

## **RESOLUTION**

At a duly convened meeting of the Board of Directors of the Oak Run Property Owners' Association, held on September 19, 2019, with a quorum present, it was resolved as follows:

### **RECITALS**

WHEREAS, the Association recognizes that Spoon Lake is open to property owners and accompanied guests for year-round recreational use activities.

WHEREAS, the Association understands that deicing devices (aerators, bubblers, etc.) may create open water and pose a hazard, which may conflict with that use.

WHEREAS, the Association understands that deicing devices (aerators, bubblers, etc.) may create open water, and that there are many uncontrollable variables that influence the size of open water, which could potentially cause thin ice and open water hazards if the devices are not properly installed and monitored.

WHEREAS, the Association further recognizes that property owners have invested, or may invest, substantial sums of money in docks and shoreline improvements, which may be susceptible to damage caused by ice movement.

WHEREAS, the Association understands that these devices have a limited ability to control the amount of open water, and that wind, temperature, water depth, and sunlight play a role and can create unpredictable conditions in different areas of the lake, at any given time.

WHEREAS, the Association encourages property owners making use of the lake during the winter to exercise extreme caution and be familiar with ice safety and the safety recommendations, included, but not limited to those set forth in the following Shoreline Deicer Policy/Winter Lake Use Policy.

THEREFORE, the Association has resolved that reasonable rules and regulations are necessary in order to protect the Association's best interest.

**ACCORDINGLY, IT IS RESOLVED AS FOLLOWS:**

**Annual Deicer Permit:**

1. Before any deicing system installation of any kind can be operated on the lake, which is Association property, commonly known as "Out Lot A," the owner must apply for a use permit at the POA office, and keep it current. The permit shall provide at least two telephone contact numbers and one email contact where owners can be reached. The permit application shall include a signed acknowledgement of and acceptance of the provisions of this policy.

**Specifications:**

2. Devices shall be located, sized, and installed per manufacturers' directions, as to provide adequate protection of the intended structure, without opening an excessive amount of water. Devices must be (where possible), centered under the structure(s) being protected and not be located beyond said structure. For some installations, it may be necessary to be located outside the perimeter of the structure, such as docks with riprap underneath, or shorelines where the water is too shallow to operate a deicer when the lake level is lowered for the winter.

**Operation:**

3. Deicer devices must be equipped with timers, or similar equipment, so that they do not run continuously. Deicer devices must also include a thermal cube, or equivalent, which automatically turns them off when the ambient temperature is above freezing. Owners will be responsible for monitoring the site as weather warms each year.

**Warnings:**

4. During winter months, signage consisting of one 12"x12" red flag, shall be installed and prominently displayed either on the shoreline, or on the dock, at a location that is visible from both the shore and from the lake, indicating that a deicer device is in use.

**Liability/Indemnity:**

5. Owners agree to determine that their homeowner's insurance policy does not have exclusions for deicing devices (aerators, bubblers, etc.). Owners agree to accept full responsibility of any and all damages caused by their deicer, and agree to hold the Association harmless and indemnify it from any attorney's fees, expenses, and liability

arising directly, or indirectly, from the operation of any deicing devices. Owners agree to confirm that their homeowner's policy covers their dock and deicer unit, which is located in an easement, as accessory structures with a minimum liability limit of \$500,000.

**Remedial Actions/Notice of Violations:**

6. The Community Service Officers (CSO) and/or the AEC Inspector may periodically enter a property to check for compliance, and they will follow-up on complaints of non-compliance. If after inspection, devices are determined to be operated without an appropriate permit; the Association shall make one (1) attempt to phone the owner. If the owner does not immediately cease operation of the device, they may be fined daily until compliance is achieved. In the event that there is a permit on file for the device, and the device is creating an excessive amount of open water around the structure being protected, the Association shall make two (2) phone calls to the phone numbers provided on the permit and also send an email to the address provided on the permit. A log shall be kept by the Association of all attempted communication. In the event that it has been determined that the deicer is not in compliance and the property owner does not bring the deicer into compliance, a CSO may issue a fine weekly, until compliance is met. The Association will also keep an updated list of offenders.

**Implementation:**

7. Upon adoption of the above policy, by the Oak Run Property Owners' Board of Directors, this policy shall become effective immediately, with implementation beginning January 1, 2020.