

OFFICIAL BALLOT

INDIAN LAKE PROPERTY OWNERS' ASSOCIATION, INC.

PROPOSED CHANGES/ADDITIONS TO THE *RULES and REGULATIONS*

In accordance with ARTICLE IV of the By-Laws, a Two Thirds (2/3) majority by returned ballot is required to enact any changes to the Rules and Regulations.

Any approved Changes and/or Additions will be effective January 1, 2025.

BALLOTS SHALL BE RETURNED BY U. S. MAIL ONLY

Ballots are to be in Post Office Box by Wednesday, November 13, 2024 addressed to:
Inspector of Elections P.O. Box 620 Cuba, MO 65453

BALLOT ITEM NUMBER ONE

YES

NO

SECTION 2. PARAGRAPH C. RESTRICTIONS

Current Rule States:

No open stacks, no loud mufflers, no cabin cruisers, no high-speed competition boats, no commercial boat operations, no boats with kitchen, toilet or sleeping quarters. No air driven (propeller, fan or propeller/fan combination) boats or Hovercraft shall be permitted on ILPOA property. No artificial weighting will be allowed in any boat. This includes, but is not limited to water sacks, coolers of water, cement blocks or similar devices. Boats with wedges or boats with water ballast tanks designed to increase wakes will not be allowed. Existing watercraft with the current owner described in THIS paragraph are an approved non-conforming use (as of 12/1/2023).

Proposed Change:

No open stacks, no loud mufflers, no cabin cruisers, no high-speed competition boats, no commercial boat operations, no boats with kitchen, toilet, or sleeping quarters. No air driven (propeller, fan, or propeller/fan combination) boats or Hovercraft shall be permitted on ILPOA property. No **use of** artificial weighting will be allowed in any boat. This includes, but is not limited to water sacks, coolers of water, cement blocks or similar devices. ~~Boats with wedges or boats with water ballast tanks designed to increase wakes will not be allowed. Existing watercraft with the current owner described in THIS paragraph are an approved non-conforming use (as of 12/1/2023).~~

Reason for Change: 1. The issue of excessive wake is not a watercraft type issue; it is an issue of how any watercraft is operated. 2. On watersport boats, typically top speed is 40 to 45 mph as the common purpose is for pulling wakeboarder, skiers, and tubers. The fact that the boats typically have water tanks and trim tabs, which are not allowed to be used at Indian Lake, is no different than a boat or wave runner that has the power to exceed the IH speed limit. 3. The use of water tanks and/or wedges are not allowed at IH as stated in this rule. 4. The rule change has limited members in purchasing current style of boats desired by some IH boat owners. These boats, typically referred to as "watersport boats" have engines with propellers under the boat which are much safer than the engine and propeller at the back (stern) of the boat. These boats have swim platforms which are safer for boaters to enter or exit the water. 5. As a point of reference, the latest model watersport boat versus the latest model ski boat is similar in weight, outfitted with similar features of seating, hull design, tow ski rack, etc. IH rules limit the length of boat on IH lake. 6. The use of artificial weights including water sacks (water tanks), coolers of water, cement blocks or similar devices, wedges, water ballast tanks, etc. is not allowed and subject to citation. The proposed rule SECTION 12. VIOLATION. PARAGRAPH G provides strict citation penalties for use of these items.

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LOT # 0000

SECTION 3. LAKE RULES. A. OPERATION OF BOATS. PARAGRAPH 10.

Current Rule States:

Negligent Operation of Watercraft-Excessive Wake: Excessive wakes can be created by any watercraft using a combination of speed, trimming the boat, increasing weight, or using equipment that artificially shapes or increases the wake, etc. resulting in a stern-down condition of the watercraft where the stern (back) of the boat is at or below the waterline. This does not include the normal operation of the watercraft to get the boat “on plane” in a reasonable time. Any watercraft that creates an excessive wake will be subject to citations/fines for each occurrence up to and including having the watercraft banned from using the lake for a period of no less than 30 days and up to twelve (12 months) based upon majority approval by the ILPOA Board.

Proposed Change:

~~Negligent Operation of Watercraft-Excessive Wake: Excessive wakes can be created by any watercraft using a combination of speed, trimming the boat, increasing weight, or using equipment that artificially shapes or increases the wake, etc. resulting in a stern-down condition of the watercraft where the stern (back) of the boat is at or below the waterline. This does not include the normal operation of the watercraft to get the boat “on plane” in a reasonable time. Any watercraft that creates an excessive wake will be subject to citations/fines for each occurrence up to and including having the watercraft banned from using the lake for a period of no less than 30 days and up to twelve (12 months) based upon majority approval by the ILPOA Board.~~

Reason for Change: 1. Rule as written is difficult to enforce as there is no accurate way define “excessive wake”. 2. The rule, as written, stipulates that “excessive wakes can be created by any watercraft using a combination of speed, trimming the boat, increasing weight, or using equipment that artificially shapes or increases the wake....” Speed, increased weight, and use of equipment that artificially shapes or increases wakes are already regulated in other rules. Hence, this rule is only duplicating other existing and enforceable rules. 4. The January 2024 Excessive Wake Workshop was held to discuss how the members would recommend the enforcement of this rule (rule was passed fall 2023). The differing opinions of how to enforce this rule in 2024 lead to two points:

- a. Boating Safety & Etiquette training could benefit all members on the lake in many areas. A training session was conducted on June 1, 2024, with information published on the website.
- b. The CARE Committee recommended to the Board to only issue citations for excessive wakes, when in the opinion of ILPA Water Patrol the operator of watercraft is operating negligently to endanger the operator and/or the lives of property of members. Additionally, if the watercraft is operating within all ILPOA and Missouri rules the watercraft shall not be deemed in violation of the ILPOA excessive wake rule.

4. The efforts of the January 2024 workshop and subsequent “Boating Safety & Etiquette Orientation” program of June 2024 have improved boating activity on the lake. The recorded orientation presentation (available on IH website) has 138 views as of July 2024. The realization from the CARE group sub-committee is the “operation of a boat” plays a key role in the safety and etiquette rather than the type of boat. 5. There have been no citations issued in 2024 for violation of this rule. 6. The statement of “Negligent Operation” is stated in SECTION 3. LAKE RULES and thus redundant. 7. The items referenced to artificial weight are stated in SECTION 2. BOAT RESTRICTIONS and thus redundant.

Proposed New Rule: SECTION 12. VIOLATION. PARAGRAPH G. Any watercraft in violation of SECTION 2. BOATS. C.RESTRICTIONS. (as proposed above) restricting use of artificial weight including water sacks (water tanks), coolers of water, cement blocks or similar devices, wedges, water ballast tanks, etc., and/or in violation of SECTION 4. SKI, TUBE AND WAKEBOARD SAFETY. PARAGRAPH L. Wake Surfing is prohibited. Wake surfing is defined as riding an artificial wave created by a boat without a rope; will be subject to citations/fines for each occurrence with the first occurrence 30 days and second occurrence of 12 months having the watercraft banned from using the lake.

Reason for change: 1. Negligent watercraft operation and “excessive “wakes seriously affect the overall safety of all members and guests who use the lake. The above changes provide for much stricter citations to violators, is commensurate with the seriousness of jeopardizing safety, AND complies with the real concerns of the members regarding wake surfing and use of artificial weighting on boats, 2. This new rule allows for more prudent enforcement without hampering members in their selection of boats they purchase. 3. The above changes would allow the board to issue significant citations to boaters who do not comply to the real concerns of the members

in regard to wake surfing and use of artificial weighting on boats, the change allows a more prudent method to enforce these rules without hampering members on their selection of boats they purchase.

BALLOT ITEM NUMBER THREE

YES NO

This Ballot Item contains two sections that require a YES or NO vote in order to make both sections consistent with each other.

SECTION 3. LAKE RULES. B. SPEED LIMIT

Current Rule States:

Boating speed limit of forty miles per hour (40 mph) will be from 10:00 a.m. to 7:00 p.m. starting the Friday before Memorial Day through Labor Day and 10:00 a.m. to 6:00 p.m. starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day. Other times, the speed shall be a maximum of five miles per hour (5 mph) with minimum wake.

Proposed Change:

Boating speed limit of forty milers per hour (40 mph) will be from **9:00 a.m. to 8:00 p.m.** starting the Friday before Memorial Day through Labor Day and **9:00 a.m. to 6:00 p.m.** starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day. Other times, the speed shall be a maximum of five miles per hour (5 mph) with minimum wake.

Reason for Change:

1. Safety. Members have voiced concerns over waves, rough waters, and general overpopulation of the lake. Spread out the wake times and we spread out the volume of boats active at any given time. 2. Convenience. Those that wish to start earlier can, and those that wish to start later will have less boats to compete for "good" water. 3. More time. By lengthening the hours available for water sports, those of all ages and types of skill set will have time to learn these activities. 4. Water Conditions, such as wind, are very present after 10 a.m. In the summer the sun rises as early as 5:30 a.m. allowing non-wake activities such as fishing, kayaking, and paddle boarding ample time to get the best conditions. Even at 9 a.m. the lake could be experiencing rough conditions due to nature. It is common for lakes to allow water sports activities to run from sunset to sundown.

BALLOT ITEM NUMBER FOUR

YES NO

SECTION 4. SKI, TUBE AND WAKEBOARD SAFETY. PARAGRAPH A.

Current Rule States:

Skiing, tubing and wake boarding are allowed from 10:00 a.m. to 7:00 p.m. starting the Friday before Memorial Day through Labor Day and 10:00 a.m. to 6:00 p.m. starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day. Boating speed limit of forty miles per hour (40 mph) will be from 10:00 a.m. to 7:00 p.m. starting the Friday before Memorial Day through Labor Day and 10:00 a.m. to 6:00 p.m. starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day.

Proposed Change:

Skiing, tubing and wake boarding **are** allowed from **9:00 a.m. to 8:00 p.m.** starting Friday before Memorial Day through Labor Day and **9:00 a.m. to 6:00 p.m.** starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day. Boating speed limit of forty miles per hour (40 mph) will be from **9:00 a.m. to 8:00 p.m.** starting the Friday before Memorial Day through Labor Day and **9:00 a.m. to 6:00 p.m.** starting the first Tuesday after Labor Day through the Thursday preceding Memorial Day.

Reason for Change (Applies to both Section 3 and Section 4):

1. Safety. Members have voiced concerns over waves, rough waters, and general overpopulation of the lake. Spread out the wake times and we spread out the volume of boats active at any given time. 2. Convenience. Those that wish to start earlier can, and those that wish to start later will have less boats to compete for "good" water. 3. More time. By lengthening the hours available for water sports, those of all ages and types of skill set will have time to learn these activities. 4. Water Conditions, such as wind, are very present after 10 a.m. In the summer the sun rises as early as 5:30 a.m. allowing non-wake activities such as fishing, kayaking, and paddle boarding ample time to get the best conditions. Even at 9 a.m. the lake could be experiencing rough conditions due to nature. It is common for lakes to allow water sports activities to run from sunset to sundown.

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BALLOT ITEM NUMBER FIVE

YES

NO

SECTION 4. SKI, TUBE, AND WAKEBOARD SAFETY. PARAGRAPH M.

Current Rule States:

All tow ropes must be at least 50' long.

Proposed Change:

~~All tow ropes must be at least 50' long.~~

Reason for Change:

This rule was originally implemented to prohibit wake surfing, which is already banned according to Rules and Regulations SECTION 4. RULE L. 50ft is arbitrary and is not directly associated with being safer than another length. While more advanced riders will use a longer rope, a shorter rope rule prohibits activities and causes concerns of safety for children or adults learning to ski, wakeboard, etc. Young children learning watersports typically start with a shorter rope due to the stronger forces of a rope pulling further from the boat. In addition, most training towables are built with rope lengths shorter than 50'. We want to ensure all learning have a good experience on the water.

BALLOT ITEM NUMBER SIX

YES

NO

SECTION 11. ANIMAL CONTROL A. DOGS AND CATS AT LARGE. PARAGRAPH 4-8.

Proposed New Rule: Add 4-8

- 4. Unattended dogs tied to a line within the property of its owner, shall be confined to within ten (10) feet of the property line.
- 5. Aggressive dog behavior shall not be tolerated within Indian Hills community, regardless of whether they are on a leash or not. Aggressive dogs are here defined as pets that pose a threat to people and/or other pets. Examples of aggressiveness includes becoming still and rigid, growling, snarling, baring teeth, lunging, nipping, biting, raised fur, and chasing.
- 6. Owner of aggressive dogs shall be assessed a fine of \$500.00 for the first violation and any subsequent violations by the same animal.
- 7. Given the severity of aggressive dog citations, victims will be required to show proof of the encounter. This includes, but is not limited to photos, videos, witnessed accounts, etc.
- 8. All of the above rules apply to pets owned by members and/or their guests.

Reason for Add:

There has been significant increase in aggressive encounters between members/guest and pets, some of which have resulted in bodily injuries. This proposed change increases safety for both members and pets.

BALLOT ITEM NUMBER SEVEN

YES

NO

SECTION 11. ANIMAL CONTROL. A. DOGS AND CATES AT LARGE. PARAGRAPH 9.

Proposed New Rule: Add 9.

Loose Dog Violation:

- A. Initial offense \$0 Fine per dog.
- B. Second offense \$100 fine per dog.
- C. Third offense and subsequent offenses \$300 fine per dog.

BALLOT ITEM NUMBER EIGHT

YES

NO

SECTION 11. ANIMAL CONTROL. C. IDENTIFICATION.

Proposed New Rule:

Any pet within the property of the Indian Hills Subdivision shall wear an identification tag regardless if the pet resides permanently in the neighborhood and/or is brought in on a temporary basis. If the pet resides permanently at Indian Hills, its tag shall include at a minimum, pet's name, contact phone number, and lot number. Visiting pet's tag shall include, at a minimum, pet's name and contact phone number.

Reason for Add:

1. There has been a significant increase in encounters between members/guests and pets, some of which have been aggressive and resulted in bodily harm. 2. Pets are subject to wander and do not necessarily stay within short distances from their domicile. Being able to identify a pet at large is key to mitigation of possible encounters; aggressive or not. 3. This rule is proposed to increase the safety of members, guests, and their pets. 4. It is important to be able to identify pets, especially to keep track of repeat offenders, and protect homes with multiple pets.

BALLOT ITEM NUMBER NINE

YES

NO

SECTION 11. ANIMAL CONTROL. D. VACCINATIONS.

Proposed New Rule:

Every dog and cat residing in/or visiting Indian Hills must have a current rabies vaccine. After an incident/complaint, when requested by Security or a Board Member, the owner of the dog/cat must provide record of said vaccination. Members are responsible for guest's pets and proof of their vaccinations. Failure to provide rabies vaccinations as requested will result in an immediate \$100 fine per animal. The member will then have 7 days to provide the rabies vaccination record or face an additional \$200 fine per animal.

Reason for Add:

Recent aggressive dog interactions have resulted in dangerous situations, dog bites, medical treatments and refusal of owners to provide vaccination records.

SAMPLE BALLOT

BALLOT ITEM NUMBER TEN

YES

NO

SECTION 11. ANIMAL CONTROL. E. CHICKENS

Proposed New Rule:

Missouri House Bill 2062 overrules HOA restrictions on the ownership or pasturing of chickens. This rule establishes guidelines for chicken ownership.

NOTE: If House Bill 2062 is reversed or amended, this rule becomes invalid and reverts to the BUR.

1. The maximum number of chickens allowed to be kept on a residential property shall be 6. Hen chickens may be kept or raised solely for personal use. Hens and eggs may not be sold or advertised for sale.
2. Lots must be at least 2/10 acre.
3. Roosters are prohibited.
4. Hens shall be confined in an enclosure by a secure fence to prevent their escape meeting the following specifications:
 - a. Constructed of wire mesh, wire grid or chicken wire
 - b. Six feet in height or less
 - c. Not containing more than 200 square feet in total size
 - d. Ten feet setback from any property line and at least 25 feet from neighboring residence.
 - e. Located entirely in the rear yard of residence.
 - f. No closer than 200 feet of the high-water mark of the lake.
 - g. No more than one chicken coop shall be permitted on any one lot.
5. The chicken coop shall be located within or adjacent to the fenced confinement area as described in 11. 4. The chicken coop shall meet the following specifications:
 - a. A roof constructed of standard building materials, but not a tarpaulin.
 - b. Walls constructed of wood or metal, windowed or screened, which are eight feet or less in height.
 - c. Ten feet setback from any property line and at least twenty-five feet from a neighboring residence.
 - d. No closer than 200 feet of the high-water mark of the lake.
 - e. Located entirely in the rear yard of the residence.
 - f. Sufficient flooring to be maintained and a minimum of four-square feet per animal kept, but not to exceed 100 square feet in total size.

Both the fence enclosure and coop shall be maintained as to not pose a threat to the public health, safety and welfare or to cause a public nuisance. No material from the enclosure area or coop shall run off onto adjoining property. Any manure or waste shall be collected and properly removed from the premises. Food for the hens shall be stored in a sanitary, leak-proof container that cannot be contaminated by rodents or insects.

6. The coop and fence enclosure shall only be on a member's primary lot and only one coop is permitted.
7. Slaughtering, incubation, or commercial resale of chickens on residential properties is prohibited.

PLEASE NOTE- A NO vote does NOT mean Chickens are not allowed. With the passage of House Bill 2062, we MUST allow up to 6 Chickens. A NO vote would place NO restrictions on Chicken Coops and enclosures. A YES vote places restrictions if a member decides they want to have chickens.

If Lot number is missing or illegible ballot will be void.

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