

# Lake Swannanoa Homeowners Association

RULES AND REGULATIONS (rev. 9-13-12)

## Forward

The following rules and regulations are for the privacy, preservation, recreation, and safety of the Lake Swannanoa Homeowners Association (LSHA) and its members. These rules are empowered by the LSHA By-Laws. The following rules will be enforced all year and all members must comply. Members are encouraged to respect the rights and privileges of their neighbors, community and fellow members when using lake property and facilities. Lake Swannanoa Homeowners Association rules and regulations are supplementary to State laws. It is each member's responsibility to be informed of applicable laws in every circumstance. Lake Swannanoa Homeowners Association assumes no responsibility for its members knowing these laws. Any violation of the rules and regulations must be brought to the attention of the Board. Contact information can be found on the website [www.lakeswannanoa.org](http://www.lakeswannanoa.org), or by mail at LSHA, Box 2385, Oak Ridge, NJ 07438.

## Dues

Yearly membership fees are due on March 1st of each year, and are considered past due if not paid by April 1st of the same year. Accounts must be paid to date, including penalties, collections and legal fees, and interest where applicable, in order for a member to receive beach badges and boat tags for the current year, and for a member to be considered to be in good standing. All fees, dues, interest, and assessments must be paid by the property owner and are tied to the land until paid and shall be binding upon each signer's heirs, successors and assignees as long as they shall own title to the covenanted property. Any payments made to accounts in arrears will first be applied to the prior years' balances, until they are paid to date. Accounts in arrears are subject to legal remedy and will incur additional cost. All dues, fees, interest, and assessment of the Lake Swannanoa Homeowners Association are due, or to become due are a lien against his or her property.

## I. Forms of Membership

**Covenant Membership** will be available as per the bylaws.

**Special Auxiliary Memberships (SAM)** will be available as per the bylaws.

**Community Membership** SAM memberships, as described in the bylaws, will also be made available to people outside the described geographic area. On an annual basis, the number of SAM memberships will be determined by the Board. Interested people must submit an application and pay the determined fees. They understand that acceptance of their application is subject to the discretion of the Board of Directors of LSHA, and that failure to comply with the rules of the Association could result in the loss of privileges and the non-refundable dues.

## II. Badges

Upon payment of all dues, past and current, and any capital assessments where applicable, color-coded, dated beach badges and boat decals will be issued to members in good standing. Each member will be furnished with a copy of the current rules and regulations which are also posted at the beach. Badges will be distributed by the Beach and Lake Maintenance Chair or otherwise authorized members of LSHA. Guest and Member badges are issued to each member in good standing and are not transferable. A badge must be obtained for all users of the lake regardless of age. However, children under 12 are not required to wear their badges. The accompanying adult should be able to produce a badge for each child under their supervision.

**Member Badges:** These badges are to be used only by members of LSHA in good standing and paid members of LSHA. Guests and other Ringling residents who are eligible to become members are not permitted badges.

**Guest Badges:** These badges are to be used by non-Ringling resident guests of members in good standing. It is important that when possible guests should be accompanied by the members when using lake property and facilities. Members are responsible for explaining the rules to their guests before they use the lake. Members are ultimately responsible for the activities and conduct of their guests. Giving badges to members not in good standing or Ringling residents who are eligible to become members themselves is not permitted. These individuals are prohibited from being guests. Badges are not transferable. Outdated badges are not acceptable.

**Group Guests:** Members who are having more guests than the number of provided badges are required to obtain badges for them from the Beach and Lake Maintenance Chair or one of the authorized representatives of LSHA before guests can use the lake.

**Use of badges:**

Badges must be conspicuously displayed by all members and guests, 12 years of age and older, while on lake property and using lake facilities. These areas include the 10' wide strip around the perimeter of the lake, the beach, access trails, ponds and lake itself, whether conducting business, maintenance, or recreation (swimming, boating, ice fishing, fishing, skating, hiking, et al...)

**Compliance:** All persons age 12 or older not wearing or openly displaying the current badge will be denied access to the lake property and its facilities, turned away, and presumed trespassing. Said persons will be asked to leave lake property and return with their current badge. Members, guests and other persons unwilling to comply will result in disciplinary action, police response, and/or legal action as authorized by the Membership. Delinquent or suspended members are not entitled to use badges of another member.

**III. Waterfront and Lake Usage**

**Boat Decals:** Boat tags are color coded with the current year displayed. Boat tags must be displayed by all watercraft, whether in the water, docked or dry laid on lake property, including the 10' strip and access trails. The term watercraft includes, but is not limited to, boats, canoes, pedal-craft, large rafts, sailing vessels, inflatable boats, wheel craft etc. Decals should be displayed on both sides of the bow (front) of the craft. Otherwise, the decal will be displayed on the starboard (right) side of the bow. All watercraft, regardless of the number owned, must display a decal.

**Compliance:** All watercraft not displaying the current year decal will be rejected entry and/or access to the lake. Any craft without current year decals will be trespassing and the authorities will be notified. The trespassers will be subject to New Jersey law. All watercraft left on lake property without current decal will be considered abandoned property and will be confiscated/removed/discarded at the owner's expense. Owners of watercraft found breaking the rules may incur disciplinary action, as authorized by these rules.

**Motors and Power Devices:**

Gasoline/fossil fuel engines are prohibited on Lake Swannanoa. This includes, but is not limited to all gas powered augers, boats, canoes, wave runners, snowmobiles, snowblowers, all terrain vehicles and chainsaws. Exception: Use of tools by authorized members of LSHA to perform maintenance duties such as dewatering, tree clearing, construction and lake management consultation, snow clearing for ice skating (authorized only), and medical or other emergencies. The only legal means of propulsion is by electric powered motors, human effort, or wind.

**Dams and spillway walls:**

No one, member or non-member, is allowed on these structures. Dam areas are fenced and locked to deny access. Access is limited for emergency and maintenance purposes only or by approval of the Board.

**IV. Boating and Watercraft Rules**

- 1 All boats must display the current year decal, whether in the water or on lake property, as in use of boat decals, above.
- 2 Boats must adhere to all US Coast Guard regulations and carry the required equipment.
- 3 Use of electric trolling motors is acceptable. Power-driven boats may be used, at the discretion of the Board, for lake maintenance and emergency.
- 4 Ice boats are prohibited.
- 5 All boats are to be kept clear of designated swimming areas.
- 6 All boats must be kept at least 50 feet away from the dams and spillway.
- 7 No boating in electrical storms or when lightening is eminent.
- 8 Boats are permitted to dock/moor at the designated area to the right of the beach (facing the water from land.)

**V. Fishing Rules**

1. Valid LSHA badge must be worn.
2. State of New Jersey requires all fisherman age 14 and over must have and conspicuously display a valid New Jersey fishing license.
3. All New Jersey State rules and regulations as stated by the State Department of Wildlife and Game regarding fish sizes and bag limits apply and are strictly enforced.
4. Lake Swannanoa encourages the practice of catch and release.

5. Discretion and safe practice must be exercised when fishing and choosing an area.
6. Fishing is not permitted at beach, designated swimming areas, and on dams and spillways.

## **VI. Ice Fishing Rules - You ice fish at your own risk.**

EXTREME CAUTION must be used when going out onto the ice. Changing conditions in the water level and air temperature may make ice unsafe. Buddy system is recommended, and, for your own safety, someone should know you are on the ice.

- 1 Valid LSHA badge must be worn.
- 2 Ice fishing permitted only when lake is frozen 4 inches or more.
- 3 Holes must be no larger than 9 inches diameter. Holes should be contained to a minimum size.
- 4 Ice fishing prohibited within 25 feet of shore line, within 100 feet of dams or open water, at beach area
- 5 Lake Swannanoa encourages the practice of catch and release.
- 6 All New Jersey State fishing laws as well as fish sizes and bag limits apply to ice fishing.
- 7 Gasoline powered augers are prohibited
- 8 Bonfires are prohibited on the lake.
- 9 Each fisherman is allowed 5 tip ups and one jigging pole, and they must be marked with user's name.

## **VII. Ice Skating Rules - You skate at your own risk**

1. Valid LSHA badge must be worn
2. Ice skating permitted only when ice is frozen 4 inches thick or more.
3. Ice skaters should have a pole rope or other safety device within close proximity to where they are skating.
4. Ice skating is prohibited within 100 feet of open water, dams and spillway, and within 25 feet of ice fishing areas
5. Respect the rights of fellow skaters.
6. Gasoline powered snowblowers are prohibited on the ice, except when approved by an authorized member of the Board of Directors of LSHA.

## **VIII. Wildlife**

No wildlife on Lake Swannanoa may be harassed, injured or otherwise abused, killed or used, except as provided by law. Our lake hosts a generous population of wildlife in its natural habitat, enhancing our experiences living in this environment. Harassment of nesting fowl and other species, stealing eggs, and other detrimental actions will not be tolerated. The Board of Directors of LSHA reserves the right to control species populations within the law if necessary to maintain the health and welfare of the membership, lake and dams. As per New Jersey State law, no feeding of any wildlife or waterfowl on lake property or private property is permitted.

## **IX. Beach Rules - You swim at your own risk.**

The beach is a recreational facility for the Ringling Manor Estates community and a gathering place for members, their families, and guests. All members are requested to help maintain the beach area, parking lot and portable toilet. During peak days, parking and beach space becomes limited. Diligence is needed in keeping trash off the beach and parking lot areas. It is not the intent of LSHA to maintain a picnic area. However, tables are provided for those bringing food and beverage to the beach. Leftover food attracts insects and animals, and thus presents a hazard. **Do not leave any refuse in the beach or parking lot areas.** Reusable containers are encouraged - please conserve and recycle! Please clean up after yourself, and leave the beach in better condition than when you arrived.

**Beach opens:** Memorial Day Beach **Beach Closes:** Labor Day (portable toilet is available during this season only) No Lifeguard is on duty: Beach may be closed during season due to safety, health, maintenance or other reasons. Water is tested twice weekly during swimming season. Beach may be closed for a brief period following dewatering and/or chemical applications. Notice of this closure is posted around lake

### **The following actions are prohibited in beach and swimming area:**

- 1 **Running, shoving, horseplay, rough games. Pushing, shoving, running on docks or floats. Throwing of mud, sand, balls, or hard objects. Diving or cannon balling in crowded areas.**
- 2 **No pets (dogs, cats, etc) permitted on beach or in water.**
- 3 No smoking is allowed.
- 4 Alcohol is prohibited except by permission of the LSHA Board of Directors, or for events taking place after general operating hours.
- 5 Boats and fishing are prohibited from beach area, bound off area, and float.
- 6 Parking area is only for persons using beach or boating who have appropriate id badges.

- 7 Boat docking is permitted only in area described in boat rules.
- 8 Glass is prohibited at beach or in parking area.
- 9 Smoking of illegal substances, or use of illegal drugs is prohibited. Actions of this nature will be reported to proper authorities, and will facilitate termination of club membership.
- 10 Abusive, vulgar and foul language will not be tolerated. This is a family beach.
- 11 No disorderly conduct or persons.
- 12 Bicycles, motorcycles, off road vehicles, ATV's are prohibited on the beach. As per State law, ATVs are not permitted on any LSHA properties and trails, or any public roads.

### **Swimming Rules - Members swim at their own risk**

1. The area for swimming, designated by LSHA, is the beach area, located off of Lakeview Court.
2. Members assume full responsibility for swimming at the beach and any other location.
3. **Persons age 12 or under are not permitted on beach unless accompanied by parent or guardian.**
4. **Anyone age 12 or under is permitted in water only if accompanied by a responsible parent or guardian.**
5. **No jumping off the swim raft outside of the designated, roped off area.**
6. All swimmers must be appropriately clothed at the beach and any other location.
7. Swimming within 100 feet of the dam or spillway is prohibited.
8. Swimming in designated fishing, boating, or docking area is prohibited.
9. Swimming after dark is prohibited.
10. Any person not qualified to swim must stay within border ropes in shallow water area.
11. Inflated tubes, rings and floats are permitted, but may be restricted on discretion of lifeguard, security patrol, or LSHA management.
12. Non-swimmers are to stay in shallow water. Tubes/arm floats/lifejackets do not provide adequate support in deep water.

### **BATHER RULES paraphrased from New Jersey Sanitary Code - Titles 26, Revised Statutes of New Jersey NJAC 8:26 1-8.9 - Public Recreational Bathing 8:26- 5.4(a)3, 4, 5, 6,7,8, 9, 10 and 11, and 5.4(b).**

1. Do not enter the water if you are experiencing or recovering from diarrhea or have had any signs or symptoms of a gastrointestinal (stomach) disease within the last 7 days.
2. All children who are not toilet trained or are in diapers must wear plastic pants or diapers with snug fitting elastic waist and leg bands to contain feces to avoid contaminating the beach and lake. Do not wash soiled diapers in the lake water or bathing area.
3. Children should be encouraged to use the restroom before entering the water. Immediately report any "accidents" you observe in the swimming area or on beach.
4. No animals, except for service animals, shall be allowed in the beach enclosure.
5. Glass containers shall be prohibited.
6. Any conduct which endangers the safety and comfort of others shall be prohibited and could result in being expulsion from the beach.
7. Outdoor bathing shall be prohibited during an electrical storm, or when lightning is eminent.
8. Persons suspected of being under the influence of drugs or alcohol shall be prohibited from entering the water or beach.
9. Policies and procedures regarding water toys and floating devices shall be established to ensure a safe bathing environment. (See swimming rules)
10. Bathing area shall be designated by buoys, flags, or other methods approved by the health authority.
11. No one under the age of 12 will be allowed onto the beach enclosure area unless accompanied by a parent or guardian (over 18) who remains at the beach.

### **Lifeguard Rules**

When a Lifeguard is employed the LSHA, the Lifeguard will enforce all rules, and report those who do not comply. Lifeguard has the right to close beach or prohibit anyone from swimming in the interest of safety.

1. Lifeguard will reject anyone not wearing the proper badge.
2. Lifeguard maintains safety equipment and first aid kit. Only authorized persons are to use such items, except in the case of an emergency.
3. Lifeguard is not a baby-sitter, and is not to supervise children. The purpose of the lifeguard is to enforce safety and safe conduct in the water and on the beach.
4. Lifeguard chair is for lifeguard only.

### **Security Guard Rules**

When a security guard is employed by the LSHA, the guard will enforce all rules relating to beach, boating, fishing and use of the lake in general.

1. The security guard will reject anyone not wearing the proper badge from the beach, water, on the 10' strip, access trails, or at any lake facility.
2. The LSHA Board will provide the guard with a current list of all members in good standing.
3. The Security guard is not a baby-sitter, and is not to supervise children. The purpose of the guard is to monitor access, enforce safety and safe conduct in the water and on the beach.
4. If any person refuses to leave the beach, water, 10' strip, or LSHA facility, the Jefferson Township Police department will be notified of such trespassing. Legal action will be taken by the police.

### **Use of Facilities by Groups**

Member permission for use of facilities by a group or nonprofit organization must be made by application to the LSHA Board of Directors in writing. Request must indicate responsible persons, date of event, number in group, purpose of event, and insurance carrier information. A lifeguard maybe required to be provided by applicant. Granting of permission is at the discretion of the Board. A user fee or deposit may be required. A portable toilet charge may also be assessed. An application/liability waiver will be required, and must be signed by the responsible party and a Board member. This form must be available during the event. ALL PERSONS MUST CLEAN UP COMPLETELY AFTER THE EVENT.

### **X. Use of Lake Property, 10 foot strip and Access Trails**

LSHA is the owner of the lake bed itself and the 10' wide strip of land around the perimeter of the lake, several access trails, two ponds, two dams, lots around the lake, the boat house, the pump house, and beach lots. No private individuals own land that actually abuts the lake. The 10' strip intervenes between the lake and all properties that surround it.

1. **Use of all land owned by LSHA is limited to *members in good standing only*.** The Board reserves the right to access the strip for safety and/or emergency.
2. General access to dams and spillway is prohibited. **No one is allowed on dam spillway walls.**
3. Privacy of individual residents should be respected at all times.
4. Glass is prohibited from all LSHA properties.
5. Please keep all LSHA property clear of trash and other debris.
6. Cutting and clearing of trees on LSHA property (beach, dam, boat house, or garage) is prohibited except with Board permission.

### **XI. Improvements to 10' strip**

1. Landscape, maintenance of existing improvements and non-permanent care is permitted for members in good standing. Members are urged to consider impact their property has on overall appearance and use of the lake.
2. Permanent improvements and any other building or construction such as docks, retaining walls, boardwalks, paver stones drainage, plumbing, electrical improvements are prohibited without permission of the Board and the applicable authorities.
3. Application must be made in writing to the Board. Board must be furnished with: Name, address, lot and block, plot plan/survey, drawing to scale and detailed description of plan. All Township ordinances and building codes and other rules must be obeyed. Permission will be granted only to members in good standing.
4. If dues, interest, and assessments become delinquent, any improvements to strip may be removed thirty days after member has been given written notice by certified mail.
5. All improvements and modifications are subject to review and approval by the Board.
6. All improvements are subject to yearly review as to membership in good standing.
7. The LSHA reserves the right to review improvements as to structural integrity and safety.
8. Poorly maintained, rotted or unsafe docks and improvements that are deemed hazardous to the lake, low level outlet valves, and spillway will be removed by discretion of the Board after owner has been notified thirty days prior by certified mail. If owner fails to remove property, it will be removed for him at his expense.
9. Dock types permitted: Docks must adhere to State and Town regulations and requirements. No off-shore swimming platforms allowed. EXCEPTION: Structure authorized by the Board for use by the Membership.
10. Maintenance of improvements is the responsibility of the property owner who constructs same.
11. All Jefferson Township and State laws regulating refuse, tree protection, debris disposal, and construction refuse will apply.

## **XII. Tree Policy**

The ten (10) foot strip surrounding the lake is burdened by an easement to you as a property owner. According to our attorney, the ten (10) foot strip which is subject to the easement is referred to as the servient tenement and your property, which is benefitted by the easement, is known as the dominant tenement. Under New Jersey case law, it is the responsibility of the dominant easement owner (the member) for the maintenance and repair of the easement. *Island Improvement Assoc., v. Ford*, 155 N.J. Super 571 (AD 1978); *Braun v. Township of Mantua*, 270 N.J. Super 404 (1993). Therefore, the individual property owner is responsible for the removal of any fallen trees in or into the easement area.

As per Town code, a homeowner may remove (or have removed by a company) one living specimen tree a year without a permit. A specimen tree is defined as any living, woody, perennial plant having a diameter of four inches or greater when measured at a height of 4 1/2 feet above the ground. Further, trees that are dead, diseased, dying, damaged, or dangerous, may also be removed without permit. You should have the Town Forester visit your home to determine the condition of the tree or trees prior to removal to avoid any problems. The Town code book can be reviewed online if there are any further questions.

**XIII. Non- Compliance:** *Rules & Regulations are designed to help insure the safety and enjoyment of all members. Failure to comply with the LSHA rules and policy may result in suspension or forfeiture of all lake privileges. Since the rules and regulations are based on NJ statutes and codes, Township Ordinances and NJ health codes prosecution can result from abuses to these rules. (Changes to Rules & Regulations adopted Sept 13, 2012)*

1. Non-compliance with rules and regulations will be cause for immediate eviction from the lake and/or beach properties. The Association reserves the right to refuse admission and evict any person or party, and change rules and regulations as needed to provide a safe family environment for all to enjoy. The Association has the right to confiscate identification buttons from members disregarding any rule.
2. The Security Guard and his/her staff are the final authority on matters affecting the day-to-day operations of the Beach and Swim areas. Please do not question their decisions. If you have a complaint or other issue about their decisions, please contact the lake and beach director, and/or the Association Board who will look into the matter and take appropriate measures.
3. Any person who uses the lakes, beach, trails, or roads is deemed to have knowledge of, and consented to be bound by the LSHA Rules and Regulations.
4. No person who is eligible for LSHA membership may be a guest of a member. Sharing of membership is strictly prohibited and will result in confiscation of identification buttons and boat stickers. Members are responsible for the conduct of their guests.
5. Disorderly conduct, horseplay, boisterous, rough or dangerous behavior and ball playing on LSHA properties are strictly prohibited and will result in immediate eviction. The Association has the right to immediately confiscate identification buttons or boat tags from members disregarding this prohibition.
6. The LSHA Board and/or the LSHA Security Guard reserve the right to inspect any boat/watercraft for use on Lake Swannanoa, to verify that it complies with the LSHA Boating Rules and bears the a current sticker. Sharing of membership boat stickers is strictly prohibited. Non-compliance with the LSHA Boating Rules can result in revocation of the LSHA boating stickers issued.
7. When a lifeguard is not on duty, swimming is at your own risk.
8. Unfortunately, if you do live within Lake Swannanoa at Ringling Manor Estates a planned community with filed maps and have not yet joined the Association, you may not use any of the lake, beach, or trail facilities for any reason, even as a guest of another member. The Association is supported by the dues of its members.

### **NONCOMPLIANCE PROCESS**

9. **Juvenile Matters:** In all violation incidents where a juvenile under 18 years of age has been involved, Lake Patrol shall make all reasonable attempts to contact that juvenile's parent or legal guardian by phone regarding the incident. Where the incident is of a minor nature, the parent or legal guardian in question shall be notified by mail regarding all matters pertinent to the incident. If the incident requires control of the minor to prevent bodily injury, danger to others, property damage, or serious physical damage, the Lake Patrol shall immediately contact the appropriate police authority. In all cases, after mailed notification has been made to the juvenile's parents or legal guardian, continuing violations will be made immediately and directly to the Jefferson Police department.

#### **10. Board Process for non-compliance with By-laws and/or Rules & Regulations**

- a. The Board will begin the penalty process by sending a friendly letter to the resident, notifying the resident of the circumstances and asking them to take care of the situation immediately. The letter

will specifically define the violation, the date it occurred, and ask for their help in maintaining a community that pleases everyone, promotes a safe environment, and preserves property values.

- b. The next step would administer disciplinary action. The Board will consider implementing a disciplinary action, i.e. rescind beach or boat privileges, restitution of damages, etc. A letter will be sent to the member inviting them to the next Board meeting where a resolution should be negotiated, if possible. The member would have two weeks to respond to the letter. Factors the Board would consider when determining the action to be taken are the seriousness of the violation, whether it is a danger to person or property, the cost of any damages to property, and if it is a repeat violation. A final letter will be sent to the member informing them of the Board's decision.