

RULES OF FIVE OAKS LAKE

EFFECTIVE MAY 25, 2016



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FIVE OAKS LAKE RULES

MAY 24, 2017

1. CAPITALIZED TERMS AND DEFINITIONS.

- A. Capitalized terms shall have the same meaning as forth in the Declaration of Covenants and Restrictions for Five Oaks of Frankfort Subdivision Homeowners and Lakeowners recorded December 17, 2004 as Document R2004227436 with the Will County Recorders of Deeds and any amendments thereto, including but not limited to the First Amendment to Declaration of Covenants, Conditions and Restrictions (the "First Amendment") recorded April 4, 2005 as Document R200561657 with the Will County Recorder of Deeds; and the Second Amendment to Declaration of Covenants and Restrictions for Five Oaks of Frankfort Subdivision Homeowners and Lakeowners (the "Second Amendment") recorded May 25, 2005 as Document R2005085877 with the Will County Recorder of Deeds (collectively referred to as the "Declarations") unless otherwise defined in these Five Oaks Lake Rules (the "Rules").
- B. "Craft" for the purposes of these Rules means any power boat, row boat, canoe, sailboat, paddle boat, inflatable boat or any other similar conveyance that floats.
- C. "Guest" for the purposes of these Rules means any person who is not a Member of the Association and who uses the Lake or the Lake facilities at the invitation of a Member. All Lakeowners are strictly liable for the actions of any of his or her Guests.
- D. "Lake" for the purposes of the Rules shall refer to the Five Oaks Lake designated as Outlot A on the on the Five Oaks of Frankfort Phase One Final Plat of Subdivision recorded November 19, 2004 as Document R200421076 with the Will County Recorder of Deeds and the Five Oaks of Frankfort Phase Two Final Plat of Subdivision recorded April 8, 2005 as Document April 8, 2005 with the Will County Recorder of Deeds.
- E. "Skier" for the purposes of these Rules means any individual being towed by a craft, whether on skies, a knee board, wakeboard, barefoot, or otherwise.
- F. The "Board" for the purposes of these Rules shall refer to the Board of Directions of the Association.

2. BOATING LICENSES

A. Types of Boating Licenses:

- 1. There shall be two (2) classes of boat licenses: (i) Unrestricted Licenses and (ii) Restricted Licenses each which shall be available for a fee to be determined by the Board. The Board in its sole discretion may amend, modify, increase or decrease the fee for any unrestricted or restricted boating license from time to time. Each license shall entitle the holder thereof to operate a craft on the Lake in accordance with the Declarations and these Rules.

2. There shall be eight (8) Unrestricted Licenses, the holders of which shall be determined by the Board. A holder of an Unrestricted License shall be entitled to operate one (1) power motorized Craft on the Lake in accordance with the Declarations and these Rules. Only factory stock crafts that do not exceed twenty-two (21) feet in length and that have an inboard motor shall be permitted on the Lake. In No event shall outboard engine powered Crafts be permitted. Wake board boats are not permitted. Currently one unrestricted license has a registered Wake board boat, and that license will be permitted to operate the Wake board boat. The one unrestricted license will continue with grandfathered rights until the license is either sold, transferred, or returned to the association.
3. All the Lakeowners shall be entitled to have one (1) Restricted License per Lot. A Restricted License shall entitle the holder thereof to operate one (1) non-motorized Craft or one (1) electric motorized Craft on the Lake in accordance with the Declarations and these Rules.
4. In order for an electric motorized Craft to qualify for a Restricted License the Craft must be less than ten (10) feet in length, the motor must be inboard and the Craft may have a top speed that does not exceed five (5) miles per hour.
5. A Restricted License shall not entitle the holder thereof to operate a motorized Craft on the Lake.
6. Only the holder of an Unrestricted or Restricted License shall be permitted to operate a Craft upon the Lake.
7. A license, whether Unrestricted or Restricted, may not be shared or split with others

B. Transfers:

8. Holders of Unrestricted Licenses may only transfer their Unrestricted License to another Lakeowner or the Association provided any such transfer must be first approved by the Board. The Association shall at all times, in the sole discretion of the Board, have the right of first refusal to any proposed transfer of an Unrestricted License and the Board, in its sole discretion may impose a transfer fee for any approved transfer.
9. Restricted Licenses are not transferrable. If an Owner sells his or her Lot in the Subdivision and no longer owns title to the Lot the Owner's Restricted License shall immediately become invalid and the new owner will have to apply for a new Restricted License from the Association.
10. All of the restrictions herein set forth shall be applicable to any such transferee that is approved by the Board.

3. BOATING RULES

A. Personal Liability Insurance:

1. All individuals registering and thereafter operating a Craft must have and submit proof of liability insurance for that Craft.
2. The minimum limits of the liability insurance shall be \$25,000 per person and at least

\$500,000 per occurrence, and medical payments to others of at least \$1,000 per person.

3. The insurance shall be maintained in effect so long as the Craft is used on the Lake.
4. THE ASSOCIATION MUST BE LISTED ON THE CERTIFICATE OF INSURANCE AS ADDITIONALLY INSURED ENTITY.
5. Certificate of insurance must be in the same name as the boat owner and the holder of the boating license.
6. If for any reason the holder of license, whether Unrestricted or Restricted, allows his or her insurance to lapse, be terminated, or cancelled, the holder's license shall immediately be suspended and the holder shall not be entitled to any boating privileges until the holder of the license provides written proof of a valid insurance to Board.

B. Registration and Decals:

1. All Craft operated on Lake must be registered by a Member of the Association. Only Members whose dues and assessments are fully current may register a Craft.
2. In order to register a Craft, a Member must affirm that he/she has read these Rules and the Declarations and agrees that the Craft to be registered will be operated in compliance with said Rules and Declarations.
3. No Member may have more than power motorized Craft registered at one time. This prohibition includes an electric propelled motorized Crafts that may be eligible for a Restricted License.
4. In order to be registered by the Member, the Craft must be owned by the Member or the Member's spouse; or for one (1) Craft only in the name of one of the Member's children or the Member's child's spouse.
5. All Crafts shall at all times prominently display the Association's license decal on starboard side of the Craft on the forward half of the Craft. The identification number of the Craft must coincide with the registration contained on the decal.
6. Decals shall be of the year, type, style and size approved by the Board. The decals shall include the words "Five Oaks Lake" and the lot number.
7. A Member may register a rented or leased Craft if: (a) a copy of the written rental or lease agreement is submitted to the Board; and (b) the Member complies with all the requirements of these Rules and the Declarations and other requirements imposed by the Board.

- C. Minors.** Members who permit minors (younger than 18 years old) to use their Crafts shall be fully responsible and liable for any injury or damage caused by operation of the Craft by the minor, including but not limited to, any injury or damage suffered by occupants of the Craft or third-persons or property. All persons must complete a boating education course and carry proof of completion of the course to operate a motorized Craft, including but not limited to, any power motor Crafts that require an Unrestricted License or any electrical motor powered Craft that are eligible for a Restricted License.

D. General Boating Rules. Individuals are to abide by all local, state, and federal game and boating rules any more restrictive rules and regulations contained in these Rules or the Declarations. These Rules promote the common good of those using the Lake, promote safe boating, and promote the orderly and enjoyable use of the lake by all Members.

1. Every Craft operated on the Lake shall be operated in a competent and courteous fashion with regard to the health, safety, and welfare of all individuals and Crafts on the Lake.
2. All boaters are solely responsible for the action of their Craft.
3. Boat speed should be reasonable for proper safety and to respect the rights of others, especially swimmers, fishermen, skiers and those in small boats.
4. A non-motorized Craft has the right of way over a motorized Craft in the Lake; however, no Owner shall be allowed to operate a non-motorized Craft in the Lake while a motorized Craft that requires an Unrestricted License is being operated on the Lake. The thirty (30) minute time limit found in section 5(B)(4) shall be strictly enforced.
5. All Craft are only allowed to be operated on the Lake between the hours of 7:00 A.M. and sunset and all Craft are required to use operating lights or navigation lights in accordance the U.S. Coast Guard Navigation Rules. In no event shall a person be allowed to operate a Craft on the Lake after sunset and before 7:00 A.M. A violation of this rule shall be deemed to be a serious violation of these Rules.
6. No outboard motors shall be allowed.
7. No Craft shall exceed a length of 21 feet measured at the longest point between the bow and stern, excluding the engine. Boats identified by the manufacturer as a "21-foot" craft shall be deemed to be 21 feet long.
8. All 14 through 18 year old operating any Craft on the Lake shall submit to the Board a copy of their certificate of boating safety course completion. Failure to submit a certificate will result in an immediate 30 day suspension of boating privileges of the owner of the offending Craft and/or license.
9. All Unrestricted License holders are required to complete an approved boating safety course, or provide proof that they have passed the test.
10. Any Lakeowner must possess an approved Unrestricted License and provide proof of insurance to the Association prior to launching any motorized Craft in the Lake.

E. Violations of Boating Rules. Violations of boating rules will be reviewed by the Board. If a Member is found in violation the Board will:

- | | | |
|-----------------|---------|--|
| 1 st | offense | Issue written warning. (No loss of lake privileges.) |
| 2 nd | offense | Issue a written warning. (Loss of lake privileges for one week.) |

3 rd	offense	Loss of lake privileges for 30 days.
4 th	offense	Loss of lake privileges for one year.

Very serious violations, regardless of the number of offenses, will be handled on an individual basis, and can result in immediate removal, suspension or termination of an Owners right to use the Lake. Rule violations and fines are on taken a case by case basis. All Craft used or operated on the Lake will be the responsibility of the Owner and an Owner is strictly liable for the use of any Craft or any actions by the Owner's operation of the Craft and/or Owner's Guests or minors. Annual boating fees are non-refundable. Failure to pay Association dues by their due date will result in immediate suspension of an Owner's Lake rights and any boating license an Owner may have. An Owner's Lake rights will only be reinstated upon confirmation of payment of all past dues, fines and fees from the management company.

- F. Fines.** Any Owner who uses an unauthorized motorized Craft will be fined \$250.00 for the first day of the violation and \$500.00 per day thereafter until the Craft is removed from the Lake. Any Owner who uses an unauthorized non-motorized Craft will be fine \$_____ for the first day of the violation and \$_____per day thereafter until the non-motorized Craft is removed from the Lake.
- G. Jet Boats.** Boats commonly known as Jet Boats or any water pump driven boats or boats commonly known as Air Boats are prohibited and may not be on the Lake at any time. A violation of this provision shall be deemed to be considered a serious violation of these Rules.
- H. Sailboats.** Sailing is also permitted on Five Oaks Lake but is prohibited during periods when skiing is occurring. Sailboats greater than sixteen (16) feet in length are prohibited.
- I. Guest Boats.** Guest Crafts (boats) are prohibited. Only Crafts properly registered by Members whose dues and assessments are fully current and with decals properly displayed may be on the Lake. Any unauthorized use of the Lake will be considered trespassing and the person will be subject to prosecution to the fullest extent as provided by the law.
- J. Boat Landing.** With the exception of small boats such as canoes and paddle boats which may be launched from the owner's Lot, all Craft must be launched at the boat landing.
 1. Access to the boat landing is restricted to Members who have a gate key.
 2. No more than one gate key per License may be issued to a Member at any one time.
 3. Users of the boat launch gate must close the gate after opening it.
 4. Parking in the boat launch area is prohibited.
 5. Any Member who loans their keys to anyone may be subject to loss of the Owner's Lake privileges as determined by the Board.
- K. Jet Skis.** Jet Skis and other jet-propelled personal watercraft such as wave runners are strictly prohibited on the Lake and are not permitted on the Lake under any circumstances. A violation of this provision shall be deemed to be considered a serious violation of these Rules.

4. DOCKS

- A. One (1) dock per Lot shall be permitted within the Lake boundaries opposite the Lot's Lake frontage provided the dock is approved by the Board as set forth in the Declaration. Lakeowners shall be responsible for maintaining any dock structures erected hereunder in a durable and attractive condition.
- B. No dock shall exceed thirty (30) feet in length from the shoreline.
- C. No floating docks or seawalls shall be permitted.
- D. All docks shall be mounted perpendicular to the shoreline and all Crafts shall be docked in the same manor.

5. SKIING

A. Definitions:

- 1. The term "skier" means "any individual being towed by a craft, whether on skies, a knee board, wakeboard, barefoot, or otherwise."
- 2. The term "tow boat" means "any craft that pulls a skier."
- 3. The term "skiing" means "any activity that involves a craft of any kind pulling a skier whether on skis, a knee board, wakeboard, barefoot, or otherwise and includes the brief time a skier is down from a fall or otherwise."

B. Five Oaks Lake. Skiing shall be permitted on the Lake only in accordance with the following provisions:

- 1. Skiers shall wear U. S. Coast Guard approved flotation, devices. Ski belts are not U.S. Coast Guard approved.
- 2. Ski hours are from 7:00 AM to until sunset. Skiing outside of approved hours is prohibited.
- 3. No more than one (1) tow boat may engage in skiing activities at any one time. Pulling a skier when there is already one (1) or tow boat on the lake is strictly prohibited. A violation of this provision will be considered a serious offense and could result in immediate suspension of a Lakeowner's Lake privileges.
- 4. A limit of thirty (30) minutes per tow boat will be enforced. Please be courteous to others and leave the ski area voluntarily if you have been there for over thirty (30) minutes. You may be the one waiting for a turn next time. You may certainly return to the lake thirty (30) minutes later to have a turn again.

C. Safety. As it is understood that skiing has inherent dangers, those engaged in these sports are ultimately responsible for their own safety. Nonetheless, these rules exist in order to facilitate the safe enjoyment of these sports on the Lake.

6. FISHING

- A. General.** Fishing is open to all Lakeowners and their guests. The Association continues to sponsor lake management activities for the fishing pleasure of our owners and their guests. Fishing by anyone who is not a Lakeowner or a Lakeowner's guest from the bank, pier, boathouse, Craft, or otherwise is prohibited. Fishing is prohibited in the main body of the lake when skiing is in progress. Fishing on the lake will be by catch and release. Catch and release is a practice within recreational fishing intended as a technique of conservation. After capture, the fish are unhooked and returned to the water.
- B. Trotlines.** "Trotlines" or any type of unattended "float" or "jug" fishing is prohibited.
- C. Fishing Tournaments.** Any fishing tournament must be sanctioned by and approved in writing by the Five Oaks Board of Directors.

7. SWIMMING

- A. Use of the Boat Ramp and Five Oaks Lake Park Areas**
1. For safety reasons, pets are prohibited in boat ramp area.
 2. No littering in the boat ramp or Lake park area.
 3. No fireworks of any kind are permitted.
 4. No glass is allowed in the boat ramp and Lake park areas.
- B. Swimming at an Owner's Pier or Property.** Swimming in the main body of the Lake poses danger to swimmers. Swimmers at an owner's pier or property must comply with the following rules:
1. Any person swimming on either side of the Lake when skiing is in progress must stay within existing piers, docks, or within twenty-five (25) feet of the shoreline.
- C. Swimming Platforms.** Swimming platforms, regardless of make, model, material, construction, are prohibited anywhere in the Lake.

8. COMMERCIAL ACTIVITY

- A. General.** The Lake is to be used only for the pleasure and recreation of the Lakeowners. Commercial activities and ventures of any kind or type are strictly prohibited.
1. A Member inviting a client or business associate to fish, ski, or boat with the Member shall not be deemed to be a commercial activity so long as no fee, charge, or other payment results in payment for that particular activity.
 2. Examples of the type of activity which would be considered a "commercial activity or venture" and therefore strictly prohibited are:
 - a. catching fish and selling the catch or any part thereof,

- b. giving fishing lessons for a fee,
- c. giving swimming lessons for a fee,
- d. giving boating lessons for a fee, or
- e. giving any other type or kind of lessons for a fee or as a part of any other remuneration received by a Member for any other type of commercial activity conducted by that Member.

9. LITTERING

Littering is strictly prohibited. Members who see litter on the Lake are encouraged to pick it up and properly dispose of it.

10. DEGRADATION OF THE LAKE

A. General. Owners are to use their Lots and personal property in a manner that does not result in degradation of the Lake.

1. Owners are encouraged to take appropriate action to prevent silting of the Lake because of unusual erosion along their shorelines.
2. Owners must maintain their septic systems in a manner that precludes release of harmful bacteria to the Lake.
3. The introduction of any waterfowl or any species of fish or any type of plant life into the Lake is prohibited.
4. Domestic ducks and geese are prohibited.
5. Mowing lawn clippings, littering and discarding of yard waste into the Lake is prohibited.
6. The use of pesticides such as Roundup are prohibited on the shoreline and the easement areas. The chemicals will leach into the lake and pollute it making it unsafe for waterski activity in the lake and is also harmful to fish. Please contact the association management company for direction on how to maintain your shoreline safely.

11. Assumption of Risk and Indemnification

- A. **Assumption of Risk:** The use of the Lake shall be undertaken at the sole risk of each person using the Lake. No responsibility or liability shall attached to the Association or the Board, the Village of Frankfort, or any other Owner for any bodily injury, loss of life, or property damage suffered or sustained by an Owner, or any other person, in the use of the Lake.
- B. **Indemnification:** Any Owner or holder a of boating license who uses the Lake acknowledges and expressly understands the provision of the Second Amendment to the Declarations in particular paragraphs 3 - 5. Any Owner who uses the Lake and any holders of any type of boating license, whether a Restricted or Unrestricted License who uses the Lake for any activity, including but not limited to, fishing, boating, swimming, skiing, or the operation of any type of Craft on the Lake; agrees to fully indemnify and hold harmless, to the maximum extent permitted by law, the Association as well as the Board and any other Members of the Association, from and against any and all claims, damages, settlements, suits, judgments, awards or any other type of

action arising from any injuries or damages sustained as a result of an Owner or holder of the boating licenses or their guests use of the Lake. Such indemnification shall apply to any and all claims related to the maintenance of the Lake, or the operation and construction of the facilities and surrounding properties. Owners or holders of any boating licenses shall be strictly liable for any damages sustained to any person or property as result of their use or their guests' use of the Lake, including but not limited to, any property damage, personal injury or wrongful death claims related to the use of or operation of any Craft on the Lake. The indemnification provided for shall be to the maximum extent permitted by applicable law and shall include, but not be limited to, any attorneys' fees and costs of suit.

FORMS

WATERCRAFT REGISTRATION FORM

Five Oaks Lakeowners and Homeowners Association

PO Box 695

Frankfort, IL 60423

Name _____

Lake Address _____

Cell # _____

Home Phone _____

List all watercraft regardless of size, even if there is no charge. A sticker will be issued for all watercraft.

I wish to register the following type(s) of watercraft:

Powerboat, Sailboat, Canoe and Paddleboat

Manufacturer: _____

Model: _____

Year: _____

Type: _____

Length: _____

Color/Colors: _____

