property owners in good standing subject to availability. The slips range in width from 19 feet, 7 ¼ inches for a wooden dock and 21 feet, ¾ inches for a floating dock. Each slip is designed to accommodate two boats therefore the maximum beam width, to include any appendages, can not exceed 9 feet. FLCA daily use slips are available at the Marina and in Country Club Cove adjacent to the Community Clubhouse. No overnight docking is permitted at the daily use slips. All boats at slips must be registered with the FLCA and displaying a current watercraft decal.

The signing of a lease is with the understanding that the tenant shall not install cleats or perform any other work that could result in a puncture or damage to the floating docks. In addition, if damage results from or is a consequence of damage caused by the tenant, they are responsible for any maintenance or repair work performed by the FLCA. Tenant shall also be responsible for any discharge, spillage, uncontrollable loss, seepage or filtration of oil or petroleum or chemical liquids or solids from their watercraft at, upon, under or within Fawn Lake and/or the Community Boat Dock area.

In addition, the FLCA reserves the right to access the Leased Space or any part thereof at all reasonable times and, in case of emergency, at any time, to inspect the same, to make or facilitate any repairs or alterations to the Leased Space. Tenant shall not be entitled to any abatement or reduction of rent or damages by reason of any of the foregoing. Landlord's right of access to the Leased Space shall not impose any duty, liability, or obligation on Landlord to repair or inspect the Leased Space.

Tenant shall not use or allow the Leased Space to be used for purposes of repair to the Watercraft or any unlawful purposes, and Tenant shall comply with all applicable laws and ordinances and acknowledges that the conduct of any illegal activities from or within the Leased Space shall constitute a default under this Lease Agreement. Tenant shall abide by all such rules and regulations and all rules and regulations relating to Fawn Lake. Tenant shall notify the FLCA of any damage or condition of the Leased Space that compromises its intended purpose and function.

**EMERGENCY PROCEDURES.** In the event that an emergency situation exists on the lake, as solely determined by the Fawn Lake Community Association, Inc.'s Board of Directors, Tenant shall be responsible for removing his boat from the Lake or Boat Slip, at Tenant's expense. In the event of an emergency, FLCA Manager of Resident Services shall have the authority to relocate or remove Tenant's boat from the Lake or the boat slip following reasonable notice to the Tenant of the emergency. The FLCA Manager of Resident Services and the FLCA shall not be liable for any damage to the boat or expenses related to such relocation or removal.

Emergency situations may include, but are not limited to, low water level, flooding, hazardous water conditions, natural disasters or manmade disasters.

In addition, the lease agreement prohibits any assignment to another party or subletting to another party.

**c. Recreational Vehicle (RV)/Boat Storage and Canoe/Kayak Storage Racks**

**(1) Recreational Vehicle (RV)/Boat Storage**

FLCA leases outdoor storage spaces in a secure area near the boat slips subject to availability.

The Declaration for Fawn Lake Section 2.3(c) – Use of Other Structures and Vehicles states “No mobile home, motor home, trailer...camper trailer, camping unit, boat...shall be parked or kept on any lot at any time unless housed in a garage or basement.

The spaces come in three sizes. By signing the lease, you understand that the space shall be used for the storage of RV/Watercraft and trailers for private non-commercial use only. Storage of automobiles, building materials, refuse and other unsightly items is not permitted. An inspection of the storage lot is done regularly and lease holders are notified if they are not in compliance which could result in the termination of the lease.

All items must fit within the assigned space/lines. Tenant shall not use or allow the Leased Space to be used for purposes of conducting a business, repair to the RV/Watercraft or any unlawful purposes, and Tenant shall comply with all applicable laws and ordinances and acknowledges that the conduct of any illegal activities from or within the Leased Space shall constitute a default under this Lease Agreement. Tenant shall abide by all such rules and regulations and all rules and regulations relating to Fawn Lake.

By entering into the Lease Agreement, Tenant assumes sole responsibility for the safety and security of the personal property brought upon or stored at the Leased Space, except to the extent directly resulting from the gross negligence or willful misconduct of Landlord or its employees.

Tenant accepts the Leased Space in an “as is” condition, as of the date of this Lease Agreement. Landlord, at its cost and expense, provides general regular maintenance of the Fawn Lake RV/Watercraft Storage Facility, including the Leased Space. Tenant shall be responsible for any maintenance or repair work performed by Landlord, which results from or is a consequence of damage caused by the Tenant. Tenant shall be responsible for the maintenance for any vehicle or watercraft stored on the

Leased Space. Tenant shall be responsible for any discharge, spillage, uncontrollable loss, seepage or filtration of oil or petroleum or chemical liquids or solids from its recreational vehicle or personal watercraft at, upon, under or within Fawn Lake and/or the Leased area.

In addition, the lease agreement prohibits any assignment to another party or subletting to another party.

## (2) Canoe and Kayak Storage Racks

FLCA leases outdoor storage for canoes and kayaks in racks located at the Canoe and Kayak Club subject to availability.

Any lot owner may store a total of two canoes or kayaks including oars in the rear yard of the residence if properly registered with the FLCA, properly screened or covered and placed away from the shoreline, golf course or property line so that the storage is not obviously visible from the street, lake or golf course. Canoes and/or kayaks may also be stored on docks of waterfront properties when not in use between April 1 and November 1. Inside or off property storage is required for all canoes and kayaks between November 1 and April 1.

Tenant accepts the Leased Space in an “as is” condition, as of the date of this Lease Agreement. Landlord, at its cost and expense, provides general regular maintenance of the Fawn Lake Canoe/Kayak Storage Racks, including the Leased Space. Tenant shall be responsible for any maintenance or repair work performed by Landlord, which results from or is a consequence of damage caused by the Tenant. Tenant shall be responsible for the maintenance and security for any watercraft stored on the Leased Space.

The Leased Space shall be used for storage of canoe/kayak properly registered with the FLCA and displaying a current watercraft registration decal. Storage of non-registered canoes/kayaks is not permitted. Tenant shall not use or allow the Leased Space to be used for purposes of conducting a business or any unlawful purposes, and Tenant shall comply with all applicable laws and ordinances and acknowledges that the conduct of any illegal activities from or within the Leased Space shall constitute a default under this Lease Agreement. Only one kayak or canoe per assigned space. Tenant shall abide by all such rules and regulations and all rules and regulations relating to Fawn Lake.

By entering into this Lease Agreement, Tenant assumes sole responsibility for the safety and security of the personal property brought upon or stored at the Leased Space, except to the extent directly resulting from the gross negligence or willful misconduct of Landlord or its employees.

In addition, the lease agreement prohibits any assignment to another party or subletting to another party.

(3) Boat slips, storage spaces and racks are leased exclusively to Fawn Lake property owners in good standing.

(4) Camping. Overnight camping on boats on the Lake, including boats moored to an approved dock, is prohibited.

## **7. Boating Safety Education & Testing**

Virginia law now states that it is unlawful to allow any person to ride or sit on the bow, gunwales, and transom or on the decking over the bow of the vessel while under power unless such is provided with adequate guards or railings to prevent passengers from falls overboard. Passengers or other persons aboard a watercraft may occupy these areas of the vessel to moor or anchor the watercraft, to cast off, or for any other necessary purpose.

### **a. Education**

This document, *FLCA Lake Usage Regulations* and the *Virginia Watercraft Owner's Guide*, are the two primary sources of information on boating safety for Fawn Lake boaters. The Lake Usage Committee (LUC) will periodically publish other literature and may offer seminars on boating safety that will concentrate on specific problem areas encountered on the lake.

### **b. Testing**

The Boating Safety Test (BST) must be taken in person and passed once by each Fawn Lake boat operator. After a person passes the BST, he/she will receive a Certificate to operate watercraft on the lake. Property/boat owners, after they pass the BST, will be eligible to apply for an FLCA boat registration decal, which is an annual requirement. Those persons who do not pass the BST must retake the test until they receive a passing grade. If necessary, the LUC will provide boat safety training to individuals who need it. The registrar of all registered watercraft must pass the BST.

## **D. FISHING**

1. No fishing license shall be required of property owners, their houseguests or tenants to fish within the boundaries of Fawn Lake.
2. Except as set forth in paragraph 1 above, and other exceptions as permitted under Virginia law, a valid Virginia State Fishing License is required to fish in Fawn Lake.
3. Fishing from boats is permitted in all areas of Fawn Lake, except those designated as swimming areas. Fishing is not permitted in swimming areas. Lake front

property owners may fish from their shorelines. All other shoreline fishing must be confined to common areas.

4. No activities shall take place that will prohibit the use of the slalom course for its intended use.
5. Fishing is permitted 24 hours a day, 365 days a year.
6. Creel limits will be consistent with Virginia law unless made more stringent by the Board of Directors.

## **E. SWIMMING IN THE LAKE**

1. Swimming is permitted within 75 feet of the swimmer's stationary watercraft, within 100 feet of the shoreline, and at common beach areas within the designated rope boundaries. Currently, only one common beach and swimming area exists, adjacent to the Community Association Clubhouse. Property owners, their family and guests up to a maximum total of 15 people may use the common beach area without a fee charged, unless prior approval of the FLCA Administrative Office has been received. Swimming in the lake, including at common beach areas, is not supervised by lifeguards. Anyone who swims in the lake does so at his/her own risk. Neither NTS nor the FLCA take responsibility for the water quality or water cleanliness, swimming ability, or lack thereof, of anyone who attempts to swim in the lake, nor assume any liability for accidents that may result from unsupervised swimming. Diving, jumping, swimming or entering the water on or around all FLCA community docks is not permitted at any time.
2. It is strongly recommended that minors and non-swimmers use USCG approved personal flotation devices at all times when in water that is more than wading depth.

## **F. ACCIDENTS AND VIOLATIONS**

### **1. Lake Safety Procedures**

The following general safety procedures for users of the lake are derived from information available from local authorities and safety websites.

**EMERGENCY - In any emergency, call 911.**

Ensure that you talking to, or are transferred to, Spotsylvania 911. If you are on a boat in the lake and out of the coverage area, go to shore and ask to use a phone of a private home or ask the homeowners to assist you. If your location changes, you should update 911. If possible, move to pool or marina docks and update 911.

#### **Provide 911 the following information:**

- Nature of the emergency
- Location of the emergency

- Your name and the phone number from which you are calling.

### **Follow Good General Boat Safety Procedures**

- Before leaving the dock, inform all passengers of emergency procedures.
- Identify emergency equipment such as fire extinguishers and pumps.

Locate critical items such as the ignition switch, power switch, and fuel valves.

- Recommend that each passenger wear a life jacket while underway.

### **Leak or Damage Control**

- Put on life jackets, open deck hatches and look for leaks.
- Start the bilge pump, get manual pumps and buckets.
- Shut off the engine if the leak is in the front hoses.
- If the hull is damaged and the engine is inboard (versus outboard), then

shut off the engine, close the sea cock, disconnect the intake water hose, place the end of the of the intake hose in the bilge and restart the engine to act as a bilge pump.

### **Fire Aboard a Boat**

- If underway, stop the boat and have everyone who is not wearing a life jacket put one on. Be ready to abandon the boat with life jackets on.

- Position the boat so that the fire is downwind. Reduce air to the fire area if possible by leaving hatches and doors closed and shutting off the electrical supply. If the fire is in the engine space, shut off the fuel supply.

- Use the fire extinguisher by remembering P.A.S.S.

*P = Pull pin; A = Aim at the base of the flames; S = Squeeze handle; S = Sweep side to side.*

- If you abandon the boat, throw floatation material overboard first and stay together in the water.

### **Swimmer or Boater in Distress**

- At least one person should be notified of the situation before attempting a rescue. In this way, that person can direct additional help and keep track of the victim's (and rescuer's) location. Do not lose sight at any time of the person in distress.

- Every attempt should be made to reach the victim by boat or other small craft.

- Swimming rescue should be attempted only if the victim is near shore and only be a qualified lifeguard.

- If a boat capsizes, the victim should stay with the boat and wait for assistance to arrive.

- If the victim appears to be in imminent danger, call 911 immediately.

- As you near the victim, throw a rope, life jacket or other floatation device rather than grabbing the victim. Then help the victim get into the boat or hold onto the boat and tow them to shore.

## **2. Reporting Accidents**

An “accident” on the lake or at the marina is defined as:

- Damage by or to a watercraft
- Injury and/or loss of life.

The occurrence of any of the above requires each owner/operator of a boat, watercraft or vessel or property owner to file a formal, written accident report with Fawn Lake Community Safety personnel within 48 hours. A copy of the report will be provided to the Lake Usage Committee and the Fawn Lake Community Association Office.

To contact the Community Safety Personnel about an accident that has just occurred, please call 540-972-0394.

## **3. Reporting Violations**

It is the duty of all boaters and lake users to be aware of the rules and regulations for Fawn Lake, as well as applicable Virginia law. Violations of regulations may be reported by any property owner to Community Safety, and copies of their report will be provided to the Lake Usage Committee (LUC) and the Fawn Lake Community Association Administrative Office. Additionally, Lake Usage Committee Safety teams will periodically patrol the lake for the expressed purpose of monitoring safety and regulation compliance. These teams will be equipped with an orange pennant for identification.

When filing a report, the following information is required:

- (a) Decal number. If unable to get a decal number, a short description of the boat/color.
- (b) Date, time and place of the violation.
- (c) Short description of the violation.

## **4. Processing Violations**

All violations issued will be enforced through the Violations Review Panel. The LUC will investigate signed complaints by FLCA members and determine by a majority vote if a citation is warranted. If a citation is warranted, the LUC will notify the FLCA Manager of Resident Services who will then issue a citation to the offending party via certified mail.

## **5. Accident/Violation Files Management**

All paperwork pertaining to accidents and violations on the lake will be maintained by the FLCA Community Association Office for future use in consideration of changes to rules and regulations as they pertain to the safety, beauty and recreational enjoyment of the lake by all property owners.

## **6. Lake Rules Enforcement Activities**

A number of enforcement tools will be used to help with compliance of lake rules for everyone's benefit. These will include, but are not limited to:

- (a) Radar guns to check boat speed;
- (b) Checking boats for up-to-date decals;
- (c) Randomly stopping boats to see if appropriate safety gear is available or in use, as required;
- (d) Monitoring boat speeds and activities in no-wake zones; and
- (e) Other activities to help make the lake safe and of value to all property owners.

## **7. Fawn Lake Safety Protocols**

Periodically, the FLCA will organize and designate staff personnel, similar to Lifeguard-Type Personnel, to conduct Safety Patrols on the lake. The emphasis and the objective are focused on safety and not enforcement per se. The staff personnel may be augmented by members of the Lake Usage Committee who can be a ready available resource regarding safe water practices.

### **(a) Safety Patrol Organization:**

- The purpose of patrols will be to observe and report observations that may contribute to the safety of lake usage.
- Qualified persons should routinely, but randomly, patrol the lake in a boat with some clear means of identification (e.g. colored pendants).
- Patrols are to be made with emphasis on holiday and weekend periods, during the April 1 to November 1 season.
- Patrol members are to be knowledgeable of both safe watercraft operation and Fawn Lake Usage Regulations, and be aware of actions that should be considered unsafe.
- Watercraft utilized for patrol will be minimally equipped with safety and communication gear (life ring and walkie-talkie).

### **(b) Watercraft and Lake Usage Practices To Be Monitored**

- Watercraft operated on the lake without a certified operator in the party
- Watercraft not complying with the counter-clockwise pattern when more than five (5) watercraft are on the lake
- Watercraft traveling at excessive speed (perceived)
- Watercraft that violate any no-wake zone areas
- Watercraft that fails to give way to other boaters in accordance with accepted boating rules

- Watercraft that operate aggressively in proximity to other watercraft in the same area
- Watercraft that do not comply with regulations regarding following behind distance and maneuvers within proximity of watercraft towing skiers or tubes
- Watercraft with passengers sitting on gunwales, transoms, or bows when underway
- PWCs, tubers, or skiers who are operating without required safety vests
- Swimmers outside the protected shore designation without an accompanying watercraft
- Watercraft that have no current Fawn Lake decal

**(c) Safety Patrol Operations**

- Upon observation by a safety patrol team of watercraft acting in an unsafe manner, the safety patrol should carefully advance toward the offender.
- The patrol boat must display its identification symbol (colored pendant or whatever) to which the other boat should recognize and yield.
- Safety Patrol Leader, when in audible proximity, will identify themselves and request the boat in question to go to idle, and if pulling skiers or tubers recover them to the watercraft vicinity.
- Safety Patrol Leader will commence a friendly and low-key dialogue, explaining that their purpose is to convey an observation of the offending boat that is believed to be in violation of lake regulations.
- Discussion should be focused on education of the rules and an understanding that the stop was to act on safety. All dialogue should be conducted in a friendly and helpful manner.
- Safety Patrol will obtain the name of the person operating the boat. If the person operating is not a registered operator (current list must be carried by the patrol), the stopped boat should be asked which of the passengers is certified and include this information in their report.
- In the event of a watercraft identified as not belonging to a Fawn Lake property owner, the Safety Patrol should ask the operator to return the boat to the marina and remove it from Fawn Lake.
- If matters start to get out of hand, the patrol should depart the offending boat's area. In no case should the patrol ever engage in any confrontational dialogue.
- Safety Patrol Leader will document every incident containing at a minimum the identification of boat or a description, owner and operator, number of passengers, lot number and FL decal # of the boat.

**(d) Violations/Observations**

- Documentation of all noted observation(s) will be sent to FLCA Manager of Resident Services upon completion of the patrol.
- The FLCA Admin Staff will notify the owner of the watercraft of record of the Safety Patrol contact, with the appropriate warning in accordance with Fawn Lake Usage Regulations as updated.
- Observations/violations will be administered in accord with normal FLCA procedures.

- Report results of all patrols will be forwarded by FLCA Manager of Resident Services to the Lake Usage and Community Safety Chairs for information.

- FLCA Manager of Resident Services will maintain a record of observations/violations as a means of educating the community on safety issues.

## **G. BOATS AND WATERCRAFT VIOLATIONS AND PENALTIES**

1. The FLCA uses a point system to monitor the safety of its boaters. Demerit points are assigned when you commit a lake traffic violation. Different violations carry different point assignments, depending on the seriousness of the offense. Demerit points remain valid for three years from the date of the offense.

1 point violation = \$50.00 fine

3 point violation = \$50.00 fine

6 point violation = \$50.00 fine

- If you accumulate 6 demerit points in a three year period, your boating privileges will be suspended for fourteen (14) days.
- If you accumulate 9 demerit points in a three year period, your boating privileges will be suspended for ninety (90) days.
- If you accumulate 12 demerit points in a three year period, your boating privileges will be suspended for one hundred and twenty (120) days.
- If you accumulate 15 demerit points in a three year period, your boating privileges will be suspended for one hundred and eighty (180) days.

**All operational violations and penalties will be assessed against the licensed operator of the boat or watercraft. Non-operational violations will be assessed against the owner of the boat or watercraft. The suspension of boating privileges by the offending operator shall apply to all boats or watercraft.**

**The Lake Usage Committee will be convened as soon as possible after an incident involving an operational violation that could result in suspension of boating privileges. The committee will report its findings to the Manager of Resident Services who will notify the operator of the watercraft. Individuals charged have the right to appeal the Lake Usage Committee's findings to the Violations Review Panel. In all instances involving suspension of boating privileges, suspension will take place effective the date of the final ruling. The suspension of boating privileges shall be served during the period of time between the Friday immediately preceding Memorial Day through Labor Day.**

(Any reference to watercraft herein shall include without limitation all boats, motorized or non-motorized, personal watercraft, canoes, sailboats, or kayaks.)

## **2. One Point Violations**

- (a) Appropriate safety equipment (PFDs, fire extinguishers, etc.) are not in the watercraft or properly used.
- (b) Operating a watercraft without displaying a valid Fawn Lake decal. Watercraft must be removed from lake and may not reenter lake until valid decal is displayed on watercraft.
- (c) Operating a watercraft without displaying the lot number and letter as appropriate.
- (d) Operating a watercraft in violation of the navigation rules outlined under the *Boats* section of these Lake Usage Regulations in #4 Navigation Rules (a), (b), (c), (d) and (e).

## **3. Three Point Violations**

- (a) Operating a watercraft without properly registering watercraft with the Fawn Lake Administration Office. In addition to the \$50.00 fine, the registration fees will be charged automatically to the property owners' account. Watercraft must be removed from lake and may not reenter lake until proof of insurance is received and decal applied.
- (b) Speeding on main channel in No Wake zone or during hours of darkness.
- (c) Operating a watercraft too close to another watercraft or in an otherwise reckless manner.
- (d) Navigation lights not displayed during the time from sunset to sunrise, or any period of time with poor visibility (i.e. rain).
- (e) Failure to adhere to safety rules outlined under the *Boats* section of these Lake Usage Regulations in #5 Boat Operation Requirements (f).
- (f) Operating a watercraft without a valid operator's license/certificate AND a Virginia boating safety certificate (as mandated by the state's age requirements.)

## **4. Six Point Violations**

Operating a watercraft or participating in a watercraft sport while such person (i) has a blood alcohol concentration at or greater than the level at which it is unlawful to operate a motor vehicle; (ii) is under the influence of alcohol; (iii) is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his/her ability to operate the watercraft safely; (iv) is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to operate the watercraft safely.



