

WESTLAKE LAKE RULES and REGULATIONS

PREFACE

Westlake Lake (Lake) is a private lake. Westlake Lake Management Association, a California nonprofit corporation (WLMA), governs the Lake, acting under the California lake License confirmed to it, and under WLMA's authority from its governing documents, among them the recorded Westlake Lake Recreational Area Restrictions (CC&Rs). WLMA solely owns the Lake property [in fee the land under the Lake, the land beyond Lake water edges - described as Perimeter Area in the CC&Rs, and the islands within the Lake] and owns other parcels and property interests around and near the Lake (including the dam and area below the dam). WLMA conducts its affairs to further its purposes including, among others: 1) fostering scenic beauty in the Lake environment for the general public, and 2) regulating recreational use of the Lake - for WLMA Members, others within the Westlake Community, and as WLMA otherwise determines.

The Westlake Community is collectively defined in the CC&Rs to include: the Westlake District of the City of Thousand Oaks in Ventura County, the City of Westlake Village in Los Angeles County, and adjacent unincorporated areas in both counties lying within the Westlake development.

RECITALS

WLMA acts to regulate all Lake use and all dock and other construction therein. WLMA allows no business activity on the Lake except as it approves to further its purposes noted above.

These Westlake Lake Rules and Regulations (Rules), subordinate to the CC&Rs, are adopted by WLMA to further its purposes, and are binding on property owners and residents in the Westlake Community, and all other persons (entities), who use, work at, or otherwise enter upon or around the Lake, collectively "**Lake Users**". No person has any property rights as to the Lake property or Lake use except as WLMA may provide including, among other, easements or licenses for private and public access, utilities and other government purposes, and revocable Lake Permits for Lake Users.

The most recent WLMA Board (Board) approved Rules govern. The latest Rules certified and published to WLMA Members and posted in the WLMA office shall apply, unless the person acting has actual or constructive notice of a later approved change. The Rules do not limit WLMA from exercising its full discretion in determining matters and acting to carry out its purposes.

WLMA is sensitive to protecting the Lake against invasive species, such as Quagga/Zebra mussels, and has implemented both prevention and intervention procedures at the Lake - Rule 2.

VIOLATION OF RULES IS SUBJECT TO CORRECTION, FINES AND LOSS OF LAKE USE AS PROVIDED IN THESE RULES, UNDER CC&Rs AUTHORITY

RULES (Provisions)

1. PREFACE & RECITALS / RULES INCLUDE INTEGRATED DOCUMENTS. The Preface and Recitals above are integrated in and are a part of the Rules and have the same force and effect as Rules provisions. The Rules in this document provide governance and guidance for all Lake Users.

WLMA from time to time prepares /publishes documents and policies to assist in Rules implementation, for example, Lake Permit applications, boat, boat slip and dock Permit agreements, boat vendor and yacht club agreements, informational flyers, and other documents. The Board approved policies provide additional guidance for implementing Rules contained herein, and provide other WLMA guidance.

The Rules including other policies are posted on the WLMA website and/or are available in the WLMA office at: 32353 Triunfo Canyon Road, Westlake Village, CA 91361 (818) 889-5377.

General Provisions

2. INVASIVE SPECIES PROCEDURES. Because of the Quagga/Zebra mussels intrusion in California, WLMA acts to prevent such from entering the Lake; WLMA, in addition to requiring a WLMA boat Permit with insurance, and other compliance with the Rules, has established a mandatory protective process to follow **prior** to placing a boat/other items on the Lake. And WLMA otherwise acts to address any invasive species that may threaten the Lake.

A. As to the Quagga/Zebra Mussels threat, WLMA requires advance inspection, possible quarantine, and a Lake Operations Manager's written approval system among other procedures; the following apply:

(a) The process applies to and is required of boats [including kayaks and all other types of water craft], boat motors and equipment [sails, life vests, anchors and line, fenders, etc.], trailers, including boat vendor trailers, coming to the Lake/using boat launch, used boat floats and docks brought to the Lake, and even model boats and other objects intended to be placed on the Lake;

(b) For WLMA's inspection, a boat, trailer, or other object must be certified to have not been in fresh waters within the last 30 days, be CLEAN and DRY, and be free of mud and vegetation [or undergo WLMA's decontamination treatment that may from time to time be available] to avoid a quarantine period;

(c) The same process of prior inspection, possible quarantine, and approval applies where a boater seeks to return any boat and its equipment, or other item described in (a) and (b) above, to the Lake after such removal from the Lake and/or lots or parcels surrounding the Lake, regardless of whether previously permitted with affixed boat sticker. Owners shall provide advance notice of removing from the Lake a WLMA-registered boat to the Lake Operations Manager/staff; and

(d) Live bait and live bait water storage containers are prohibited from Lake. See Rule 32.

B. As to the invasive fish species common carp, WLMA authorizes and encourages persons fishing the Lake to catch, remove, and dispose of such fish, disposal under WLMA guidelines. See Rule 32.

3. SWIMMING. Persons and domestic animals are prohibited from swimming in the Lake, except briefly by persons in sailing training or accidentally falling into the Lake, or where necessary in an emergency.

4. WATERFOWL. No feeding of waterfowl and other birds of any kind is allowed at the Lake.

5. IMPROVEMENTS MATERIALS. No materials, plants of any kind, or other improvements of any nature are to be deposited, placed, planted, or constructed in the Lake, the Lake shoreline cleaning area, or the Perimeter Area beyond the Lake waters unless written permission of WLMA pursuant to the "Perimeter Area Access Policy and Agreement". No such materials, plants or other improvements of any nature may be disposed of in the Lake, or street gutters or storm drains as they feed to the Lake. Such items include, among others, grass clippings, weeds, fertilizer, tree branches, paint, cement, concrete, other building materials, insecticides, oil, soap or soapsuds, car wash materials, and other similar materials.

6. FENCING. All electrified fences are illegal. Coot (waterfowl) fences are prohibited at the Lake, and non-electrical fences approved by District Homeowners Associations (HOAs) are to be set back at least twenty-four inches (24") from the shoreline to allow WLMA access for Lake cleaning.

7. SOUND; BRIGHT LIGHT(S). Any loud disturbance or bright light(s) emanating on, across, or adjacent to the Lake is a Lake use violation, except where necessary function for boat [including kayaks or other types of water craft], passenger, and other safety, and in the case of an emergency threatening life and/or property. Corrective action to noise or bright lights emanating from areas surrounding the Lake on property not owned by WLMA, though within WLMA jurisdiction and scope of authority to act, will first be deferred to neighbors, District HOAs, and, when appropriate, local law enforcement. WLMA will have sole jurisdiction to act for WLMA-owned property, including docks, boats and water craft on the Lake.

WLMA Jurisdiction and Scope of Authority: Among other WLMA Rules and Regulations, Section 6.4 of WLMA's CC&Rs provide for WLMA's authority to insure landscaping and all improvements on or visible to or from within the Lake, created directly by a Member or through District HOAs, be in consonance with WLMA's safety and scenic beauty goals for the Lake.

WLMA, through its Executive Committee ("EC") and Lake Operations Manager ("LOM"), will determine, in its sole discretion, what kinds of lighting and/or sounds constitute Lake use violations. Factors that will be considered when determining what lighting and sounds on, across, or around the Lake constitute violations include, among other things, any of the following:

- Whether the light and/or sound creates a safety hazard, including, but not limited to, interfering with

navigating the Lake's waterways.

- Whether the light and/or sound negatively impacts the aesthetics and/or desirability of the Lake and/or its surroundings, such as, but not limited to: bright, flashing, strobing or blinking lights, artificial noises, lights and/or noises between the hours of 11:00 p.m. and 7:00 a.m.
- Whether the light and/or sound violates municipal ordinances or acceptable lighting or sound standards.
- The degree to which the light and/or sound disrupts/disturbs wildlife on and around the Lake.
- Whether the light is installed or placed in a hazardous or unsafe manner.
- Whether the light and/or sound violates any other provisions of the Association's governing documents.
- Safety lights on a dock should be mounted on the top deck of docks, and string lighting around the perimeter of the docks or lighting underneath a dock area may be considered inconsistent with the aesthetics and/or desirability of the Lake and/or surroundings.
- Whether the light exceeds 4.6 lumens per square foot (i.e., approximately a 60-Watt soft lightbulb or the LED equivalent) considering the location of the light, proximity to the lake, and the other factors listed above.

The EC and LOM have complete discretion when determining what lights and/or sounds on, across, or adjacent to the Lake constitute violations, and any findings of such will be presumed valid. Members notified of Lake use violations with lights and/or sounds being used on, across, or adjacent to the Lake can address the EC's and LOM's findings through WLMA's disciplinary and compliance procedures and process that are described in Rule 42 titled "*ENFORCEMENT; REVIEW*".

8. PROJECTILES. Launching of any projectile on, to or within WLMA property [especially within Lake waters] is prohibited at all times, regardless of means, weapon or otherwise including, among other projectiles, water and water balloons, and regardless of whether launched from any boat or shoreline location.

9. FIREWORKS; FIRE PREVENTION. No fireworks of any kind may be ignited or discharged on or around the Lake at any time. Governmental fire departments when fighting fires may use helicopters to draw water from the Lake, generally in the area near the dam, and during such events Lake Users shall widely avoid any such activity area.

10. AUTHORITY DELEGATION. Delegation of authority by the Board or Executive Committee to others to carry out any portion of the Rules shall be expressed in writing and contained in the Rules, or otherwise made available including at the WLMA office. The Lake Operations Manager/Assistant Manager and Manager's Lake Patrol personnel have authority to generally enforce the Rules pertaining to Lake use, including as described below in this Rules section.

A. Pursuant to CC&Rs §8.2h, WLMA including through its personnel may restrict or prohibit use of the Lake and all related facilities to any person or persons when:

- (a) Such person is considered to possess insufficient skill and knowledge to operate a boat;
- (b) There are too many boats operating on the Lake;
- (c) The Lake facilities are overburdened;
- (d) Foul weather conditions exist;
- (e) A direct operational provision under these Rules is being violated; or

(f) There is any other reason related to safety and/or security.

B. In exercising such authority, designed to positively meet various pre-emergency as well as emergency situations, the paramount guiding principle is assistance to involved individuals - acting for their safety as well as others; persons who are not cooperative or hostile should be dealt with cautiously so as to avoid negative escalation of the situation.

C. Except for emergency situations such as a submerged or semi-submerged boat, dock or any other hazard situation (such as illegal water craft on the Lake), until given expressed direction by Board or Executive Committee, WLMA personnel, in addition to routine documentation of events:

(a) Shall not remove a boat, dock or boat float from the Lake or from a dock; and

(b) Shall, in any safety and/or security situation, escort or tow the boat with or without person(s) on board to an appropriate mooring dock or shore, preferably to boat owner's dock or slip.

D. In all situations, endeavor to contact and communicate with involved members and other boat owners to identify property ownership issues and seek to resolve issues with least disruption to persons and property while discharging duties to supervise the Lake; and

E. In all situations, where persons are uncooperative, either to an escort or when requested to leave or not enter the Lake, seek assistance of local law enforcement and/or trained medical personnel as considered necessary at the time.

F. WLMA does not have the capacity nor purport to be able to patrol the Lake at all times and places, shall not be liable to Lake Users for any such inaction, and further, in operation of the Lake, shall not be liable to Lake Users for its actions or inactions except as described in the Rules, particularly in sections 40D and 40E.

G. Lake Patrol are not "first responders" and any emergency (medical, safety, property, etc.) should be addressed by calling 911. In addition, Lake Patrol are not security for lake activities or illegal conduct on or around the lake (including illegal fishing), and any security, trespassing, or similar issue should be addressed by calling local law enforcement.

Boat Ownership and Permitting

11. **BOAT ELIGIBILITY; REGULATION.** WLMA regulates the number of boats allowed for Lake use, based on overall use, retaining the discretionary right to decide from time to time: 1) the number of boats each Lake User may have and keep at a dock – whether at a private dock, WLMA's Public Marina, WLMA office docks, District HOA docks, or Westlake Yacht Club docks, such use including temporary moor (visit) at other docks including at WLMA's docks at The Landing, 2) the arrangement of docks, floats and boats, based on water space, boat length, and accessibility - regardless of prior boat registration /dock approvals, and 3) what other boat access on the Lake is allowed.

12. **BOAT PERMIT APPLICATION.** Boat owners wanting to use or place a boat [including kayaks and other types of water craft] on the Lake must apply and obtain a boat Permit (revocable license) from WLMA by completing and executing an application /agreement form provided by and available at the WLMA office. No boat Permit will be issued while prior fines or assessments remain unpaid. The following applies:

(a) Application includes insuring boat with liability insurance coverage set in amount by the Board, currently \$1,000,000 minimum, and providing insurance Certificate [with insurer's endorsement] with WLMA named an "additional insured". A current umbrella policy that covers the boat operation on the lake will be considered to meet the minimum liability insurance requirement. All Permit fees are set by and payable to WLMA. When an Application is approved, proof of insurance provided, and Permit fee paid, WLMA issues a permanent boat ID number and affixes a boat ID sticker.

(b) Separate boat approval on Application is required to store a particular boat on a boat float.

(c) There is no grace period on boat insurance. If coverage is not continuously maintained, the Permit is suspended and Lake use of boat restricted until insurance with proof is restored.

(d) Boat Permit renewal fee is due annually on 1st of January, with proof of continuing boat

insurance. From February 16th, a boat without displayed paid Permit is restricted from Lake use.

13. AT PRIVATE DOCKS. Lake front WLMA Member lot or parcel owners [or respective tenants], excluding The Landing and Districts Lots and Parcels described in Rule 14, may register a maximum of three boats at one private approved dock as such dock may accommodate, moored to dock or stored on single, attached boat float. Added smaller boat(s) such as kayaks may be allowed if: 1) safely storable on dock/float, 2) all boats are owned by Member [or all by tenant], and 3) WLMA is satisfied such boat use is not an enlargement of the personal use intended under WLMA regulation.

14. AT DISTRICT HOA DOCKS. WLMA Members [or respective tenants] who are members of a District HOA may register on a first apply basis a maximum of one boat per owned District lot or parcel, to moor at that HOA's group dock in available slips, subject also to further restriction by such HOA consistent with Rules. Registration of use of boat slips at group docks adjacent to green belts [tracts 28244, 28459, 29022, and 29048, among others] is restricted to those owners [or their tenants] of a lot or parcel in each corresponding District whereon such lot or parcel the owners do not have an approved private dock.

15. AT OFFICE DOCKS. Westlake Community property owners [or respective tenants], and WLMA Members [or respective tenants] who own and are unable to register a kayak at a private dock, may, on a first apply and rack-space available basis, register a maximum of one kayak and obtain boat Permit to store kayak at the WLMA office docks. Rule 16 shall apply equally to WLMA office docks.

16. AT PUBLIC MARINA. WLMA's Public Marina dock slips for boats are available for rental by the Westlake Community on a first apply and slip available basis, in accord with allocation rights permanently established under CC&Rs. A written agreement in form provided by and available at WLMA office is required to rent a slip at WLMA's Public Marina, or rack-space at its office docks under Rule 15. The WLMA Lake office reviews monthly the Public Marina dock spaces and demand as necessary and WLMA maintains a wait list.

17. OTHER USE. Day use boating permits are not available except under special circumstances approved by WLMA, such as sailing regattas sponsored by Westlake Yacht Club. Only boats and trailers inspected under the Lake Operations Manager's procedures on the day of use, that have not been in fresh waters in the last 30 days, and otherwise in compliance with these Rules, may be launched at the Lake.

18. BOAT MOORING. When not in use, boats on the water must be moored only to a dock [including allowing kayaks and similar types of water craft to be stored on a dock], or stored on a particular boat float. No boat may be beached or tied to the shoreline. No boat may be anchored and left unattended. Absent emergency, no boat may be moored to a dock, however temporary, without the permission of the owner or other in control. It is recommended that all boats be secured to a dock fitting with padlocks. Items stored on a dock must be inside a dock box approved by WLMA. Boats not registered with WLMA must be stored out of sight and not used on the Lake.

19. SIZE; TYPE. No boat that exceeds eighteen feet (18' 2") in overall length or exceeds eight feet, six inches (8' 6") in maximum beam, may be on the Lake. Exceptions and other prohibitions are:

(a) Work boats of WLMA and of WLMA authorized work contractors – allowed; and

(b) Rowing shells [sculls], which may exceed the eighteen foot (18' 2") length limitation – allowed; however, given recognition of the potentially higher natural operating speeds of shells – which speeds will be allowed, compared to speed limits for boats generally in Rule 28, shells are allowed on Lake only with the written approval for each individual boat by WLMA, which approval may be determined by the Executive Committee, including discretion to limit the total number of shells on the Lake; and shells shall be limited to operating between the hours of sunrise to 10:00 a.m., and such other daylight hours the Lake Operations Manager determines from time to time with view for safety and general boating, considering, among other factors, the seasons and if a weekday or weekend; and

(c) Prohibited completely from the Lake are multi-hulled sailboats, inflatable boats or rafts, wind-surfers, surfboards, jet-skis, motor surfers, standup paddleboards, and water/wake board skiers. Any such illegal category of water craft or activity on the Lake will be considered an immediate safety hazard under the Rules.

20. PROPULSION. All powerboats must be electrically propelled except for those used by WLMA, any approved boat service vendor licensed by WLMA, and the Westlake Yacht Club patrol boat involved with regattas and other sailing activities.

Boat Safety and Security

21. BOATING RULES.

- A. **Applicable Governmental Authorities.** Despite Westlake Lake being a private lake and community, the boating rules on the lake are governed by the state of California boating and safety rules included in the California Harbors and Navigation Code, California Department of Parks and Recreation, US Coast Guard rules, and the related Vehicle Code in Los Angeles and Ventura Counties (*Note:* the Vehicle Code requires boats to be registered with the State and display CF numbers).

The State of California publishes a useful booklet titled “*ABCs of California Boating*” that can be found by visiting the following link: https://dbw.parks.ca.gov/?page_id=28731

Westlake Lake’s boating rules either meet or exceed standards and regulations imposed by governmental authorities and must be complied with.

- B. **Safety and Security – Responsibility of Lake Users.** Lake Users shall be responsible for their own safety and security and shall take appropriate measures to ensure the safety and security of the persons and property of themselves, their family, tenants, guests and invitees, and to not jeopardize the safety and security of others. Members waive all claims against and hold harmless WLMA and its directors, officers, committee members, volunteers, agents, employees, and other representatives acting on its behalf from any injury, loss, damage and/or claims to, and related to, persons or property.

22. **BOAT CONDITION.** When loaded, boats must be maintained in balanced condition to avoid capsizing. Boats may not be loaded beyond the manufacturer’s recommended capacity. Boats must be free from all fire hazards and kept in good overall condition, with bilges, cockpits, and/or wells reasonably clean, free of excess water, and the visible hull structure sound, i.e. not in a semi-submerged or submerged state.

23. **EQUIPMENT.** All equipment used on any boat shall conform to California State Boating Laws and, among other items, each operating boat shall carry a Coast Guard-approved wearable life jacket (type I, II, III, or V) for each person on board and additionally, and as to boats over 16 feet in length one throwable flotation device (type IV).

24. **LIFE JACKETS.** Under California law, every child under 13 years of age on board a boat [including kayaks or other types of water craft] on the Lake of any length must wear a Coast Guard-approved life jacket.

WLMA also strongly recommends that all persons under 13 years of age, and persons that cannot swim, wear a Coast Guard approved life jacket when on docks.

25. **OPERATOR AGE.** Any person under the age of sixteen (16) operating a powerboat on the Lake must be accompanied by a parent or other responsible adult age 18 or older in the boat. Under California law there is no age restriction for operating a sailboat (or other non-powered boat) under 30 ft long (with wind as the main source of propulsion).

Note: California law requires a Boater Card to legally operate a vessel powered by a motor (including electric boat motor) of 15 hp or more. In general, the electric boats on the lake have a motor of less than 15 hp; however, it is the boater’s responsibility to confirm with the boat manufacturer.

26. **LAKE USE HOURS.** Except as hours and certain boats and other water craft are restricted in Rules 19 (rowing shells), 27 (certain low-profile boats including low profile sail boats/other low-profile water craft), and 31 (fishing hours), boating is generally permitted on the Lake from one (1) hour before sunrise until 11:00 p.m. No boating activities, nor activities on docks, are permitted earlier than one (1) hour before sunrise or later than 11:00 p.m. except in an emergency or for returning to home dock.

27. **RESTRICTED HOURS / RUNNING LIGHTS.** With the exception of bass fishing boats with fixed running lights [no clamp-on lights, flash lights, lanterns, candles, etc.], other low-profile boats including low profile sail boats, and other low-profile water craft including, among others, all kayaks, shells (skulls), pedal boats, etc. – with or without running lights and/or with or without power, are not permitted on the Lake after sunset or before sunrise. All other single hull boats, and party boats, are permitted on the Lake as allowed under Rule 26, however, for the one (1) hour before sunrise and between sunset and 11:00 p.m., such boats must be equipped with fixed running lights and they must have their fixed running lights turned on and showing for navigation and visibility to others (when not moored - whether underway, drifting, or otherwise). All boats shall also turn on [display] running lights during restricted visibility. Docking lights are to be used only for docking.

28. **SPEED LIMIT.** No boat shall exceed five (5) miles per hour and in finger basins shall not exceed three (3) miles per hour, except: 1) patrol boats on emergency calls, and 2) rowing shells as described in Rule 19.

Fishing

29. **ELIGIBILITY; GUESTS.** Annual Fishing Permit badges, expiring December 31st, are issued by and for fees set by WLMA, restricted to the property owners and/or residents of the Westlake Community, and to their lessees/renters, based on valid driver's license or other acceptable proof of residency. Fishing Permittees may also purchase Guest badges for guests but must accompany their respective guests at all times when fishing. Current WLMA fishing Permit badges and Guest badges and lanyards must be visibly worn while fishing.

30. **FISH & WILDLIFE LAW.** In Addition to WLMA requiring and checking persons for possession of its fishing Permit, of informational note is the State of California enforces Fish and Wildlife laws and the laws do apply to those who are fishing at the Lake. Such laws require a valid California fishing license for all persons fishing who are sixteen (16) years of age or older [California Fish and Wildlife (Game) Code §7145].

31. **FISHING HOURS AND LOCATIONS.** Fishing hours, including by boat, are more limited than the general boating hours under Rule 26. Hours: No fishing is allowed earlier than one hour before sunrise or later than one hour after sunset, and boats used for fishing must be equipped with fixed running lights, turned on and showing for navigation and visibility to others when operating before sunrise and after sunset. Recognize, with courtesy, that even normal level voices can resonate across water in the quiet of early morning and evening. Locations: Fishing is permitted on the Lake, and along shore areas designated by WLMA. Areas where you may NOT fish include: along main Boardwalk (including in front of The Landing buildings fronting main Lake basin, the Westlake Yacht Club, and WLMA's public Marina), the Public Marina docks and area, WLMA maintenance shed area, the WLMA office docks, the docks for patron access at The Landing, the District HOA docks, nor from bridges or from shore under bridges. No fishing is allowed from private property or green belts without owner permission.

32. **CATCH AND RELEASE FISHING; EXCEPTION.** For invasive fish species, common carp, described in Rule 2B, catch and release shall not apply, and persons fishing shall follow WLMA fish disposal guidelines as provided. Otherwise, the following applies to all Lake fishing. All hooks must be barbless or have barbs pinched down. Also, to prevent injury to the fish no live bait of any kind is allowed - no cut live bait or other organic bait type material. This includes, among other, no goldfish, crawfish, baby bass, bluegill, shiners, waterdogs, earthworms, night crawlers, grubs, or dead "live bait." Soft catfish bait may not be used. No food products may be used, except organic (e.g. corn or bread), and otherwise use only artificial lures, plastic baits, spinners, or artificial flies. When fishing, promptly release fish caught back into the Lake, and avoid maneuvering your boat near other boats.

33. **OTHER LIMITS.** Loaning, selling or transferring your fishing Permit badge is prohibited and any such action is void. No commercial fishing operation such as a guide for hire, lessons or instruction for a fee, or boat rental is permitted. Boat and equipment sales and [long term] leasing is only permitted with a valid written vendor services license agreement with WLMA. Persons who fish and do not follow these Rules may be excluded from fishing the Lake.

34. **PAMPHLET.** The WLMA Fishing Pamphlet, part of the Rules, is available at the WLMA office and contains the complete set of fishing Rules, guidance, fees and Permit Application. All persons fishing at the Lake must first read the Fishing Pamphlet as well as this Rules document.

Boats and Dock Conditions, Boardwalk Access, and Construction

35. **CONDITIONS.** Boats and docks shall be kept in a safe and sightly manner as determined by WLMA or its Lake Operations Manager. The owner will be notified if a boat or dock is found in an unsafe or unsightly condition, and the owner will be given fifteen (15) days to repair or remove the boat or dock, or such lesser specified time period where urgency of a Lake safety or security matter is described. A Member may request in writing for up to a thirty (30) days extension to come into compliance with these Dock Construction and Repair Rules and Regulations, and the CC&Rs, which shall be subject to Association prior approval. Failure of a Member to comply by the applicable deadline set by the Association shall grant the Board the right to authorize the removal of any unauthorized improvements, construction and/or relocation and to charge the Member for removal and/or disposal costs as a special reimbursement assessment.

Unsightly condition includes, among other, the need for repair, paint or stain, or change of color. If uncorrected within the notice period, or even without notice in an emergency, WLMA shall have the right to make necessary repairs or impound or remove the dock or boat and be reimbursed for its costs. WLMA has the right to identify and number all boats and docks uniformly for all Lake purposes. The following applies:

A. Prohibited from being used or placed on any of WLMA's office and public Marina docks, its docks at The Landing, and main Boardwalk (including in front of The Landing buildings fronting main Lake basin, the Westlake Yacht Club, and WLMA's public Marina) are chairs, tables, ice chests, and/or other such property, as such areas must remain free and safe for pedestrian coming and going and general foot travel.

B. The Landing docks are for patron access at The Landing; WLMA imposes both a two hour time limit for boats mooring there.

Any boater(s) at the Landing docks (restaurant docks) must vacate, leave, the space and not move or return to any of the other docks located along the Landing area, for a minimum of one (1) hour.

36. **DOCK CONSTRUCTION.** The "Dock Rules and Application and Access Agreement" provide dock construction rules and guidance, consistent with and as part of the Rules.

Responsibility; Authority; Activities; Notice; Enforcement

37. **RULES DISTRIBUTION; RESPONSIBILITY.** WLMA distributes copies of this Rules document to WLMA Members as part of the annual disclosures sent to all members. Further distribution and responsibility includes:

(a) Additional Distribution by WLMA – WLMA shall also distribute to eligible persons, on request or on application for: 1) fishing Permit - a copy of the Fishing Pamphlet, including to those obtaining guest badges, [and copy of this Rules document if not already received] or 2) dock construction - a copy of the Dock Construction and Maintenance Rules and Guidelines, and additionally 3) provide a copy of this Rules document on request of any Lake User; and

(b) Distribution by Westlake Community Members – in the event WLMA Members lease, rent, or otherwise lend their homes to non-owners to reside therein, non-owners collectively considered "**tenants**" who may thereby be Lake Users – they are required to give a copy of this Rules document to such tenants, announce to them they are required to read and understand the Rules before using the Lake, and obtain from them proof of delivery by signed receipt. A copy of this Rules document shall similarly be given to tenants at other Westlake Community properties by the property owners where, by the owner's choice of temporary use transfer to tenant under Rule 38 below, the tenant is allowed to seek Lake Permits such as for a boat and boat slip at WLMA's Public Marina.

(c) Responsibility – All Westlake Community property owners and respective tenants are: 1) responsible to see that all persons at such property [tenants, invitees, guests, and other visitors] comply with the Rules as Lake Users, and 2) liable for any non-compliance of the Rules.

38. **LAKE PERMITS [REVOCABLE LICENSE]: TRANSFER AND USE RIGHTS.** Westlake Community owners and residents, at WLMA's discretion, may be issued WLMA approved, revocable Lake Permits [Licenses], based on owned lots or parcels and/or residency located within the Westlake Community. Permits issued under these Rules may include: permission to fish, registering a boat, use of a dock boat slip, and constructing and maintaining a private dock or group District HOA dock. From time to time WLMA approves

forms for Permit applications and agreements.

(a) Private dock Permit – A WLMA Member (owner) may apply to locate one private dock per Member-owned lakefront access lot or parcel. When the WLMA Member transfers the lot or parcel, that private dock Permit is automatically transferred to lot or parcel's successors, assigns, heirs, or representatives (transferee) so long as the Member is in good standing under the CC&Rs with WLMA; if not in good standing including as described in (i) below, unless delinquency is cured before transfer, or timely thereafter [given fifteen (15) days' notice], the dock Permit stands cancelled with dock subject to removal at Member (including transferee) expense.

(b) No other Permit transfers – Except transfer of private dock Permits as provided in (a) above, other Permit transfers are prohibited and void without WLMA's consent.

(c) District HOA Docks – District HOA docks owned and maintained by those District HOAs on behalf of their WLMA Members, where not all WLMA Members' lots or parcels within a residential District have lakefront access, are under Permit by WLMA and subject to the Rules.

(d) Temporary use transfers – The temporary use of Boat Permits and Fishing Permits shall not be transferred. Temporary exclusive use of other category Permits may be transferred as provided herein, and such temporary use transfer shall not be considered a transfer of the Permit itself.

(e) Temporary use transfer: private dock – Temporary exclusive use of a Permitted private dock may be transferred, at WLMA Member owner's choice, to and for exclusive use by residing tenant at that lot or parcel. Tenant receiving such temporary private dock use must own each boat [or be leasing boat under a six-months or greater written lease] and obtain boat Permit in tenant's own name for any boat moored at dock except a visiting boat.

(f) Temporary use transfer: boat slip – Temporary exclusive use of right to seek a dock boat slip - at WLMA's Public Marina [including WLMA office docks], or at a District HOA dock - may be transferred, at the WLMA Member's or other Westlake Community property owner's choice as the case may be, to and for use by a residing tenant at that lot or parcel. Tenant must seek a dock slip under the priority system in these Rules, and when obtaining slip must own the boat [or be leasing boat under a six-months or greater written lease] to be used and obtain dock boat slip Permit in tenant's own name.

(g) Limits re temporary use transfers – To allow a temporary use transfer to a tenant, the tenancy must be for whole property, not a partial occupancy. The whole property occupancy limitation shall not apply to the family [as a tenant] of a WLMA Member property owner or other Westlake Community property owner. A property owner shall not concurrently exercise rights temporarily transferred [owner and tenant cannot exercise the dock/boat rights at the same time], nor periodically cancel and reissue temporary use transfer to a tenant during tenancy unless related to tenancy default and cure or is a one-time change back to the owner. The property owner shall give notice to WLMA of all temporary use transfers to and from tenants.

(h) Exception not transfer – A Westlake Community owner or other resident allowing a family member or other guest of resident [informed of Rules] to occasionally use a Permitted boat shall not be considered an act of Permit transfer nor a temporary use transfer.

(i) Standing – A Westlake Community property owner or resident who is delinquent thirty (30) days on payment of any Permit fees to WLMA, or does not provide continuous Permit insurance, or has not timely complied with any WLMA hearing decision under the Rules, is considered not in good standing as a Lake User, until satisfying such obligations. In addition to the foregoing bases, a Westlake Community WLMA Member property owner is considered not in good standing when the Member is delinquent under CC&Rs as to Member assessments/other fees or penalties, until the Member satisfies such obligations. Lake Permits are subject to cancellation as to any Lake User who is not in good standing.

39. **AUTHORITY.** WLMA authority is held ultimately by its Board of Representatives. Under the Corporations Code, CC&Rs and WLMA Bylaws, the Board has delegated parallel operational authority to the Board's Executive Committee to act under the Rules, except for the following matters reserved to the Board:

(a) Adopt Rules;

- (b) Approve each category of boat proposed to be allowed on the Lake;
- (c) Approve all application and agreement forms – for dock construction, boat slip, and boat Permit;
- (d) Approve proposed additions and modifications to Public Marina docks, District HOA group docks, docks used for visiting at The Landing, and docks for the Westlake Yacht Club.
- (e) Removal of any grandfathered private dock where removal is either: 1) not in violation of Rules, or 2) not in connection with an owner replacing dock under approval from WLMA;
- (f) Determine extraordinary disciplinary matters beyond those specified for the Executive Committee to determine; and additionally
- (g) The Board receives notice of Executive Committee actions by way of Executive Committee meeting Minutes, and the Board may itself review and further act on Executive Committee actions taken.

40. ACTIVITIES. The following applies to work and inspection activities by WLMA, by its WLMA Members, or by other Lake Users as to the Lake, docks, and boats.

A. WLMA has right of access onto any lakeshore lot to do Lake maintenance and repair work, and will endeavor to give advance notice except as to routine shoreline cleaning. Residents should assure themselves that persons who enter their property are WLMA employees or contractors, requesting identification from the workers or calling WLMA for identity verification.

B. WLMA exclusively conducts repair and alteration to the Lake shoreline under a Fish and Wildlife agreement, and WLMA Members, as well as Members’ respective District HOAs, are prohibited from such activity.

C. Persons owning or otherwise in control of a dock or boat at the Lake or a property contiguous to the Lake, who hire part or full-time contractors or workers for dock, boat or other Lake-related work, are responsible for obtaining all appropriate insurance in advance of construction, and maintaining and/or verifying maintenance of that insurance - including among other: general liability and casualty, specific construction, and workers compensation (homeowner policy or contractor's). Lake-related work other than on a person's boat or dock shall require WLMA be named as an “additional insured” on appropriate insurances. WLMA Members and their respective District HOAs who seek to repair a dock or docks must have prior written approval from WLMA.

D. WLMA has the right of inspection of docks and boats, whether a WLMA member or other authorized Lake User places the boat on the Lake. The following quoted CC&Rs sections shall apply by these Rules equally to all boat owners and other Lake Users [substituting term “**Lake User**” for the term Member in the two sections below so as to apply to all Lake Users]:

(a) “§7.8 Operational Inspection. WLMA's employees and other representatives shall have the right to enter onto Boats in the Lake for safety inspection upon giving notice sufficient to the involved Member to afford the opportunity for the Member or representative to be present at the inspection, and the right to cure violations under the Governing Documents in the event the Member does not so cure after reasonable notice and opportunity for the matter involved. The Association and its representatives conducting such noticed inspection and/or cure shall not be subject to liability for trespass. Nothing in this provision is meant to limit the Association’s right to act in an emergency, including without notice, and to act without notice to conduct shoreline and other Lake maintenance and affix Boat stickers, which activities can occasion employees going upon Boat Docks and having access to Boats.”

(b) Under the foregoing CC&Rs section §7.8, WLMA is not subject to liability during an inspection by reason of damage to persons or property except as limited under CC&Rs §11.3 which reads:

“§11.3 Safety and Security. Members shall be responsible for their own safety and security and shall take appropriate measures to ensure the safety and security of the persons and property of themselves, their family, tenants, guests and invitees, and to not jeopardize the safety and security of others. Members waive all claims against and hold harmless WLMA and its directors, officers,

committee members, other volunteers, employees, and other representatives from any injury, loss or damage to persons or property unless the injury, damage or loss can be attributed to the negligence or willful misconduct of WLMA's directors, officers, committee members, other volunteers, employees or other representatives."

E. In situations other than inspections described in 40D above, WLMA is not responsible to Lake Users for physical damage or other loss to boats, equipment, or docks except that caused by the active negligence of WLMA representatives acting within the course and scope of such employment.

41. **NOTICES.** Notice required under these Rules or otherwise intended by WLMA's governing documents shall be made in writing whether or not provided in any other form. Time provided to respond shall be stated in a Notice and shall begin the day after Notice is received. Notices shall be delivered: 1) in person, 2) by certified mail, return receipt requested, or 3) by any other receipt delivery system. WLMA shall send notices, if not personally delivered, to the last record address of Member or other Lake User (and last known address if different). Where notice is given by a Lake User to WLMA, it shall be given to the WLMA office. Among other matters of notice in these Rules, notice is required whenever there is assertion of violation (an "incident") of Rules by a Lake User, including where there is potential penalty and/or loss of use of Lake. Notices times are given in compliance with the California Corporation Code.

42. **ENFORCEMENT; REVIEW.** Except for procedures allowed under Rule 10 above, the following procedures generally apply for incidents of violation of Rules by Lake Users.

A. **Incident Notices.** Demand that a Lake User correct a condition and/or cease conduct, or notice of a WLMA evidentiary hearing on an incident, requires a minimum fifteen (15) days advance notice. A Notice to act or cease acting, and/or Notice of hearing may be combined, stating reasons for combining the two notices into one. Further, a Lake User shall be given at least five (5) days advance notice of any incident hearing decision before the day such decision (action/penalty) is to take effect.

B. **Incidents.** When imposing an action and/or penalty, WLMA may consider the number and nature of incidents committed, including the current one. It is possible for a Lake User to be cited for more than one offense within a single incident, and in the same day, cited for more than one incident if distinctly separate (for example, by a time separation). Action and/or penalty guidelines shall not restrict the WLMA Board or Executive Committee from taking other or alternate appropriate action. Each (asserted) incident (or multiple asserted offenses grouped as one incident) initially becomes an incident for all related actions and for hearing and penalty purposes when WLMA gives written Notice of the matter to the Lake User(s) involved. Action directions by WLMA Lake Patrol personnel carrying out urgent operational matters under Rule 10 above are not by themselves an incident.

C. **Hearing and Penalty.** Incident hearing and penalty guidelines for Lake Users are as follows:

(a) The Executive Committee shall primarily decide matters for the first four incidents occurring within the same twelve month rolling period, and has authority to skip-up one level of progression of discipline, or waive discipline at any level if it determines the circumstances warrant;

(b) Discipline is generally progressive, with a warning, if not a corrective condition demand, in the first (determined) incident, and respective monetary fines up to \$250, \$500, and \$1000, and/or respective loss of use of Lake for 30, 60 and 90 days for the second, third, and fourth incidents within a twelve-months rolling period;

(c) After the fourth incident within such a period, or under any other extraordinary circumstances, the Board has exclusive authority to decide matters of the incident, including a finding of extraordinary circumstances, and fine up to \$1500 and/or the loss of use of the Lake for up to one year, and the Board can review such a matter each year thereafter to consider if continuation of loss of use of the Lake is appropriate;

(d) Any loss of use of the Lake may include alternatives as to a violator's boat or dock and may include: 1) favored for boats, padlocking boat to the owner's dock or rented slip, 2) impounding boat or dock at WLMA docks, or if warranted, 3) removal of boat or dock from the Lake; and

(e) In all determined incidents and demands to correct conditions, where damage is incurred

due to the actions or inactions of Lake User, the Lake User shall reimburse all costs of matter-related damages incurred - repairs to boats, docks and other property, and comply with other measures as WLMA determines necessary for the safety and/or security of the Lake.

D. Review. Under California Corporations Code, any WLMA decision is subject to review by its Board, even if initially decided by the Board. Any final Board determination is subject to the Rules including provisions set forth below in Rule #43.

43. ALTERNATIVE DISPUTE RESOLUTION. Except for injunctive relief or the collection of assessments and fees, in the event a dispute or controversy should arise between WLMA and any Member or other Lake User, the parties may pursue mediation; if not or mediation unsuccessful, then the parties shall resolve the matter by binding arbitration, conducted under California Code of Civil Procedure §1280 et seq., but with right to full appellate judicial review (jurisdiction and venue to be in Ventura County) upon any party's request with decision support statement. All arbitration costs and fees shall be borne equally between the parties, however, at the conclusion, the Arbitrator may award reasonable costs and attorney fees to the prevailing party, but shall not award punitive damages.