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## HERITAGE RANCH OWNERS ASSOCIATION PRIVATE DOCK POLICY

### BACKGROUND:

Over an extended period of time, private dock owners have moved their docks to the Heritage Ranch Owners Association (HROA) common areas around the HROA launch ramp and in Snake Creek. Although common areas are for the use of all property owners, the private docks appeared and were moored to HROA common areas. This caused complaints from property owners that were denied use of these common areas because of the private docks and their respective mooring lines attached to metal stakes. These pose the risk of injury to persons attempting to access the shoreline. In addition, this practice became so popular that private docks were being brought into the common area at a rate that soon occupied much of the common area shoreline, in the marina area.

All of this came at a time when HROA members and the HROA Board of Directors were pressing for more uniform enforcement of HROA Rules and Regulations, especially those regarding the private use of common areas.

The Monterey County Water Resources Agency (MCWRA) policy governing the registration of private docks on Lake Nacimiento requires the dock owner to own the land the dock is moored to, or receive written permission from the land owner. With the approval of the Board, the President of the HROA Board of Directors sent a letter to MCWRA requesting that they deny any and all new applications for private dock registration to residents of Heritage Ranch due to the fact that no private property is on the lakefront (shoreline). The letter also told MCWRA that they could renew any HROA private dock registration which meets their construction specifications and has been continuously registered with MCWRA beginning in 1998.

With these facts in mind, the following Policy has been developed in the best interest of all property owners with consideration for those property owners with private docks.

## POLICY

This Policy will become effective March 25, 1999, and shall thereafter govern the HROA Registration of privately owned docks anchored to HROA common property and/or land leased by the HROA. It is the intent of this policy to phase out private docks located on HROA common property.

### **DOCK OWNERS DEFINED**

HROA property owners, who are members in good standing, will be permitted to anchor a dock (that has been continuously registered by the MCWRA beginning in 1998) to HROA common, leased property, or property controlled by HROA. HROA will provide a letter stating this fact to permitted dock owners, for MCWRA. If more than one property owner has ownership rights in a dock, there can be no more co-owners than the number of boats which the dock can accommodate as stated on the MCWRA permit. A property owner can have ownership rights in no more than one dock.

### **REGISTRATION REQUIRED WITHIN SIXTY (60) DAYS FROM THE EFFECTIVE DATE OF THIS POLICY**

1. **DOCKS THAT MAY BE REGISTERED BY HROA**  
The property owner(s) must have received a permit for the dock from the MCWRA in 1998, be in full compliance with Monterey County Ordinance #3672 and must continue to be granted a permit by MCWRA annually and be registered with the HROA each year thereafter. Failure to do so will result in forfeiture of the HROA registration. Docks must be maintained in a manner acceptable to the HROA Board of Directors. Monterey County Ordinance #3672 is attached hereto and is incorporated herein as a part of this policy.
2. **REGISTRATION AND INDEMNIFICATION AGREEMENT**  
Each owner and co-owner must execute an HROA Registration Application within 60 days of the effective date of this policy. HROA will charge \$20 .00 per year per dock, which will be subject to adjustment annually. Additionally, an Indemnification Certificate, a copy of their MCWRA permit and insurance (naming HROA as additional insured) in an amount equal to that required by Monterey County must be submitted with each application, prior to receiving an HROA dock sticker. The Indemnification Certificate declares ownership and indemnifies the HROA against future liability or loss resulting from the placing, anchoring, and/or operation of the privately owned dock. Each dock owner/co-owner must supply proof of liability insurance, naming the HROA as additional insured by having it mailed directly to the HROA Business Office by the insurance carrier or agent.

3. TRANSFER OF HROA REGISTRATION

No owner or co-owner may transfer his or her HROA Registration to another person except in case of death, at which time the Registration privilege may be inherited by an immediate family member who also inherits the deceased's HROA property. In the event a dock owner sells his real property, the private dock must be removed by the seller of the real property.

4. LOCATION OF DOCKS

There is limited shoreline and access for all property owners must be ensured. Therefore, the Board of Directors will periodically specify where docks may be located, taking the water level into consideration. The HROA sticker number must be displayed on the dock. The number will be displayed on the land side of docks located in the coves on either side of the Point. The number must be displayed on the water side of docks located up Snake Creek.

5. APPEARANCE

Unightly or unpainted docks will not be registered by the HROA. The Board of Directors shall be the sole judge of the acceptability of appearance of a dock.

6. ANCHORING SYSTEM

A safe anchoring system shall be used. It will meet the specifications established by the MCWRA and any additional requirements established by the HROA.

7. SUSPENSION/TERMINATION OF HROA REGISTRATION

The privilege of dock Registration will be suspended or terminated if the owner(s) do not comply with this Policy.

8. DOCKS LOCATED ON HROA COMMON LAND NOT IN COMPLIANCE WITH THIS POLICY

A) Non complying docks must be removed from HROA common property within 60 days from the effective date of this policy.

B) Failure to remove unregistered non-complying docks within 60 days will subject the owners to fines of up to \$50 per day or a total of up to \$2,000. All unregistered docks remaining anchored to HROA property after the 60 day grace period will be subject to removal by HROA with all costs billed to the HROA member that abandoned the dock.


C) All docks must be located in areas as specified from time to time by the HROA Board of Directors. Docks located outside of the prescribed area will be subject to revocation of permit and fines of up to \$50 per day.

D) Any dock located on HROA property which is not in full compliance at all times with this policy will lose their MCWRA permit as well as their HROA permit.

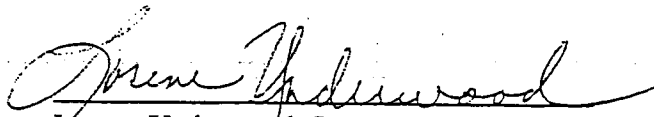
HROA will notify MCWRA in writing when HROA determines that a dock is not in compliance (and a registered dock owner has failed for 30 days to comply after notice by HROA) that the dock owner is no longer granted permission by HROA to use HROA property for the dock. This will cause MCWRA to reject any future renewal applications for dock permits. These docks will then be subject to removal by both HROA and MCWRA with all costs of removal and disposal charged to the responsible persons.

**RESOLVED BY THE HROA BOARD OF DIRECTORS ON MARCH 25, 1999**

By:

  
Dan Heath, President

Attested:

  
Lorene Underwood, Secretary