



LAKE WINDCRESTSM

LAKE RULES AND REGULATIONS

The following Rules and Regulations are in effect immediately.

INTRODUCTION

The Board of Directors of Lake Windcrest Property Owners Association (hereinafter “the POA”) working in conjunction with the Lake Windcrest Lake Management Committee, when established, reserves the right to establish, promote and enforce Lake Rules and Regulations for the recreational use of the Lake Windcrest lakes. This includes, but is not be limited to, restricting access to and use of the lakes periodically in order to: 1) perform tests of fish population, aquatic plants and other water life; 2) chemically treat and/or perform other necessary maintenance on the lakes; and 3) for any other purpose deemed necessary. These Lake Rules and Regulations are in addition to State and Federal laws governing water and boating activities.

USE OF LAKES

Windcrest Lake (100 acre lake)

(Located in Lake Windcrest, Sections 1, 2 & 3)

The Windcrest Lake (the 100 acre lake) area shall be Common Area and this body of water and adjoining parks may be used by Property Owners from any Section of Lake Windcrest Subdivision, as well as their invitees and guests, for recreation and outdoor activities including, but not limited to: boating, fishing and such other use as may be permitted and regulated by the POA. The use of Windcrest Lake by Property Owners and their guests shall be subject to the Exclusive Perpetual Easement granted to Property Owners of lots adjoining Windcrest Lake (see the Declaration of Covenants, Conditions and Restrictions, for Lake Windcrest, Sections 1, 2 & 3; Perpetual Easement upon Restricted Reserve). The use of Windcrest Lake shall be permitted and regulated by the POA, and any Property Owner’s failure to comply with applicable rules and regulations regarding use of Windcrest Lake shall authorize the POA, as the case may be, to suspend said Property Owner’s use privileges of the Lake. Further, Windcrest Lake shall be subject to the following rules and regulations:

1. The portion of the Lake situated northwest of the buoys placed thereon by the POA shall be, at all times, a “no wake” area with a maximum speed limit of five (5) miles per hour;
2. No jet boats (provided, however, jet skis or similar personal watercraft are permitted) or pontoon boats or boats in excess of twenty (20) feet (as recorded in the watercraft’s TPWD registration) shall be permitted on the Lake;
3. A “no wake” (5 mph) speed limit shall be in effect on the entire Lake between the hours of 10:00 p.m. and 6:00 a.m.
4. The POA shall have the right and authority to amend or modify these Rules and Regulations for the Lake in the event it deems such amendment or modification to be in the best interest of the subdivision and/or its members; and
5. The violation of any of these Rules and Regulations for the Lake shall be cause for suspension of the violator’s right to use the Lake and other recreational facilities in the subdivision for a period as may be determined by the Board of Directors of the POA.

Serenity Lake (Lake Windcrest, Section 4)

Serenity Lake, located within the Restricted Area designated as Reserve A on the Plat of the Subdivision (Section 4), may be used by Property Owners from any Section of Lake Windcrest and regulated by the POA. The use of this Lake by Property Owners and their guests shall be subject to the Exclusive Perpetual Easement granted to Property Owners of Lots adjoining the Lake as set forth in the Declaration of Covenants, Conditions and Restrictions, for Lake Windcrest, Section 4, and users of said Lake may not use the shoreline of said Lake without the express permission of the Property Owner granted said Exclusive Perpetual Easement. The use of the Lake shall be permitted and regulated by the POA and any Property Owner’s failure to comply with applicable rules and regulations regarding use of the Lake shall authorize the POA, as the case may be, to suspend said Property Owner’s use privileges as set forth in the Restrictions. Further, Serenity Lake shall be subject to the following rules and regulations:

1. No motor boats, jet boats, jet skis or other motorized watercraft are permitted on the Lake;

2. The POA Board of Directors shall have the right and authority to amend or modify these Rules and Regulations for the Lake in the event it deems such amendment or modification to be in the best interest of the subdivision and/or its members; and
3. The violation of any of these Rules and Regulations for the Lake shall be cause for suspension of the violator's right to use the lake and other recreational facilities in the subdivision for a period as may be determined by the Board of Directors of the POA.

Azure Lake (Lake Windcrest, Section 5)

The Azure Lake area in the subdivision shall be Common Area and said body of water and adjoining parks are to be used only by Property Owners of lots adjoining said Azure Lake, as well as their invitees and guests, for recreation and outdoor activities including, but not limited to, boating, fishing, and such other uses as may be permitted and regulated by the POA. The use of Azure Lake by said Property Owners and their guests shall be subject to the Exclusive Perpetual Easement granted to Property Owners of lots adjoining said Azure Lake. The use of Azure Lake shall be permitted and regulated by the POA and any Property Owner's failure to comply with applicable rules and regulations regarding use of Azure Lake shall authorize the POA, as the case may be, to suspend said Property Owner's use privileges of Azure Lake as set forth in Article 5, Section 5.04 of the Declaration of Covenants, Conditions and Restrictions. Further, Azure Lake shall be subject to the following rules and regulations:

1. Azure Lake shall be, in its entirety, and at all times, a "no wake" zone (5 mph speed limit);
2. No motorized boats or motorized watercraft of any type shall be permitted on Azure Lake;
3. The POA shall have the right and authority to amend or modify these Rules and Regulations for Azure Lake in the event it deems such amendment or modification to be in the best interest of the subdivision and/or its members; and
4. The violation of any of these Rules and Regulations for Azure Lake shall be cause for suspension of the violator's right to use the lake and other recreational facilities in the subdivision for a period as may be determined by the POA Board of Directors.

RULES AND REGULATIONS APPLICABLE TO ALL LAKES

General

1. All applicable Federal, State or County regulations/restrictions/laws shall govern and will be enforced.
2. Property Owners shall be responsible for the conduct of their guests and invitees.
3. Overnight parking of any vehicles, including but not limited to recreational vehicles, watercraft, and/or campers, shall be prohibited on community access areas.
4. Property Owners, as well as their guests and invitees, shall use the lakes at their own risk. No lifeguards are provided.
5. **Guests and invitees must be accompanied by a Property Owner at all times.**
6. **Children under the age of thirteen (13) must be accompanied by a parent or guardian over the age of eighteen (18) while using the lakes.**
7. Access to the lakes is permitted in designated areas only.
8. Dumping or disposing of litter, refuse, chemicals or other foreign liquids/compounds into or around the lakes is prohibited.
9. Property Owners, as well as their invitees and guests, are not permitted to introduce or harvest water fowl, fish or aquatic vegetation without the prior written approval of the Lake Management Committee (hereinafter "LMC") and/or POA Board of Directors.
10. Hunting of water fowl is prohibited. (Note: Game management will be enforced by the appropriate authorities.)
11. Discharge of firearms is strictly prohibited in and around the lakes.
12. Special Events – Should a Property Owner wish to use Windcrest Lake for a special event (e.g., fishing rodeo, company picnic, church outing, triathlon, etc.), the POA shall require:
 - a. Any activity affiliated with an outside organization shall be sponsored by a Lake Windcrest property owner who is a member of the organization and participating in the event as well as registered to use the boat launch. In addition, a usage and release of liability agreement must be executed by each participant and a certificate of general liability insurance for property damage and bodily injury of not less than \$1 million showing Lake Windcrest POA as additionally insured shall be provided upon approval of the event and not less than 15 days prior to the event, OR
 - b. Any activity sponsored solely by a Lake Windcrest property owner consisting of more than 10 participants shall provide a usage and release of liability agreement executed by each individual participant.

Requests for use of the lake for special event purposes must be submitted through the Management Company and shall be subject to prior written approval by the LWPOA Board of Directors. Disruption of normal usage of the lake by all property owners and date, time and season will be considered by the Board when reviewing a request and may be grounds for denial. The Board may assess a fee for usage and/or deposit for damages as it determines is necessary.

13. Access to Windcrest Lake (the 100 acre recreational lake) and other lakes requires appropriate identification as defined by the POA.
14. Use of the Windcrest Lake boat launch parking lot is restricted to street legal vehicles only; golf carts, 4-wheelers and other vehicles which are not street legal are prohibited.

Boating

1. All motorized watercraft must meet the registration requirements listed below. The Property Owner of record must sign the Watercraft Registration Form. Once registration is completed, two (2) Permit Stickers will be provided. **One (1) sticker must be applied to the watercraft and one (1) to the respective watercraft trailer. These stickers must remain in place while on Windcrest Lake and be visible from the shoreline or other watercraft.**
 - a. At the time of registration, current proof of liability insurance and ownership must be shown for each watercraft registered. **Watercraft that are registered must be owned by the Property Owner, or registered as a guest craft.**
 - b. **Fee: \$50 per card annually, includes watercraft(s) registration.**
 - c. No watercraft shall exceed twenty (20) feet in length (length determined by TPWD registration).
 - d. Adequate liability insurance shall be required in order to operate watercraft on the lakes.
 - e. Guest, or rental, craft will be registered by the Property Owner of record and must comply with the Lake Rules & Regulations.
 - f. Watercraft must have aboard all TPWD required equipment. These include: Certified life vests for every boater (including Personal Watercraft), fire extinguisher, orange 'down-tow' flag, mirror, horn or whistle, and running lights (where appropriate).
 - g. Exempted from registration are canoes, kayaks, paddleboats, and other manually operated craft.
2. The Property Owner is accountable for the safe conduct of the watercraft and all guests.
3. **The Property Owner must be present in a launching party and must remain with the party in the lake, boat launch park areas or on the lake lots.** Property Owner in this context is defined as a Lake Windcrest lot owner, spouse or registered resident who possesses a valid Texas Driver License. The Property Owner must be listed by name on the Agreement space provided below and on the Watercraft Registration Form.
4. **Any Property Owner giving or loaning their gate access card to someone (even another Property Owner) will have committed a rule violation subject to deactivation of the access card.**
5. Use of the boat launch facility is restricted to properly registered Lake Windcrest Property Owner Association members.
6. **Motorized watercraft belonging to relatives, friends, and guests shall not be permitted unless properly registered.**
7. **No more than five (5) vessels operating simultaneously are permitted on Windcrest Lake.** Additional vessels may be moored, tied to docks, or anchored along the shoreline provided they are visibly parked/stored and without crew or passengers. Motorized, manual, electric and wind propelled vessels are subject to this requirement.
8. **Property Owner and/or guest shall not operate more than one (1) boat or two (2) PWC's on the lake at the same time.**
9. **Time on the lake shall be limited to two (2) hours per lake user outing.** A user can continue his/her use for longer if there are no other watercraft users waiting in line. If there are others in line, the user(s) on the lake with two (2) or more hours use must give up their slot to the next user in line. If a previous user wants more time on the lake, they can go to the end of the line or come back later in the day to get back in line for more usage time.
10. **Motorized watercraft shall travel in a counter clockwise direction** with speeds limits of 5 mph in "no wake" zones and 35 mph maximum outside the "no wake" zones.
11. Operating a watercraft under the influence of drugs and/or alcohol is illegal and unsafe. Anyone suspected of being under the influence or intoxicated will be reported to the appropriate law enforcement agency.
12. **The consumption of alcohol while in the Common Areas adjacent to the lakes, including the boat launch parking lot, is prohibited. A zero tolerance policy will be enforced** regarding operating watercraft while intoxicated. Violation of this rule shall result in immediate suspension of lake privileges. A hearing before the LW POA Board shall be required in order to consider reinstatement of revoked privileges.
13. **Motorized watercraft must not travel within 100 feet of another watercraft or within 200 feet of a person who is being towed by another watercraft, unless traveling at "no wake" speed).**

14. **It is unlawful and against applicable lake rules to operate watercraft in a reckless manner and/or at a rate of speed greater than 35 mph maximum or greater than will permit the operator to bring the watercraft to a stop within the assured clear distance ahead.** Determination of reckless, reasonable or prudent operation of watercraft will be at the sole judgment of the LW POA and person(s) appointed by the LW POA. Violations will result in an immediate suspension of lake privileges and require a hearing before the LW POA Board in order to consider reinstatement of those privileges.
15. **It is unlawful and against applicable lake rules to operate a watercraft in a circular course around swimmers, to remain stationary for an extended period or to operate the vessel in such a way as to prevent, impede, or interfere with safe passage of any other boat through the same area.**
16. **It is unlawful and against applicable lake rules, when operating a PWC, to jump the wake of another vessel recklessly or follow unnecessarily close (see Rule 13 above). It is expressly forbidden for any watercraft to jump the wake of any watercraft that has a person in tow.**
17. All watercraft behind or beside a person-in-tow must maintain a safe distance of a minimum of 200 feet clearance to allow time to avoid a fallen skier. When a faster moving watercraft approaches another slower moving watercraft that has a person-in-tow, the faster watercraft must: (1) stop and wait; or (2) slow down or alter course to maintain a safe and minimum following distance (200 feet). If the overtaking watercraft is also pulling a skier the overtaking watercraft may elect to turn around by turning left (counter-clock-wise) across the middle area of the lake and carefully entering into the flow of traffic in the opposite direction. Watercraft shall not pass persons-in-tow unless the 200 foot clearance can be maintained.
18. Every boat or PWC towing a person(s) on water skis, tubes or other similar device must have:
 - a. An observer, or
 - b. A rearview mirror, and
 - c. An orange caution flag, which must be raised to indicate persons in the water.
19. A PWC must be rated for at least two (2) persons when towing persons on water skis, tubes or a similar device. If an observer is used, the PWC must be rated for three (3) people; the driver, the observer and the retrieved skier.
20. Operation of a powerboat or personal watercraft (PWC):
 - a. Powerboats - You must be sixteen (16) years of age or older to operate a boat powered by a motor of 15 horsepower or more, unless:
 - i) You are thirteen (13) years of age or older and have passed a boater education course approved by Texas Parks & Wildlife; or
 - ii) You are accompanied by a person on board who is eighteen (18) years of age or older. Note that the mandatory boater education law supersedes this law limiting the age of powerboat operators. This means that **if you are less than eighteen (18) years of age, you must have passed a boater education course approved by Texas Parks & Wildlife to operate a boat powered by a motor of 10 horsepower or more.**
 - b. PWC - You must be sixteen (16) years of age or older to operate a PWC, unless:
 - i) You are thirteen (13) years of age or older and have passed a boater education course approved by Texas Parks & Wildlife; or
 - ii) You are accompanied by a person on board who is eighteen (18) years of age or older. Note that the mandatory boater education law supersedes this law limiting the age of PWC operators. This means that **if you are less than 18 years of age, you must have passed a boater education course approved by Texas Parks & Wildlife to operate a PWC powered by a motor of 10 horsepower or more.**
21. The portion of the Windcrest Lake situated between the lake shoreline and buoys placed in the lake shall be, at all times, a "no-wake" area. "No-wake" shall be defined as the area where the speed limit shall not exceed five miles per hour (5 mph).
22. It is unlawful and against applicable lake rules to operate a motorized craft within 50 feet of a "Skier Down Flag" or operate a boat within 150 feet of a "Skier Down Flag" except at 'headway / steerage' speed.
23. Only electric, manual and wind powered watercraft are permitted on Windcrest Lake before 9:00 a.m. (this rule effectively extends the no-wake period provided in the Deed Restrictions from 6 a.m. to 9 a.m.; see USE OF LAKE as covered by the Covenants, item 2, above).
24. Boats (motorized or non-motorized) are not permitted on the lake during any inclement weather. This includes light to heavy rain that could visually impair the operator of a moving watercraft, any period when lighting is in the area, or when heavy wave action is occurring due to high winds.
25. The right-of-way, as defined by the Inland Navigation Rules of the Federal Collision Avoidance Regulations, will be yielded in the following order: PWC's yield to motorboats (includes electric motors), to watercraft with a person in tow, to sailboats, to manually operated watercraft, and all watercraft will yield to swimmers. It is expected that sailboats, paddleboats and swimmers will be careful not to put themselves in harms way. Manual, electric or wind

propelled vessels are permitted on all three lakes. On Windcrest Lake, these boats shall have the right-of-way over motorized watercraft.

26. Launching of trailered watercraft from private property is prohibited.
27. All watercraft owners shall wash down their vessels before launching them into the lakes in order to prevent the introduction of unwanted aquatic plant life, such as hydrilla or Brazilian Elodea.
28. From sunset to sunrise, all watercraft must revert to “no wake” speed on the entire lake with running lights on where required by law.
29. Operators of watercraft so equipped must wear an engaged motor kill switch device (required on PWC’s).
30. “Sporting operation” (trick maneuvers, “hot-dogging”, “donuts”, etc.) of PWC’s must be conducted on a “non-occupied” part of the lake; i.e., no other watercraft within 300 feet (see item 16, above).
31. PWC operators and riders must wear a Coast Guard approved personal floatation device (PFD).
32. Persons towed in any manner must wear a Coast Guard Approved PFD.
33. Children under thirteen (13) years of age are expressly prohibited from operating a PWC unless accompanied on board by a person at least eighteen (18) years of age.
34. Watercraft racing is prohibited. (Caution: Some insurance companies may deem liability coverage void if watercraft is used for racing or negligent behavior.)
35. A Property Owner shall be responsible for damages to POA, personal property of residents adjoining the lake and other watercraft, when damages arise from the negligence of Property Owner or Property Owner’s guests or invitees.
36. Property Owners shall be responsible for the remediation of any pollution of the lake waters, including petroleum-based liquids or products emanating from their watercraft or person(s) in their watercraft.

The above Boating Rules and Regulations may include laws established by the Texas Parks and Wildlife Department and other State and Federal agencies, but do not include all state and federal laws, many of which change from time to time. It is the intention of the LW POA for Property Owners, residents and their guests to comply with the established rules as published as well as all County, State and Federal laws. The LW POA may at its sole discretion assess fines or limit access to Property Owners, residents and/or their guests for violations of applicable POA Rules and Regulations, as well as County, State and Federal laws. The LW POA and/or persons designated by the LW POA may require a violator of these Rules and Regulations to leave the lake, and may also solicit law enforcement agencies to facilitate removal of non-complaint lake users or trespassers if so required to enforce applicable laws.

Swimming

1. Swimming is permitted within the swimming / “no wake” buoys and the shoreline.
2. Buoys are NOT to be used by swimmers as floatation devices or to dock watercraft.
3. Swimming is not permitted within 50 feet of individuals fishing, if the person fishing is there first.

Fishing

1. Eligible POA members and their guests are permitted to fish in the lakes from the shoreline, docks and fishing boats.
2. Only electric (trolling motors), manual or wind powered watercraft are allowed on the lakes for fishing purposes before sunrise or after sunset.
3. Only recreational fishing is permitted. Until further notice, recreational fishing shall mean catch and release.
4. Seining, netting, use of trot lines, shocking or bow fishing is not permitted.
5. Taking fish from the lakes for commercial purposes or other non-recreational use is strictly prohibited. Any person found taking fish for commercial purposes or other non-recreational use may be barred/suspended from fishing in the lakes at the sole discretion of the POA Board.
6. Fishing is not permitted within 50 feet of a swimmer if the swimmer is there first.
7. A fishing license is not required to fish in these lakes.
8. Access to upper & lower Serenity Lake for fishing purposes is permitted from the upper Serenity dam only. Fishing from private properties around these lakes is prohibited without permission from the respective Property Owners. Fishing in Azure Lake by anyone other than lake front Property Owners or their guests is prohibited.

POSSIBLE ACTION AND RESULTS FOR NON-COMPLIANCE WITH RULES AND REGULATIONS

1. Periodic patrol by authorized personnel of the lakes and boat launch areas will be performed to identify non-compliance with Rules and Regulations. Lake users approached from another watercraft or the shoreline by authorities having jurisdiction (security or law enforcement) shall stop and cooperate with requests or directions of the authorized personnel. Ignoring authorized personnel will be considered a rules violation and will be processed

and acted upon accordingly. Authorized users of the lakes must have appropriate identification on them to verify POA membership.

2. Local and /or state law enforcement authorities may be summoned if conditions warrant.
3. All complaints concerning lake usage should be directed in writing to the POA Board of Directors or Lake Management Committee, when established. Details regarding the complaint and the parties responsible must be included in the written complaint. A review and resolution regarding each complaint will be processed by the Community Manager through the LW POA Board of Directors.
4. Non-compliance with the Rules and/or Regulations may result in: warnings, periodic suspension of lake privileges, assessment charges in the form of POA fines and/or law enforcement citations/fines, or permanent suspension of lake privileges. The preceding list does not necessarily represent progressive levels of action, but will be determined based on the facts in each individual set of circumstances driven by the severity of non-compliance. See Lake Rules & Regulations Violation and Enforcement procedures.

PROPERTY OWNER ACKNOWLEDGES THAT ALL WATERSPORTS AND WATER-RELATED ACTIVITIES ARE DANGEROUS, AND THAT INJURY OR DEATH ARE POSSIBLE CONSEQUENCES TO PARTICIPATION IN ALL SUCH ACTIVITIES. OWNER AGREES TO INDEMNIFY AND HOLD HARMLESS THE POA, ITS AGENTS, EMPLOYEES, OFFICERS, DIRECTORS, ATTORNEYS, AND THEIR RESPECTIVE FAMILY MEMBERS, FROM AND AGAINST ANY AND ALL INJURIES, LOSSES, AND/OR DAMAGES SUSTAINED BY ANY PERSON OR PROPERTY, ARISING DIRECTLY OR INDIRECTLY OUT OF OR RELATED TO USE OF THE LAKE AREA(S), INCLUDING CLAIMS BASED UPON THE ALLEGED NEGLIGENCE AND/OR GROSS NEGLIGENCE OF THE POA, ITS AGENTS, EMPLOYEES, OFFICERS, DIRECTORS, ATTORNEYS, AND THEIR RESPECTIVE FAMILY MEMBERS.