

HARBOR HILLS CIVIC ASSOCIATION DOCK POLICIES

Preamble:

It has long been the goal of the Harbor Hills Civic Association to facilitate our residents' access to the development's greatest resource: Buckeye Lake. This Dock Policy has been written in furtherance of that goal and with an eye on increasing lake access for residents who do not own lake front residences.

The Harbor Hills Civic Association Trustees have adopted this policy that will be applicable to new dock purchases.

Section One: Definitions

1. **Harbor Hills Property Owner:** An individual, entity or group of people comprising the ownership of a single residence in the Harbor Hills subdivision. For purposes of this document, a 'Harbor Hills Property Owner' (always in the singular) refers to the ownership of a single residence. If multiple parties own a single residence, they are collectively the 'Harbor Hills Property Owner' for purposes of said residence.
2. **Waterfront Owner:** A Harbor Hills Property owner possessing a waterfront residence.
3. **Inland Owner:** A Harbor Hills Property owner who does not possess a waterfront residence.
4. **Dock:** A physical structure extending out from the shore into Buckeye Lake to which boats may be moored. All docks within Harbor Hills are considered to be personal property rather than real estate.
5. **Finger:** A single dock shared by two Harbor Hills Property Owners.
6. **Slip:** An area adjacent to a finger where watercraft can be moored. Generally speaking, there are two slips for every finger – one on each side.
7. **Class A Dock:** A dock that services and extends out from the shore of a residence within the Harbor Hills Subdivision.
8. **Class B Finger:** A finger that extends out from the shore of land to which the Harbor Hills Civic Association has an ownership interest (either in fee or by virtue of an easement).
9. **Class C Finger:** A finger that extends out from the shore of land to which the Harbor Hills Civic Association has a leasehold interest.

Section Two: Policies relating to Class A Docks and Class B and C Fingers

1. All definitions set forth in Section One are incorporated herein as if restated.
2. All docks/fingers/structures over or in the water of Buckeye Lake adjacent to property located within the Harbor Hills subdivision must be constructed and utilized in compliance with Ohio law, and in compliance with this Dock Policy. Ohio law changes and it is the intent of this policy to incorporate and adopt the applicable provisions of Ohio law as they are passed. For detailed information on the applicable Ohio law, Harbor Hills Property Owners are encouraged to contact: Buckeye Lake State Park, P.O. Box 488, 2905 Liebs Island Road, Millersport, Ohio 43046.
3. The construction/renovation/repair or transfer of a dock/finger/structure or seawall must be authorized by Harbor Hills Civic Association (Hereinafter: HHCA) prior to any Harbor Hills Property Owner submitting a construction application to the Ohio Department of Natural Resources by submitting a Dock or Seawall Approval Request Form to HHCA Trustees.
4. All docks, fingers and/or slips must obtain an annual permit (license) from the State of Ohio. The permit sticker must be affixed to the dock or finger and must be visible from the shore. Failure to obtain a State of Ohio permit may result in the revocation of privileges granted by the HHCA.
5. Generally speaking, docks and fingers must be maintained in a safe and sound condition.
6. Existing covered docks/fingers/structures that do not meet the aforementioned criteria will be incrementally phased out, as will structures that failed to meet ODNR Dock Maintenance Standards.

Section Three: Policies relating to Class B and C Fingers

1. All definitions/policies outlined in Section One and Two are incorporated herein as if restated.
2. Class B and C Fingers will either be privately constructed by Harbor Hills Property Owners in a manner and with a design approved by the HHCA. Beginning in 2019, Class B and C Fingers shall consist of a single 3' plank way

structure which will extend into Buckeye Lake 30' (reasonable modifications to this design may be authorized). The structure shall be jointly owned by two Harbor Hills Property Owners; each of whom shall have exclusive slip access to one side of the dock.

3. The HHCA must approve any proposed boat lifts, hoists or canopies. Generally speaking, a lift and/or hoist apparatus will be approved if it does not include a cover or canopy and fits within the allotted slip space. Plans for canopies or an apparatus that includes a canopy must be submitted with detail and HHCA approval will be based upon location and surrounding environment. Fixed permanent covered structures will not be permitted.
4. Upon the approval of the construction or purchase of a Class B or C Finger, the HHCA will grant lake access for the presence of the Finger upon HHCA shoreline and for ingress and egress across HHCA property to the Finger
5. Beginning in the year 2019, lake access will be limited to one slip per residence. Harbor Hills Property Owners who have maintained multiple slip permits prior to 2019 will not be impacted by this Policy change unless and until they become ineligible to have dock/finger/slip rights within the subdivision.
6. Ownership interests in Class B and C Fingers may be transferred upon the sale of a Harbor Hills residence or between Harbor Hills Property Owners. If a finger or dock slip is not sold or included in the sale of a Harbor Hills residence, it cannot be retained by the owner if he/she becomes as non-HH resident by means of the sale and must be sold to another HH resident.
7. Prior to completing such a sale the buyer and seller of a Class B or C Finger must seek approval of the transfer from HHCA.
8. Owners/licensees of Class B or C Finger must include the dock on their homeowner's insurance policy, naming the Harbor Hills Civic Association as an additional insured. Proof of compliance will be required upon owner's application for a slip permit.
9. All Docks/Fingers/Slips located on or adjacent to HHCA property or common area (i.e. leased parks) shall be for Harbor Hills Property Owners only.
10. As part of the application process, owners/licensees of Class B or C Fingers must certify that any watercraft to be moored at the dock is owned by the Harbor Hills Property Owner or a member of the Harbor Hills Property Owner's family or a resident of Harbor Hills.

11. As part of the application process, owners/licensees of Class B or C Fingers must execute an indemnity agreement with HHCA.
12. Current Class B and C Finger owners must obtain an annual ODNR permit. If the permit is not renewed by June 1, a 30 day notice will be served upon the Finger owner directing them to renew their permit or sell their interest in the structure in accordance with these Policies. Notice will be served on the street address associated with the owner's residence within the Harbor Hills Subdivision.
13. In the event the owner of a Class B or C Finger fails to obtain an annual permit to utilize the structure after the 30 days have elapsed, his/her ownership interest in the dock structure will be considered abandoned and become the property of the Harbor Hills Civic Association. Abandoned dock interests that become the property of Harbor Hills Civic Association shall be sold to Harbor Hills Property Owners on the HHCA waiting list.
14. In order to maintain their access to utilize property controlled by HHCA, owners of Class B and C Fingers shall use and care for their finger as follows:
 - a. Class B and C Fingers should be used for reasonable boating activities and the dock area kept clear of gear, tackle, tools, coolers and other obstructions;
 - b. No watercraft of any type shall be stored upon Class B and C Fingers. Class B and C Fingers shall serve as a mooring point only and kept clear for foot traffic to and from shore.
 - c. Class B and C Fingers and their surrounding areas should be kept free of trash and waste. Class B and C Finger owners shall not dispose of treated or untreated sewage from heads or holding tanks in the harbor or docking area.
 - d. Class B and C Finger owners are responsible for damages to their own docks as well as damage to the sea wall caused by their own activity.
 - e. Class B and C Finger owners/licensees shall not create unnecessary disturbances or nuisance.
 - f. Class B and C Finger owners/licensees may work, or have work done, on his/her watercraft at the dock so long as such work does not interfere with other dock owners/licensees.

- g. There shall be no open flame devices, toxic chemicals or other hazardous equipment or supplies at or near Class B and C Fingers.
- h. If a Class B or C Finger owner/licensee violates the use and care provisions stated herein or within the Owner Agreement, HHCA shall have the option of revoking the owner's license if, after providing 10 days notice of the violation, the owner/licensee fails to remedy the violation.

Section Four: Class C Finger Policies

- 1. All definitions/policies outlined in Sections One, Two and Three are incorporated herein as if restated.
- 2. Class C Fingers extend from property leased to HHCA by the Licking County Commissioners.
- 3. The lease or leases referenced in Paragraph Two of this section are recorded with the County Recorder and are available for public inspection.
- 4. Any license to construct and/or utilize a finger extending from and/or for ingress and egress across property leased to HHCA by the Licking County Commissioners is subject to the terms of said lease.
- 5. As part of the application process, owners/licensees of Class C fingers must execute an indemnity agreement with HHCA relating to losses that could arise from the terms of said lease(s).

Section Five: Annual Application Process for Class B and C Fingers

- 1. Each year, prior to mooring watercraft to the applicable Finger and no later than June 1, 2019, owners of Class B and C Fingers must obtain an annual Permit from the State of Ohio.
- 2. The following must be submitted to HHCA Dock Committee in order to obtain lake access
 - a. Completed HHCA Class B/C Finger Permit Application and License Agreement.
 - b. Certification that the watercraft to be moored, if any, is owned by a Harbor Hills Property Owner or a member of a Harbor Hills Property Owner's family; or a resident of Harbor Hills, and

- c. Proof of liability coverage for dock structure naming HHCA an additional insured.

Section Six: Class B and C Finger Waiting List

1. Harbor Hills Property Owners wanting to own a Class B or C Finger must make their desire known, in writing, to the trustees of the HHCA.
2. The HHCA will maintain a waiting list for Inland Owners only.
3. In the event HHCA becomes the owner of a Class B or C Finger or authorizes the construction of additional Class B or C Fingers, the sale of interests in those structures shall be offered to Inland Owners with the first offer being made to the oldest entry on the aforementioned waiting list. If the Inland Owner offered a newly available Class B or C Finger already owns a Class B or C Finger, they may choose to accept the newly available dock if they forfeit their currently owned dock to HHCA. The HHCA will not offer a Class B or C Finger to Waterfront Owners.
4. If an offer of a Class B or C Finger is declined by anyone on the waiting list, that residence owner will be removed from the waiting list or, at the option of said residence owner, be re-entered on the waiting list as the most recent request. Put simply, failure to accept a Class B or C Finger when it is offered will result in losing one's place in line.