

**Fifth Restated
Whitetail Lake Association
Rules and Regulations, Rev 3
(See footnotes ^(1,2,3&4) for changes)**

FIFTH RESTATED
WHITETAIL LAKE ASSOCIATION
RULES AND REGULATIONS, Rev 3

The rules and regulations are for the purpose of promoting harmonious use of the Common Properties within the Whitetail Lake Subdivisions, and the cooperation of all owners, residents and guests is required. The following rules and regulations have been adopted by the Board of Directors of Whitetail Lake Association:

1. BOATS & BOATING

a. Boats and Boat Motors:

- (1) Only boats owned by those having joint or common use rights in the Whitetail Lake Subdivisions area are allowed on the lakes. A form will be provided by the Association to each resident, who will then provide their name, address and a detailed description of each water craft which they own or operate on the lake, including the serial number, horsepower and to whom the water craft is registered. Prior to use on the lake, each boat shall be inspected by a designated member of the board of directors of the Association for the purpose of determining compliance with these rules.
 - (2) No water craft in excess of 90 manufacturer-stated horsepower will be permitted on the lake, except boats with inboard motors herein permitted. No boats with inboard motors will be permitted, other than 1996 or newer four-cylinder motors with a maximum rating of 135 manufacturer-stated horsepower.
 - (3) Effective August 1, 1999, no property owner or lease holder may operate a jet ski on the lake, with the exception of property owners and lease holders who owned a jet ski which was approved and registered with the Association prior to August 1, 1999, so long as that property owner or lease holder is a member in good standing of the Whitetail Lake Association. Without exception, no property owner or lease holder may update or replace a jet ski after August 1, 1999.
 - (4) Only one of each of the four following classes of motorized water craft is permitted for each lot:
 - a) a boat with an outboard motor between 10 hp and 90 hp OR a 1996 or newer four-cylinder inboard motor boat;
 - b) a boat with an outboard motor of 10 hp or less;
 - c) a "jet ski"; restricted as indicated in rule 1.a.(3); and
 - d) a pontoon boat.
 - (5) In order to avoid congestion from excess numbers of water craft on the lake at one time, only two motorized water craft may be used by the owners and occupants of a lot on anyone day, using only one motorized water craft on the lake at any one time.
- b. Boat Identification: All sail, row and motor boats will have the proper Whitetail Lake Sticker and Lot Number displayed on the driver's (starboard) side of the boat between the back of the boat and mid ship. They shall be so placed and maintained so as to provide clear identification.

- c. Boating Times and Speed: 10:00 a.m. to 9:00 p.m. or sunset, whichever is earliest, every day of the week, including Sundays and holidays during the entire year, is full-speed boating. All p.m. hours listed will drop back one hour if daylight savings time is discontinued.
- d. Speed:
- (1) Trolling speed is in effect at hours not listed above. Regardless of the hours listed, no full speed or fast boating is permitted after dark. Trolling speed for all boats shall be as slow as your boat will run.
(There is no wake behind the boat when running at trolling speed).
 - (2) Due to occasional high water levels at the lake, there is a "No Wake" marker attached to and protruding 2 ½ inches below the bottom of the white overflow pipe located between Dyhrkopp's and Brackhan's (lots 52 & 53). When the water level reaches the marker on the white overflow pipe, only no wake boating will be allowed. A sign indicating "No Wake" will be posted on the information board at the entry to the lake. This means no boating above idle speed is permitted until the water level drops below the stated markers **and the sign is removed.**
- e. Boat Length: No sail, row, motor boat or other water craft longer than 18 ft. 4 in. be may be operated on the lake.
- f. Boat Lights: After dark, when a motor boat is in motion, it must show a bright white light to the stern and a combination light to the bow, showing green to the right and red to the left.*
- g. Boat Capacity: All owners shall limit passenger load to their boat's rated and safe carrying capacity. Large waves cause damage to the shorelines and boat docks. You are responsible for your wake. During full speed boating time, all boats, especially when heavily loaded, shall operate at slow speed (little or no wake) or a planing speed (little or no wake).
- h. Age of Boat Operators: No minor under 16 years of age shall operate a boat equipped with more than 10 hp motor unless accompanied by an adult who is the owner or lessee or a member of his immediate family. Immediate family, for purposes of operating watercraft and ATV's at Whitetail Lake, includes the association member, the son & spouse and daughter & spouse of the association member, and grandchildren of the association member, provided that each operator is in compliance with State of Nebraska and Whitetail Lake regulations such as age and completion of boater safety training courses. No one under 14 years of age shall operate motor boats of any class at any time, whether accompanied by an adult or not.*
- i. Boat Operation:
- (1) All powered boats shall at all times give the right-of-way to sail boats, row boats and powered boats pulling skiers. When two boats are approaching each other head-on, or nearly so, each boat shall bear to the right. One boat may overtake another on the main parts of the lake, but shall yield the right-of-way to the overtaken boat. No person shall anchor a boat for fishing or any other purpose in such a way as to obstruct a passageway ordinarily used by other boats. No person shall operate any boat while under the influence of intoxicating liquor or narcotics,* and each property owner or leaseholder must see that this provision is not violated by his guests.

- (2) All powered water craft shall stay in the accepted traffic pattern, which is to stay to the RIGHT and go in a counter-clockwise direction. *
 - (3) Speeds exceeding 5 mph are illegal at all times in or within 30 yards of any vessel, harbor, marina, landing pier, fishing pier, anchorage, bathing beach, dock shore station or any hard surface.* Skiing shall not be allowed within 40 feet of any hard surface. These rules apply to any type of permitted sports equipment being pulled behind a boat.
 - (4) EVERY OPERATOR SHALL AT ALL TIMES NAVIGATE HIS BOAT IN A CAREFUL AND PRUDENT MANNER.
- j. Guests: Guests may swim in the lake and ride or operate boats of property owners or leaseholders only when accompanied by the owner or lessee or a member of his immediate family. Immediate family, for purposes of operating watercraft and ATV's at Whitetail Lake, includes the association member, the son & spouse and daughter & spouse of the association member, and grandchildren of the association member, provided that each operator is in compliance with State of Nebraska and Whitetail Lake regulations such as age and completion of boater safety training courses. The member of the family must be 16 years of age or older. A guest driver (over 16) towing an owner or lessee or member of the family (over 16) on skis or a kneeboard will be considered within the rule.
- k. Swimming: No swimming or floating on air mattresses or other floatation devices shall be done beyond 30 feet from the shoreline.
- l. Skiing and knee boarding:
- (1) Skiing and knee boarding hours shall be limited to a period of time from 10:00 a.m. until 9:00 p.m. or sunset, whichever is earliest. All pm hours will drop back one hour if daylight savings time is discontinued.
 - (2) Tow ropes shall not exceed 75 feet.*
 - (3) Tow boats SHALL use an observer when three or more tow boats are using Whitetail Lake. At all other times, tow boats must use either an observer or rear view mirror. A skier in the water should hold a ski up in the air so he can be seen more easily. The tow boat should get to the fallen skier as soon as safely possible. Tow ropes being dragged behind a boat are dangerous. Be aware that another boat may hook a tow rope, suddenly yanking the tow boat or pulling the tow rope over a down skier. Down skiers should at all times be certain that no tow rope is around or over them.
 - (4) No skiing or knee boarding is allowed in any restricted cove.
 - (5) No pulling of inner tubes or other floatation devices by any water craft is permitted.
 - (6) No boat shall be modified to add weight or drag to the boat for the purpose of creating a larger wake for wake boards, skis, knee boards or any other device that is being pulled behind a boat for the purpose of jumping or riding the wake. Be considerate of the lake residents and beach erosion caused by large wakes.
- m. Equipment: All skiers and kneeboard riders SHALL wear Coast Guard approved life jackets or ski belts.
- n. State Boating Regulations and Whitetail Lake's Rules: All boats and operators shall comply with the State Boating Regulations and these Whitetail Lake Rules and Regulations, provided, however, that if these

Rules and Regulations are more restrictive than the State Boating Regulations, then all boats and operators shall comply with these Rules and Regulations.

- o. Safety on the Lakes: Safety on the lake is everyone's concern and responsibility. If you see a violation of these rules or any activity that may be dangerous or hazardous, tell the individuals that are committing the violation. It is too late after an accident or death occurs. If you or your guests are called down for any violation, be courteous.
- p. Boat Dock Extension Length: Boat docks, shore stations and other similar permitted devices shall not be permitted to extend into the lake more than thirty (30) feet.
- q. Boat Dock Floatation Material: Floatation material for boat docks and other similar permitted devices shall be:
 - (1) of a closed-cell or sealed plastic foam material, which shall be fully covered with metal screening material effective in preventing the invasion of vermin; or
 - (2) non-toxic plastic barrels; or
 - (3) plastic floating devices manufactured for this purpose.

All other floatation material for such purposes shall be prohibited.

- 2. RESPONSIBILITIES. Owners and lessees are responsible at all times for the reasonable decorum of their family members and guests. Parents are responsible for the conduct of their children at all times.
- 3. PETS. Pets shall not be allowed on the Common Properties except in transit when carried or on leash. Pet owners are responsible for the immediate clean up after their pets.
- 4. DAMAGES. Damage to the Common Properties shall be paid by the person causing such damage.
- 5. BUILDINGS & STRUCTURES. No building or structure of any kind shall be erected on the Common Properties without the written approval of Whitetail Lake Association. Any construction or remodeling on a lot shall be completed within one and one-half (1 1/2) years from the date of actual physical commencement of the work, insofar as the exterior of the improvements are involved, including but not limited to roofing, windows, siding, concrete work, rough and finish grading and lawn seeding or sodding.
- 6. NUISANCES. Owners and lessees shall not conduct nor cause to be conducted any noxious or offensive trade or activity upon the Common Properties, nor shall anything be done on the Properties which may be or become an annoyance or nuisance to the neighborhood, including gatherings of unusual size or ones making excessive noise.
- 7. ADVERTISING. No nuisance, advertising sign, billboard or any other advertising device shall be permitted, erected, placed or suffered to remain upon the Common Properties, and said Properties shall not be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any other owner or lessee, provided the Whitetail Lake Association or the Developer may erect appropriate signs identifying and advertising the development.

8. LIVESTOCK. No animals, livestock or poultry of any kind shall be raised, bred or kept on the Common Properties.
9. DUMPING. Owners and lessees shall in all respects comply with state laws and the requirements of the health authorities, and shall not dump or cause to be dumped onto the Common Properties any rubbish, filth or obstructions, including yard and garden waste.
10. SHORELINE MAINTENANCE. Owners and lessees shall be responsible for maintaining the shoreline and the beach of any portion of the Common Properties which abuts land owned or leased by them and shall keep such shoreline and beach in a clean and sanitary condition, free from weeds, debris, logs or rubbish blown in or washed in on the shoreline or beach, and remove the same at the expense of the owner or lessee.
11. PARKING. Owners and lessees shall not use or permit the use of the traveled portion of common roads for the parking of its cars, trucks, tractors, or other vehicles, or those of its visitors or guests, nor shall they park any vehicle or permit any vehicle to be parked so as to interfere with the use of any driveway.
12. FIREARMS. Owners and lessees shall not use or permit their guests to use firearms or air- or gas-operated guns, bow and arrow, spear, spear gun, or any other device used to propel solids or liquids and designed to hit a target or person, on or across the Common Properties, nor shall they engage in or permit trapping on such premises, or on any adjoining property.
13. REFUSE. All garbage receptacles shall be shielded from view by some suitable enclosure and maintained in a sanitary condition.
14. WASTE WATER DISPOSAL. Disposal of waste water from heating or cooling systems, or any other mechanical device, into the waters of the lake, directly or by well close enough to the lake to cause a discernable temperature difference at or near a point of inflow, is prohibited. Proper re-injection wells may be approved by the architectural review committee. If no re-injection well is in place, the owner must use the emergency or alternative heat setting on their heating system during ice sport season, defined as December 1 through March 1.
15. PROPERTY MAINTENANCE. No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon any part of a lot, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere on the property. No chemical shall be applied to or used on sand beaches, except the herbicide "Roundup" may be used for weed control on beaches. The Board recommends wearing personal protective equipment, not allowing others in treated areas until dry, and spraying so that Roundup does not land on water or on other residents' property.
16. ATV (All-Terrain Vehicle). Any ATV operated on common-use property shall have a Whitetail Lake identification symbol, as made available by the Association, affixed thereto on an easily visible location. A form will be provided by the Association to each resident, who will then provide their name, address and a detailed description of each ATV which they own or operate, including the serial number, horsepower and to whom the ATV is registered. Operators of ATVs must be 16 years of age or older.

17. ENFORCEMENT. Enforcement of the Rules and Regulations listed above shall be the duty of the President of Whitetail Lake Association and such persons as he shall appoint in writing. Enforcement action by any such person may be appealed in writing to the Board of Directors, but the pendency of such appeal shall not stay enforcement.

18. The use of aerators or any other device that causes ice to melt or prevents ice from forming anywhere in Whitetail Lake is banned during ice sport season. Ice sport season is defined from December 1st through March 1st.

⁽¹⁾ The Fourth Restated Whitetail Lake Rules and Regulations were updated to the Fifth Restated Whitetail Lake Rules and Regulations with changes to rules 1.b., 1.d.(2), and 1.i.(3) as noted in the minutes of the Whitetail Lake Association Meeting on Oct 11, 2016. The definition of Immediate Family was also added to rules 1.h. and 1.j. as defined in the minutes of the April 12, 2016 Board of Directors meeting.

⁽²⁾ Rev 1...Rule 15 of the Fifth Restated Whitetail Lake Rules and Regulations was revised at the Board of Directors meeting on Oct 9, 2018 to eliminate the use of the herbicide Roundup on beaches for weed control. No chemicals can be used on sand beaches going forward.

⁽³⁾ Rev 2...Rule 15 was revised to once again permit the use of Roundup on beaches with restrictions as noted in the minutes of the Board of Directors meeting on May 7, 2019. Rule 1.i. (6) was added at the Board of Directors meeting on Sept 24, 2019 restricting the addition of weight or drag to a boat for the purpose of creating larger wakes.

⁽³⁾ Rev 3...Rule 1(e) of the Fifth Restated Whitetail Lake Rules and Regulations was revised at the Board of Directors meeting on Oct 13, 2020 to allow boat lengths to be 18 Feet 4 Inches.

* The regulations marked with * appear as part of the State of Nebraska regulations for Whitetail Lake, have the force of state law and can be enforced by any duly authorized law enforcement officer.