



APPENDIX E: BHVA Kayak Loaner Program Rules and Forms

Who can participate? *This program is NOT available to Short Term Renters of BHV properties.*

BHVA Residents whose accounts are current and their family and guests may participate **AFTER** registering by reading and signing the “KAYAK LOANER PROGRAM RULES ACKNOWLEDGEMENT AND WAIVER AND LIABILITY RELEASE FORM” **AND** returning to the management company as stated on the form.

How does the Kayak Loaner Program work?

Watercraft vessels may be borrowed daily from 7 AM to dusk, on a first-come-first-serve basis, in increments of two-hour blocks – each block starting on the odd hour. Additional information on hours of use is shown below.

Why must I follow these Rules and fill out Forms? And why are there fines for noncompliance?

- a) Watercraft use is regulated by US Coast Guard (USCG) Rules and enforced by local law enforcement, who may challenge you if not wearing a lifejacket, being on the water after sunset, or unsafe or impaired boating.
- b) The potential for injury or death is present subjecting the entire community to risk and liability.
- c) The Board has observed that without significant consequences, a subset of our Residents ignore Rules.
- d) Considering the gravity of risk and liability, and experience with this program, the Board has instituted **fines for noncompliance: 1st Violation \$250, 2nd Violation \$500, 3rd Violation Loss of Beach Access for the season.**

What is the Procedure to Borrow Watercraft?

- 1) Rules and Waivers – PRIOR to borrowing a vessel, each resident owner and any guests are required to register for the loaner program, meaning they have read and signed both the “Kayak Loaner Program Rules” and “Waiver and Liability Release Form”. These forms are on file at the management office located at the BHV Community Center, or the Beach Attendants (when on duty) or from the BHVA Website, or below in this Rules document.
- 2) **The responsible Resident (and a parent or guardian if any watercraft user is under the age of 18) MUST be present on the water or at the beach while their guests are using loaner vessels. RESIDENT OWNERS ARE RESPONSIBLE and LIABLE FOR THEIR ACCOMPANIED GUESTS.**
- 3) Sign-out sheet – Prior to launching the watercraft, the user must provide their name and address, confirmation of the completion of fully executed “Kayak Loaner Program Rules” and “Waiver and Liability Release Form” documents, and time of departure. Each person, including all residents and their guests must execute both forms PRIOR to borrowing any watercraft vessel.
- 4) Each Resident may have up to three guests per session. Upon return, users must record the time of return and note any damage; if damage is incurred, notify the management office immediately.
- 5) Life Jackets - All persons, regardless of age, must be wearing an appropriately sized, US Coast Guard approved life jacket prior to entering the water and until they are back on dry land ... **No exceptions. Life jackets must be worn and supplied by the users.**
- 6) When transporting the Kayaks or Paddleboards from the racks to the water, please do not drag the vessels across the ground; either carry or use the provided dollies. The Paddleboards are very susceptible to damage due to their extended keels.
- 7) Hours of Use - Starting on the odd hours of the day, up to 2 hours of continuous use. Hours of Use Example:
 - The first start time of the day is 7:00 AM
 - The first ending time is at 9:00 AM
 - Vessels must be returned by 9:00 AM and resting in the rack slot for the next user
 - If no one is standing by to use at 9:00 AM, the user may continue until 11:00 AM
 - If you start at 8:00 AM, you must return and have the vessel in the rack for the next user by 9:00 AM

Start Times		Ending Times	
7AM	until	9AM	Vessels must be resting in the rack slot for the next user, or verified handoff.
9AM	until	11AM	Vessels must be resting in the rack slot for the next user, or verified handoff.
11AM	until	1PM	Vessels must be resting in the rack slot for the next user, or verified handoff.
1PM	until	3PM	Vessels must be resting in the rack slot for the next user, or verified handoff.
3PM	until	5PM	Vessels must be resting in the rack slot for the next user, or verified handoff.
5PM	until	7PM or dusk	Vessels must be resting in the rack slot for the next user, or verified handoff.
7PM	until	9PM or dusk	These vessels are not lighted with navigation lights and must be off the water prior to dusk.

- 8) When finished with the vessel(s), return vessel(s) to appropriate rack space unless handing off to next user, and return Paddles to the designated storage location.
- 9) Complete sign-out sheet, including recording time of return.
- 10) BHVA’s loaned watercrafts are not lighted; USCG Rule 25 requires them to be off the water at sunset.



KAYAK LOANER PROGRAM RULES ACKNOWLEDGEMENT AND WAIVER AND LIABILITY RELEASE FORM

Considering the gravity of risk and liability, and experience with this program, the Board has instituted fines for noncompliance: 1st Violation \$250, 2nd Violation \$500, 3rd Violation Loss of Beach Access for the season.

Participant's Name: _____ Age: _____ Date: _____

Participant's Signature: _____

Participant's Parent or Guardian Signature (if participant is a minor): _____

Participant's Email: _____

BHV Resident or Guest of BHV Resident

If Participant is a Guest of a BHV Resident, the Responsible BHV Resident please complete the following:

BHV Resident's Name: _____

BHV Resident's BHV Address: _____

BHV Resident Signature: _____

BHV Resident's Email: _____

In consideration of BHVA (and its heirs, employees, agents, successors and assigns) furnishing services and/or equipment to enable me to participate in canoeing, kayaking, and paddle boarding and any or all other related and/or secondary activities, I agree as follows:

I fully understand and acknowledge that (a) outdoor recreational activities have inherent risks, dangers and hazards and such exist in my use of canoes, kayaks, paddle boards and any or all outdoor equipment and my participation in canoeing, kayaking, paddle boarding and any/all related and/or secondary activities; (b) my participation in such activities and/or use of such equipment may result in injury or illness, including, but not limited to, bodily injury, drowning, disease, strains, cuts, fractures, wounds, partial or total paralysis, death or other ailments that could cause serious permanent disability; (c) these risks and dangers may be caused by the negligence of the owners, shareholders, employees, officers or agents of BHVA, the negligence of the participants, the negligence of others, accidents, breaches of contract, the forces of nature or other causes. Risks and dangers may arise from foreseeable or unforeseeable causes, including, but not limited to, weather, lake route location and water level, risks of falling out of or drowning while in a canoe, paddle board, or kayak and such other risks, hazards and dangers that are integral to recreational activities and the use of such equipment.

I hereby acknowledge and agree that, as a condition of using any canoe, kayak, paddle board or any other related equipment, I will wear an appropriately-sized, US coast guard-approved life jacket prior to entering the water and until returning back to dry land. **I acknowledge and understand that I am responsible for supplying and wearing any such life jacket while using such equipment and that one is not being supplied by the BHVA.**

I hereby agree that I am voluntarily participating in such activity and that I have been advised of the risks and hereby assume all risks and dangers and all responsibility for any loss and/or damages, whether caused in whole or in part by the negligence or other conduct of the owners, shareholders, agents, officers, or employees of BHVA, other guests or by any other person.

I, on behalf of myself and my heirs, personal representatives, successors and assigns hereby voluntarily release, waive, hold harmless, defend and indemnify BHVA, it's owners, shareholders, agents, officers and employees from any and all claims, actions or losses for bodily injury, property damage, wrongful death, loss of services or otherwise that may arise out of my use of canoes, paddle boards, and/or kayaks, and any other equipment, or my participation in canoeing, paddle boarding, kayaking, or any other activities.

I specifically understand that I am releasing, discharging and waiving any and all claims or actions that I may have presently or in the future for the negligent acts or other conduct by BHVA and its owners, shareholders, agents, officers and/or employees.



I also understand and acknowledge that I am aware of the risks and hazards involved in participating in an activity involving a canoe, kayak or paddle board, as well as any associated activity, including, but not limited to, swimming, fishing, or exercising. I voluntarily participate in all such activities although knowing of such dangers. This release shall be binding upon my administrators, executors, heirs and distributees. The venue of any dispute that may arise out of this agreement or otherwise between me and BHVA or its owners, shareholders, officers, agents or employees shall be in the New York Supreme Court, County of Ontario.

I HAVE READ THE ABOVE WAIVER AND LIABILITY RELEASE IN FULL AND BY SIGNING IT AGREE THAT IT IS MY INTENTION TO EXEMPT AND RELIEVE BHVA, ITS OWNERS, SHAREHOLDERS, AGENTS, OFFICERS AND EMPLOYEES AND THEIR RESPECTIVE PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS FROM LIABILITY FOR PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH CAUSED BY NEGLIGENCE OR ANY OTHER CAUSE.

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Participant’s Signature: _____ Date: _____ Age: _____

Parent/Guardian Name (if Participant is a minor): _____

Parent/Guardian Signature (if Participant is a minor): _____ Date: _____

Participant or Parent/Guardian Email: _____

Emergency Contact Name: _____

Emergency Contact Phone Number: _____

Return completed Form to the management company by:

- Dropping off at the management office at the Community Center, or
- Handing to the Beach Attendants (when on duty), or
- Mailing to BHVA, 30 Golfside Circle, Canandaigua, NY 14424 or
- Scanning and emailing to achristoff@kenrickfirst.com