

***In addition to the following rules, there is a separate list of rules & fines pertaining to construction.

K.H.A. RULES

As 11-20-09

The following rules cover the area known as Kahola, which encompasses approximately 820 acres. The rules are established by and enforced by the Kahola Homeowners Association and failure to abide by any/all rules may result in the assessment of fines or revocation of permit. Assessments of fines are as follows: Class A = \$500, Class B = \$250, and Class C = \$100. Failure to abide by the covenants will result in the assessment of a Class A fine.

The supervision of Kahola including the lake is vested in the caretaker as directed by the Association Board. Failure to comply with the caretaker's requests will result in the appropriate law enforcement agency being called. Any person disagreeing with the caretaker's requests may appeal to the Association Board.

SECTION I. CABINS / HOUSES

A. PURCHASES --Cabins (or lots) which are sold must be reported to the KHA recording Secretary and include the following:

1. Two (2) Sales Validation Questionnaires (SVQ)
 - a. One for the appropriate County
 - b. One for KHA
2. Names, addresses, emergency phone numbers, proof of liability insurance (minimum of \$250,000), and email addresses of purchaser. It is highly recommended that members who have boats of 50hp or more have separate boater's insurance
3. An "initiation" fee or transfer fee of \$100 must be paid to KHA at closing
4. A copy of the recorded identical deed of the new owner's property. All deeds are to be registered in both Chase and Morris Counties and must be identical in nature.
5. All holding tanks must be inspected by the Association in advance of a purchase.

B. BUILDING OF STRUCTURES: ROADWAYS - Only one housing unit is allowed per lot. Construction must follow the construction building policy and all rules of KHA. The question of what construction needs permits is found in the construction building policy. No roads or ways of access shall be made in, upon, or across Kahola or any part thereof without the written approval of the Association Board. Each lot owner shall provide his or her own water supply and shall maintain his site in a sanitary condition and shall not create any unsanitary condition in Kahola. The Association Board will not be responsible for the protection and safety of any property in Kahola nor on Lake Kahola. Housing sites shall not be used for any commercial purpose as per the covenants. The Association Board has the ultimate authority as to what is "commercial purpose" as defined in the covenants.

C. Each lot owner shall keep the weeds thereon cut and destroyed. Each lot owner shall keep their property clear of any debris or salvage and shall upon notification by the Association take prompt action to clean such property. Failure to correct such problems when duly notified by the Association will result in class B fines. (Class B)

SECTION II. BOAT DOCKS / BOAT HOUSES

A. Any homeowner may build and own a dock and /or boat house on the lake immediately adjacent to such cabin site: PROVIDED: that such person shall first secure a written construction permit from the KHA. The Association Board shall have the ultimate power to determine the size of the dock and/or boathouse and the distance into the water to which they shall extend. Any person owning a dock shall remove or repair such dock if the Association Board determines such dock to be unsafe.

B. Each cabin owner has a reasonable expectation of privacy. Docks are private. All boats are to refrain from encroaching into the area between the dock and other docks, and the docks and the shoreline. Encroaching includes casting between docks. (Class B)

SECTION III. COMMON AREAS

A. PICNIC GROUNDS --Any homeowner and immediate family may use the grounds designated picnic grounds for picnicking purposes at any and all reasonable times subject to all ordinances, rules and regulations of the Association.

B.. TEMPORARY CAMPING GROUNDS --Any homeowner or immediately family may use the ground designated public camping grounds for camping purposes in a reasonable manner at any and all reasonable times for a period not exceeding three consecutive days with a charge of ten dollars (\$10) per night per unit and homeowner must complete a guest pass. Such charges may be changed by the Association Board at any time and shall be duly posted at the caretaker's office.

C. LAWS OF KANSAS – All Federal and State laws are enforced at Kahola. This includes the vehicles as well as the use of fireworks. (Class C)

D. FIREARMS/ ARCHERY --It shall be unlawful to discharge firearms or to hunt in the Kahola area. Hunting includes the use of bows and arrows. Any device, which produces a projectile, shall be considered a firearm. (Class C)

E. TRESPASSING – No fishing or trespassing on dam or spillway will be allowed. (Class C)

SECTION IV. VEHICLES

A. All vehicles must be properly licensed in order to operate in Kahola. Off road vehicles must be licensed and must stay on the roads. (Class B)

B. The speed limit is 20 mph and all vehicles must remain on the roadways, must be properly licensed vehicles and driven by licensed operators.

SECTION V. LAKE

A. CONTAMINATION OF WATER FORBIDDEN --It shall be unlawful for any person to do any act on the lake or lake premises which contaminates the water. (Class A)

B. BOATS: OPERATION; DEFINITION --It shall be unlawful to keep, have, maintain or operate any boat upon Lake Kahola, except as hereinafter provided and then only strictly in accordance with state regulations and the ordinances of the Association. All of the Kansas Boating Statutes shall be enforced including sections 32-1104, 32-1110, 32-1111, 32-1119, 32-1125 and 32-1113. Boats include canoes, kayaks, row boats, paddle boats, sail boats, windsurfers, motor boats, and personal watercraft having either inboard or outboard motors, and any other craft suitable for use on such body of water. (Class C)

C. BOATING AT OPERATOR'S RISK --All persons keeping, maintaining, operating or riding in boats on the lake do so entirely at their own risk so far as the Association is concerned and are warned that there are many shoals, rocks, stumps and logs, both floating and submerged, and other refuse in the lake and that the Association does not maintain it for boating purposes nor represent that it is safe to use boats thereon.

D. REQUIREMENTS FOR BOATING PERMIT --Persons desiring to keep, have and maintain any boat upon the lake and/or surrounding Kahola grounds shall make application for that permit to the Association stating the name of the boat owner, the type, size, and horsepower, and shall produce the Kansas certificate of ownership with the accompanying boat registration number. The Association shall issue such permit to any person showing himself entitled thereto. The permittee shall affix and maintain the decal permit given him by the Association on the outside of both sides near the stern of the boat. However, in no case shall more than four motorized boats be permitted for each lot owned. The term, " motorized", shall include all electric motors.

E. BOAT PERMIT / FEES --The fees for each boat permit for one calendar year shall be as follows:

1. For all persons who are registered primary (not additional) owners and Association Members:
 - a. Fifteen dollars (\$15) per boat with no motor
 - b. Twenty-five dollars (\$25) per motorized boat with less than fifty (50) horsepower
 - c. Fifty dollars (\$50) per boat with motor of fifty (50) or more horsepower, and all personal watercraft.

2. For all Association family members (defined as parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews only), they must have a homeowner complete a guest pass that includes providing proof of insurance: There are no non member permits.
 - a. One Hundred and Twenty five dollars (\$125) per boat with less than fifty (50) horsepower, or no motor.
 - b. Two Hundred and fifty dollars (\$250) per boat with motor of fifty (50) or more horsepower.

3. Member's boat permits must be purchased by the first of July of each year. If not purchased by July 1st, the fee shall be doubled for all permits of boats that were in the possession of members and on the Kahola area prior to that date.

4. All permits must be properly affixed on the watercraft by July 1st or before entering the water, whichever comes first. All watercraft, operated, stored or otherwise utilized at Kahola shall have a current boat permit properly affixed.

G. TERM OF LICENSES --All licenses shall be effective from issuance until they expire at midnight on December 31 following, unless suspended or revoked.

H. SUSPENSION --The Association reserves the right to suspend for any period of time or to revoke any license because of violation of these articles or for carelessly or recklessly operating any boat or for any other good cause. Any person, whose license is suspended or revoked, may appeal to the Association Board. (Class C)

I. LIFE PRESERVER EQUIPMENT --Each and every person at all times while using water skis, surfboards or similar devices on the water of Lake Kahola shall wear a life preserver, which is approved by the U.S. Coast Guard. The rules of the U.S. Coast Guard shall apply on the lake. (Class C)

J. BOAT OPERATOR REGULATIONS --Boating on Lake Kahola shall be in strict compliance with the laws of the State of Kansas, and the Kansas Department of Wildlife and Parks. The Association has the right to impose additional rules concerning boating at any time. The following additional Association rules are now in effect and violations are considered class C.

1. Personal watercraft operates under the same rules as any other vessel.
2. Boats shall follow a counter clockwise movement when operating within the central area of the lake (deep side of the buoy markers).
3. Boats must operate at no wake (5 mph or less) when between the line of buoys and the shoreline and between the hours of dusk and 8 a.m. for the entire lake.
4. No person shall operate a vessel propelled by a motor unless the motor shall be effectively muffled. The Caretaker shall determine what is effectively muffled.
5. No skiing, starting or dropping off skiers between the shoreline and the buoys. "Skiing" shall include surfboards, wakeboards or similar devices.
6. All vessels must use USCG approved lights between dusk and dawn.

K. SWIMMING - All public swimming is prohibited. All swimming adjacent to the waters of the homeowner are restricted to 100' (hundred feet) from the shoreline not to exceed the buoy line. Inflatables (mattresses, inner tubes etc.) are restricted to the swimming area.

I. ICE SKATING – All ice skating at Lake Kahola is prohibited.

SECTION VI. ZEBRA MUSSELS

1. Kahola shall use as a guide to prevent Zebra Mussels contamination, the September 2009 Recommended Uniform Minimum Protocols and Standards for Watercraft Interception Programs for Dreissenid Mussels in the Western United States (Protocols and Standards). The document can be found online at: www.aquaticnuisance.org
2. Any vessel that is removed from and returned to Kahola; or any vessel that is brought to Kahola as a vessel requiring new registration and permitting by the Association; shall be inspected by the homeowner and a board-designated inspector (BDI) for any evidence of Zebra Mussels. Note: Vessel "banded" (between trailer and vessel) by a BDI before leaving Kahola, and returning with the band intact, and validated by a BDI, is exempt from inspections and quarantine.
3. All vessels shall be dry (including ballast tanks, live wells, or any other vessel compartments/areas), and free of weeds and mud.
4. If any evidence of Zebra Mussels is found, the vessel shall be reported to Kansas Wildlife & Parks (KW&P) and properly cleaned as recommended by KW&P.
5. Any vessel that does not pass the inspection is a "high risk" vessel and will be required to be quarantined by the homeowner. Quarantine time will be determined by the BDI using the time established per Protocols and Standards. After quarantine, a new inspection shall take place. The quarantine location shall be at Kahola and is the responsibility of the homeowner.
6. Due to non-availability of hot water pressure system as called out in the Protocols and Standards, the following shall be applied for any boat being inspected:
 - a. Vessel motor will be run by the owner, for 5 minutes out of the lake, in the presence of a BDI. Water supply adapters for motors shall be provided by the vessel owner. Any damage/injury related to this action is the vessel owner's responsibility. If vessel owner does not want to proceed with this action, an

- alternate motor purge is the owner's responsibility to present to the board. If agreed to by all board members, the alternate motor purge can be used.
- b. Ballast tanks, live wells, or any other vessel water storage compartments that cannot be confirmed as dry will require quarantine. After the quarantine period, these water storage compartments shall be filled to overflow level in the presence of a BDI, with a commercial chlorine bleach solution (10:1 ratio of water to chlorine bleach). Filled areas shall be maintained with said solution for 30 minutes and then flushed with clear water solution. Any damage/injury related to this action is the vessel owner's responsibility. If vessel owner does not want to proceed with this action, an alternate purge is the owner's responsibility to present to the board. If agreed to by all members of the board, then the alternate purge can be used.
7. No permits for returning or new vessels shall be released by the caretaker prior to completion of inspection (inspection not required if vessel's Kahola applied band is intact). Any person violation this policy may be subject to a fine of \$1000.00.

SECTION VII. FISHING

- A. All ice fishing at Lake Kahola is prohibited.
- B. It shall be unlawful for any person to fish in Lake Kahola except in strict compliance with the laws of the State of Kansas. The Association has the right to impose additional rules concerning fishing at any time including catch limits. (Class B)
- C. There is to be no un-sponsored nonmember shoreline fishing.
 - a. Members may sponsor a guest for shoreline fishing by completing and signing a guest pass card provided by the association and the guest must carry with him/her at all times when fishing at Lake Kahola. Any non-sponsored guest found fishing will be fined a \$1000 trespassing fine.

SECTION VIII. GENERAL

- A. GUESTS - All homeowners are responsible for their guests while at Kahola. Homeowners are expected to insure that their guests are respectful of other homeowners and property. (Class C)
- B. TRASH – There are 2 areas available to homeowners to dispose of trash.
 1. Dumpsters are for bagged refuse only. Grass clippings, brush, appliances, concrete etc are prohibited. (Class A)
 2. Burn pile is for burnable items including grass clippings, brush, etc. Metal, plastics, drywall, and all other non-burnable items are prohibited. (Class A)
- B. DOGS - All dogs are to be leashed or kept confined to the homeowner's lot and cannot be a noise nuisance. (Class C)
- C. FIREWORKS - All Federal and State laws are enforced at Kahola. This includes the vehicles as well as the use of fireworks. (Class C)