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SECTION I:

WATER USE REGULATIONS

A. WATER USE DEFINITIONS

1. **Airboat:** Any watercraft powered by a propeller or fan rotating in the air instead of in the water.
2. **Aircraft:** A device which can be propelled through the air, manned or unmanned, power powered by an engine, moved by the action of the wind, or suspended by lighter than air gas.
3. **Cove:** A small bay or bay-like recess in a shoreline, as designated by an official water traffic control device.
4. **Cuddy Cabin:** A small cabin or enclosure on a watercraft used for housing.
5. **Dock:** A lake structure made of wood, metal, or other materials, either floating or supported on the lake bottom, which is attached to the lake shore, for the purpose of mooring a watercraft or use of a swimmer.
6. **Dry Unit Weight:** The manufactured weight as shipped from the factory.
7. **Electric Boat:** Watercraft powered 100% by electric motors and shall be incapable of exceeding 10 mph.
8. **Flag:** A piece of cloth, attached to a staff or halyard, used as a standard symbol or signal.
9. **Galley:** A kitchen of a watercraft.
10. **Horsepower:** The power rating established for an engine by its manufacturer.
11. **Ice Boat:** A sailboat designed to run on ice, using metal runners.
12. **Lake:** The entire body of water known as "Lake Lotawana," and located within the boundaries of the Lake Lotawana Association.
13. **Official Water Traffic Control Devices:** All signs, buoys, markings and devices placed by the Association, for the purpose of regulating, warning or guiding water traffic.
14. **Owner:** The sole owner/member, on file at the association office, designated to serve as the representative for their household in dealings with the Lake Lotawana Association.
15. **Operator:** A person who drives or is in actual physical control of a watercraft.
16. **Personal Water Craft (PWC):** A class of vessel which is propelled by machinery and which is designed to be operated by a person sitting,

standing or kneeling ON the vessel, rather than to be operated by a person sitting, standing or kneeling INSIDE the vessel.

17. **Pontoon Boat:** A deck type watercraft supported by cylindrical flotation chambers.
18. **Power craft:** A watercraft driven by mechanical means.
19. **Renter or Lessee:** A person who rents or leases and who possesses and uses (without ownership) real property within the boundaries of the Lake Lotawana Association.
20. **Right-Of-Way:** The right of one watercraft to proceed in preference to another watercraft.
21. **Sailboat:** A watercraft which is moved by the action of the wind upon the sail or sails, exclusive of any other form of power.
22. **Shoreline Buoy:** An anchored, floating buoy used to define the Slow No-Wake zone along the shoreline.
23. **Single Family:** Any member of the immediate family of the responsible property owner to only include: grandparent, parent, spouse, son-in-law, daughter-in-law, child and grandchild.
24. **Slow No-Wake Speed:** The slowest speed at which a watercraft will move through the water while being able to maintain course and create very little or minimal wake.
25. **Watercraft:** A device in which persons or property may be transported upon water, including motorboat, PWC, sailboat, rowboat, canoe, kayak, sail surfboard, paddle boat or any other surface vessel.
26. **Watercraft Owner:** A person who has legal title or bill of sale to a watercraft.
27. **Waterline:** The level to which the surface of water comes on the side of a watercraft at rest.
28. **Water Patrol Officer:** An individual employed or appointed by the Lake Lotawana Association, who holds the authority to enforce, report and make record of violations of the water use regulations of the Lake Lotawana Association.
29. **Water Skier:** A person who shall ride or attempt to ride on water skis, wake board, wake surfboard, aquaplane, zip sled, disk, air chair, tire tube or any other similar device which is towed behind a motor boat.
30. **Plowing:** A power craft moving at a speed that is not upon plane but moving fast enough to make a large wake that causes damage to docks and/or shore line. (added 2/07)

B. REGISTRATION OF WATERCRAFT

1. Prior to use on the water, all watercraft on watercraft lifts, docks, lake and common parkways shall be registered with the Lake Lotawana Association by May 1st of each year by the designated Owner, renter or lessee at Lake Lotawana. Any property Owner, renter or lessee wishing for the first time to register a watercraft shall pass a written, open book test of the Rules and Regulations of Lake Lotawana with 80% accuracy or better to obtain a watercraft registration sticker for said watercraft. The registration shall be in effect for one calendar year. The registration certificate is a revocable permit, subject to the watercraft owner's compliance with water use rules and regulations. (test added July, 2010)

2. RENTAL AGREEMENTS:

When real property is rented or leased, a Lake Lotawana Association Rental Agreement form shall be completed by the property Owner/Member and Renter or Lessee, in order for the Renter to obtain a watercraft registration assigned to rental property. Upon signing the Rental Agreement form, the Owner/Member relinquishes the right to register watercraft to that property and transfers such right to the designated Renter, until such time the property is no longer rented and the Rental Agreement has been discontinued. It is the responsibility of the Owner/Member to notify the Association when their real property is rented and when its rental to the designated Renter has been discontinued. Failure to execute a Lake Lotawana Association Rental Agreement form and failure to notify the Association when the property rental to the Renter ceases may result in points assessed to the Owner/Member. (3 points).
Adopted 5-10-11

3. BUILDING RESTRICTIONS:

No watercraft, first registered *after* 1997, shall be registered to a lot, unless the lot has constructed on it a structure that complies with all city codes, including restroom facilities.

- a. Watercraft may be registered to a to a lot with a house that is undergoing construction providing that house has access to at least a professionally maintained portable toilet, and all the required current building permits.
- b. Watercraft may not be registered to a lot with an uninhabitable dwelling under construction for more than 12 months, unless an appeal is granted by the full Board of Directors.

4. CONTRACTOR VENDOR WATERCRAFT PERMITS: (Adopted 5-10-11)

- a. Non-Owner contractor vendors who provide construction services (Construction Contractor), or watercraft maintenance and repair

services (Watercraft Contractor) at Lake Lotawana may apply for a permit to launch watercraft on the lake to be used for the sole purpose of supporting construction and/or watercraft maintenance/repair services in behalf of services in behalf of Owner/Members.

- b. Non-Owner contractor vendors shall complete an application and pay the required permit fee, with the amount to be established periodically by the Executive Committee.
- c. Each Non/Owner contractor vendor watercraft operator shall annually pass an open book test on the Water Use Rules and Regulations of Lake Lotawana, achieving a minimum score of 80%.
- d. Permits issued to Construction Contractors shall be issued on a per job and per job fee basis. Permits issued to Watercraft Contractors shall be issued on an annual basis with a single annual fee.
- e. At the time a permit is issued, the Non-Owner contractor vendor shall receive a flag that is a different color each year. The flag shall be prominently displayed at all times on the contractor vendor's approved watercraft while it is operating on the lake so as to be viewed from all directions.
- f. Non-Owner contractor vendors shall contact the Association office prior to launching the contractor's watercraft.
- g. Failure to follow the Association rules and regulations and City ordinances may Result in the revocation of the permit, the removal of the Non-Owner contractor vendor from the lake for the remainder of the year and the assessment of points issued to the Owner/Member for which the contractor is working in behalf of. (3 points)

Adopted 5-10-11

5. REGISTRATION PROCEDURE:

To obtain a Registration Certificate, the owner, renter or lessee shall do the following:

- a. Complete an annual watercraft registration application
- b. Pay the designated annual fee for each watercraft placed on the lake
- c. Provide proof of ownership of the watercraft with a title, bill of sale or signed statement of watercraft ownership.
- d. Provide proof of liability insurance in the amount of \$300,000.00 minimum for each power craft and \$100,000.00 minimum for each non-power craft

NOTE: Umbrella insurance policies are acceptable in conjunction with a base boat or homeowner's policy. Year, manufacturer and type must be listed on policy.

- e. Provide assurance of adequate mooring/docking space
- f. Pay all annual Association dues and maintenance assessments in full for all properties owned, rented or leased.
- g. Provide watercraft for required inspection (unless watercraft has been registered prior to 1996), and
- h. Comply with the following Watercraft Limitations herein.

6. WATERCRAFT LIMITATION:

- a. Personal Watercraft (PWC):
 - 1. Only two PWCs shall be registered per household
- b. Pontoon Boats:
 - 1. Only one pontoon boat shall be registered per household
 - 2. 28 feet or less in length
- c. Power Boats:
 - 3. 21 feet or less in length overall
 - 4. 3100 pounds or less in dry unit weight as listed on the manufacturers' website.
 - 5. Maximum width limits for all boats is 8 feet 6 inches
 - 6. Bowsprits, pulpits, bolt-on platforms, rudders, outboard motor brackets are not included in the measurement.
- e. Electric Boat:
 - 1. 28 feet or less in overall length.

7. HORSEPOWER LIMITS:

- a. No person shall operate a watercraft, which is equipped with any motor or other propulsion machinery, beyond its safe power capacity, as indicated by its manufacturer's OBC recommended horsepower.
- b. No inboard or inboard/outboard power craft shall exceed 360 cubic inch displacement engines.
- c. No inboard or inboard/outboard powered motorboat shall have a power to weight ratio of less than 1 to 7 (i.e., 1 horsepower to 7 pounds of weight).
- d. No outboard power craft shall have a total horsepower over 150 horsepower.
- e. No outboard power craft shall have a power to weight ratio of less than 1 to 10 (i.e., 1 horsepower to 10 pounds of weight).

8. BOAT EXHAUST SYSTEM AND NOISE:

- a. **EXHAUST SYSTEM:** Power craft shall vent exhaust below waterline, as observed when boat is at rest. Outboard engines of production manufacture having through-propeller or lower-unit exhaust are acceptable. No boat shall have over-the-transom exhaust or through-the-hull exhaust, without having an underwater exhaust-muzzling system locked in the muzzled position.
- b. **NOISE:** No power craft shall emit a sound at a level exceeding 85 decibels on an A-weighted scale when measured from a distance of 50 or more feet from the boat.

9. TYPES OF WATERCRAFT AND DEVICES PROHIBITED:

- a. Air boats (see Water Use Definitions)
- b. Airborne devices: a boat shall not pull any airborne device, which rises above the surface of the water (i.e., kite, para sail, parachute).
- c. PWC surfboard type watercraft.
- d. Houseboats: a boat, which has toilet facilities, sleeping quarters, galley or any combination thereof (Cuddy Cabins are considered sleeping quarters).
- e. Watercraft, which advertise a commercial enterprise or product (watercraft name excluded).
- f. Racing motorboats, as classified by the American Power Boat Association.
- g. The installation of or deployment of any device to increase wake size.

10. GRANDFATHER CLAUSE: Watercraft registered in 1988 and not in compliance with the length/horsepower restrictions, shall be grandfathered, and shall continue to be eligible for registration to the owner of record, as registered in 1988. Sale or transfer of ownership to another lake resident is not permitted.

- a. If a registered watercraft, which is in violation of any of the restrictions, Section I. Limitations, and/or Prohibitions, as listed in Section I, B1 (Registration Regulations) and/or B2 (Registration Regulations), is found operating on Lake Lotawana, the owner of this watercraft shall be given a citation, which shall prohibit the watercraft from use of the lake until compliance with the rule(s) is met. If the owner refuses to comply, the boat's Registration Certificate shall be revoked.

C. REGISTRATION REGULATIONS

1. A Current Registration Decal shall be displayed, as directed on Appendix A, on all watercraft on the lake, lifts, docks, and parkways. Registration decals shall expire on the first day of May of the year following the year for which they were issued. The following points may be assessed for decal violations relating to purchase and placement. Decal violation points should be assessed once per violation, and are not compounded due to the number of boats owned.

a. Not correctly displaying decals that have been purchased before the time of violation. (3 pts)

b. Neither displaying nor purchasing decals until after time of violation. (6 pts.)

c. Operating a watercraft on the Lake for which a sticker has not been purchased. (9 pts.)

d. Only the current year sticker shall be visible. (3 pts.)

e. Temporary Watercraft Permit: A property owner, renter or lessee may obtain, at the Association office, a two-hour permit, in order to place a watercraft on the lake, for purposes of testing or demonstrating a watercraft being considered for purchase.

2. All PWCs shall display two identically numbered decals, supplied by the Association each year at registration (6 pts.). See Appendix A for placement of decals.

3. The lot and block numbers of the registered owner shall be displayed on the watercraft, before this watercraft may be used on the lake. The letters and numbers shall be contrast in color to the background upon which they are displayed, be a minimum of 3 inches in height, and be visible for at least 75 feet (3 pts.). See Appendix A for placement of lot and block numbers.

4. No property owner, renter or lessee shall place a non-owner or guest watercraft on the lake (6 pts.).

D. LAUNCHING OF WATERCRAFT

A launching ramp is located on the easement in the lower parking lot of the Marina Grog and Galley. This ramp is for the use of property owners who have a current Registration Certificate. The Association Office and courtesy volunteers, whose names are listed in the *Lotawana News*, provide the lock's combination.

a. Each property owner shall secure the lock on the gate after using this ramp (3 pts.).

- b. No watercraft shall be launched into the lake from the parkway, unless specifically permitted by the Association (3 pts.).

E. OPERATOR'S REQUIREMENTS

1. **PROPERTY OWNER:** The property owner, renter or lessee is liable for all violations incurred by their watercraft. It is the responsibility of the property owner, renter or lessee to inform any non-resident operator of the rules and regulations for watercraft operation.

- a. A non-resident shall operate no watercraft on the lake, unless a member of the single family of the Owner, renter or lessee is present on the watercraft or is a water skier behind the approved watercraft. (6 pts.)
- b. A property owner, renter or lessee, who is not the owner of a watercraft, but who is the operator of said watercraft, is liable for all violations.

2. **AGE REQUIREMENTS:**

a. Persons under the age of 19 years shall not operate watercraft with motors which exceed the horsepower set forth in the following schedule: (3 pts.)

<u>Attained Age</u>	<u>Maximum Horsepower</u>
under 9 years	not authorized to operate a power craft
9	5 HP on not less than 14 ft. power craft
10	10 HP
12	20 HP
14	40 HP
16	no limit

b. No person under the age of 17 shall operate a PWC, unless they have completed the Missouri Patrol Safety Class. No person under the age of 16 shall operate a PWC (6 pts.)

F. EQUIPMENT

1. **PERSONAL FLOTATION DEVICE (PFD/LIFE PRESERVER:**

a. A life preserver (vest, ski belt, buoyant cushion, ring buoy) is required for each person aboard the watercraft. Flotation devices shall be in serviceable condition and readily accessible (3 pts.).

- b. Each person on a PWC shall wear a US Coast Guard approved PFD: Type I, II, III or V (3 pts).
 - c. Any person on water skis or similar device (wake board, knee board, tube etc.), shall wear a PFD, designed to withstand the impact of hitting the water at high speed. (A ski belt is not an acceptable flotation device for skiing) (3 pts.).
 - d. Any person under the age of 13, as a passenger or operator of a boat and not under direct adult supervision, shall wear a U.S. Coast Guard approved PFD, Type I, II, III or V (3 pts.).
2. **FIRE EXTINGUISHER AND VENTILATION:** Motorboats carrying or using fuel or other flammable or toxic fluid in any enclosure of the boat, shall be equipped with a fire extinguisher and an efficient natural or mechanical ventilation system (3 pts.)
3. **MAXIMUM CAPACITIES:** All power craft manufactured after 1970 should have a maximum capacity plate mounted in a position, so as to be readily visible by the operator. This plate lists the maximum operating limitations of the vessel in regard to the following:
- a. number of persons allowed onboard; total weight of gear allowed; total combined weight of person and gear allowed; the maximum horse power allowed for motors. Failure to comply with the maximum capacity rating of the watercraft is negligent operation (6 pts.).

G. LIGHTING REGULATIONS

- 1. Navigation lights shall be displayed one-half hour after sunset to sunrise and at any time the visibility is such that the watercraft cannot be seen from a distance of 100 yards.
 - a. Proper lighting on a power craft and non-motorized watercraft boats, such as canoes and rowboats, consists of a combination of red (port) and green (starboard) light on the bow of the boat and a 360 visible, white light on the stern of the boat (3 pts.).
 - b. Sailboats shall illuminate the sail with a white light, which is visible for one mile (3 pts.).
 - c. Docking lights (headlights) on watercraft shall only be displayed within 100 feet of shore when approaching a dock or when approaching a stationary watercraft (3 pts.).
 - d. A watercraft used for sport fishing, which is anchored or stopped within 100 feet of the shore, is not required to display navigation lights, unless another boat approaches within immediate vicinity of the watercraft, at which time said fishing boat must activate lights in time to avoid a collision (3 pts.).

2. **SPOTLIGHTS AND SHORE LIGHTS:** Great care shall be exercised in the use of lights on and around the lake so as not to invade the privacy of others. Shore lights, boathouse lights and/or dock lights shall not be mounted or directed in such a manner, as to present a hazard to boat navigation or in a manner that is objectionable to other residents (3 pts.).

All underwater lighting is not permitted at Lake Lotawana.

H. NAVIGATION RULES

(Adapted from the Missouri Watercraft Manual, published by the Missouri State Water Patrol)

1. **ALL POWERCRAFT SHALL PROCEED IN A COUNTER-CLOCKWISE MANNER.** (added 2/07)
2. **RIGHT OF WAY:** The slower, less maneuverable watercraft has right-of-way over the faster, more maneuverable watercraft (3 pts.).
The right-of-way hierarchy is as follows:
 - a. Watercraft not under command (anchored, moored, adrift)
 - b. canoes, rowboats, paddle boats, kayaks
 - c. sail boats
 - d. power craft displaying a red flag or special red/white flag
 - e. all other power craft
 - f. PWCs
4. **MEETING HEAD-ON:** When meeting head-on, neither watercraft has the right-of-way and both shall steer to the right, passing to the port side of each watercraft, so as not to pass closer than 50 feet (3 pts.).
5. **OVERTAKING:** When passing another watercraft from behind (astern), the overtaking watercraft shall keep clear of the watercraft being passed. The passing watercraft may pass to either side of the overtaken watercraft, as long as it stays at least 50 feet from the other boat (3 pts.).
6. **WHEN CROSSING THE PATH OF ANOTHER WATERCRAFT,** the watercraft on the right (starboard) has the right-of-way. The crossing watercraft shall steer clear and pass behind (astern) of the right-of-way watercraft. The crossing watercraft shall do everything possible (stop, slow, even reverse direction), to avoid the right-of-way watercraft. A

watercraft entering the main body from a dock or cove shall yield to a watercraft on a fixed course (3 pts.).

7. **DEFENSIVE BOATING:** It is every operator's duty, to take whatever action necessary to avoid a collision. Do not assume you have the right-of-way in any given situation. Keeping a proper operating distance can give you enough time to recognize a hazardous situation, and the room to avoid it. Never make a course change without making a 360° survey of the traffic around your watercraft. Knowing the location of other watercraft will give you an advantage in avoiding an accident. All power craft shall operate in a counter-clockwise traffic pattern. (last sentence changed 2/07)

I. **NEGLIGENT OPERATION**

1. **NEGLIGENT OPERATION:** No person shall operate any watercraft in a reckless or negligent manner, so as to endanger the life or property of any person. Negligence includes, but not limited to, endangering other watercraft, swimmers, skiers, downed skiers, fishermen, sailors, docks or buoys. (6 pts.)
 - a. No watercraft shall cut in front of or across the path of another watercraft on a fixed course, unless maintaining a distance of 150 feet. (6 pts.)
 - b. No watercraft shall follow closer than 300 feet behind a power craft that is pulling a person on water skis or other similar device. (6 pts.)
2. **PROHIBITED ACTIVITIES:**
 - a. Unsafe conduct which might cause the operator to lose control or cause a person to fall out of a watercraft. (3 pts.)
 - b. Sitting on the gunwales (sides of boat) or on the decking over the bow or stern while the watercraft is being operated in excess of Slow No-Wake speed. (3 pts.)
 - c. Power craft races. (3 pts.)
 - d. Operating a power craft through or near a sailing competition race, in such a manner as to cause undue wash or waves which would disturb said race or any watercraft taking part in said race. (3 pts.)
 - e. Jumping into the water from a moving water craft (3 pts.)
 - f. No operator of a Pontoon boat with an upper deck shall permit passengers to ride on the upper deck, while the vessel is under way. (3 pts.)
 - g. No plowing unless in the middle of the lake so as not to cause dock and/or shore line damage with a large wake. (3 pts.)

- h. Operators and passengers in watercraft shall not make excessively loud noise after Midnight. Examples of such noise include but are not limited to: screaming, shouting, loud music, etc. How much of this noise is acceptable will be left to the discretion of the Water Patrol. (6 pts.)
- i. Belligerence, abusive behavior, profanity and inciting fight will not be tolerated. (6 pts.)

J. BOATING WHILE INTOXICATED (BWI)

- 1. No person shall operate any watercraft while under the influence of alcohol or drugs that exceeds the BWI levels established by the State of Missouri. (6 pts.)
- 2. Any person who operates a watercraft while exceeding the BWI levels established by the State of Missouri, and who causes damage to person or property, shall receive 15 points and a one year suspension of lake privileges.
- 3. When involved in an accident or hazardous activity, refusal to take the breathalyzer test or blood alcohol study, obtained by a medical facility and supply these results to Lake Lotawana Association, will result in immediate revocation of lake privileges for 1 year.

K.SPEED LIMITS

1. SPEED LIMITS:

- a. DAY TIME SPEED LIMIT: No person shall operate a watercraft on the main body of the lake at a speed in excess of 40 miles per hour. (6 pts) (pts.incr.4/07)
- b. NIGHT TIME SPEED LIMIT: Maximum speed limit on the main body of the lake, between the hours of one-half hour after sunset to sunrise, is 10 miles per hour or less with minimal wake. (6 pts)

2. SLOW NO-WAKE LIMITS: Slow No-Wake speed is defined as the slowest speed at which a watercraft will move through the water, while being able to maintain course and create very little or minimal wake.

- a. SHORELINES: No person shall operate a boat within 100 feet of the shoreline in excess of Slow No-Wake speed, or in a manner that endangers persons, damages property, or causes excessive wake or wash. (6 pts.)
- b. COVES: No person shall operate a watercraft within any cove, as designated by an Official Water Traffic Control Device, in excess of Slow No-Wake speed, or in a manner that endangers persons, damages property, or cause excessive wake or wash. (6 pts.)

L. OFFICIAL WATER TRAFFIC CONTROL DEVICES AND SHORELINE BUOYS

1. **OFFICIAL WATER TRAFFIC CONTROL DEVICES** are placed on the lake, specifically at the entrances to coves, to indicate Slow No-Wake areas. Watercraft operators shall observe all water traffic control devices.
 - a. No person shall damage or relocate a water traffic control device. (6 pts.)
 - b. No person shall moor a watercraft, or any other object, to a water traffic control device. (3 pts.)

2. **SHORELINE BUOY DESIGN:** Shoreline Buoys shall extend above the water a minimum of 15 inches and be of a highly visible color. Buoys shall be securely anchored. Buoys of metal construction, such as Freon bottles or beer kegs, are prohibited. (3 pts.)

3. **SHORELINE BUOY PLACEMENT:** No shoreline buoy shall be placed more than 100 feet from shore. (3 pts.)
 - a. No person shall damage or remove another property owner's shoreline buoys. (6 pts.)
 - b. No person shall moor a watercraft, or any other object, to another property owner's buoy, without permission from the buoy's owner. (3 pts.)

4. **SHORELINE LIMITATIONS:** No person shall operate a power craft, sailboat, or PWC within 100 feet of the shoreline, except for the express purpose of approaching or leaving a docking structure, and only then, after ascertaining that there are no swimmers in the immediate area. However, any person fishing within the 100 feet limit may cruise at trolling speed, keeping a vigilant lookout for swimmers and other persons. Sailboats may enter within the 100 feet limit during sanctioned races, provided they do not place any person or property in danger. (6 pts.)

M. PERSONAL WATER CRAFT (PWC)

1. The primary responsibility of the PWC driver is to watch for other traffic and proceed in a safe manner. Good judgment on the part of all PWC operators helps to maintain our water safety. It is required that all PWCs' operate in a counter-clockwise direction around the lake.

2. Personal Water Craft are subject to the preceding watercraft regulations pertaining to registration, launching, navigation, negligence, speed limits, water traffic control devices, and shoreline limitations. In addition, the following rules apply:

3. EQUIPMENT REQUIREMENTS

- A.** Kill Switch: All PWCs shall be equipped with a lanyard-type kill switch; the lanyard shall be attached to the operator. (6 pts.)

- B.** Maximum engine size and Horsepower (HP) for all PWCs shall meet the following requirements to be registered. Exceeding maximums shall result in revocation of the Registration Certificate. No PWC shall be registered or operated on the lake that does not meet the following limitations.
 - 1.** 2 Stroke/1 Rider
 - a.** A 2 stroke PWC certified for one (1) rider shall not have an engine larger than 700 cc.
 - b.** A 2 stroke PWC certified for one (1) rider shall not exceed 75 HP.

 - 2.** 2 Stroke/2 Riders
 - a.** A 2 stroke PWC certified for two (2) riders shall not have an engine larger than 750 cc.
 - b.** A 2 stroke PWC certified for two (2) riders shall not exceed 90 HP.

 - 3.** 2 Stroke/3 Riders
 - a.** A 2 stroke PWC certified for three (3) riders shall not have an engine larger than 800 cc.
 - b.** A 2 stroke PWC certified for three (3) riders shall not exceed 110HP.

 - 4.** 4 Stroke/3 Riders
 - a.** A 4 stroke PWC certified for three (3) riders shall not have an engine larger than 1500 cc.
 - b.** A 4 stroke PWC certified for three (3) riders shall not exceed 130HP.

 - 5.** PWCs certified for more than three (3) riders are prohibited.
(rephrased 1/13/09)

4. OPERATION REGULATIONS:

- a.** NO PERSON UNDER AGE 17 shall operate a PWC, unless they have completed the Missouri Water Patrol Water Safety Class. No person under the age of 16 shall operate a PWC. (6 pts.)
- b.** PASSENGERS: No person shall carry passengers on a PWC in excess of the manufacturer's certification. (3 pts.)
- c.** PERSONAL FLOTATION DEVICE (PFD): Every person on a PWC shall wear a U.S. Coast Guard approved PFD Type I, II, III, or V. (3 pts.)

- d. NO SKIING OR TOWING behind a PWC. (3 pts.)
 - e. The PWCs exceeding the horsepower limitations during the 1995 boating season are grandfathered, and may not be sold or transferred to any other lake resident.
 - f. THE FOLLOWING ACTS ARE PROHIBITED WHILE OPERATING A PWC: (3 pts. each)
 - Weaving through traffic, at other than idle speed.
 - Jumping through the wake of another watercraft.
 - Becoming airborne or completely leaving the water while crossing the wake of another watercraft.
 - Operating at a speed in excess of Slow No-Wake within 50 feet of any watercraft.
 - Continued concentrated operation or “stunting” of PWCs in small areas for an extended period of time (thereby becoming a “nuisance” to adjacent lake owners).
5. On the Holidays of Memorial Day, Independence Day & Labor Day, PWC use is restricted to the hours of 2 p.m. until 1/2 hour after sunset or 100 yards visibility. (adopted 8-9-05)

N. WATER SKIING

1. The term “water skier,” as used in the following regulations, includes all persons being pulled by a power craft on water skis or on similar devices, such as a wake board, wake surfboard, inner tube, aquaplane, zip sled, disk, air chair, or any other similar device.
2. The primary responsibility of the power craft driver is to watch for other traffic and proceed only in a safe manner. All operators of a towboat should use good judgment and exercise extreme caution, to avoid conflicting paths with other watercraft, and to avoid areas congested with other watercraft. It is recommended that all watercraft towing a skier, attempt to operate in a counter-clockwise traffic pattern, except when directed otherwise by the Water Patrol.
3. The towboat observer should alert the driver if the skier has fallen, and relay other instructions between the skier and driver. The skier should exercise the highest degree of care so as not to endanger life, limb, or property of himself/herself or of another person. A fallen skier should, if at

all possible, immediately raise one ski perpendicular to the water, so that at least 24 inches or more of the ski is visible out of the water.

4. During periods of heavy watercraft traffic when ski activity becomes unsafe, the Water Patrol may curtail skiing.

5. **OBSERVER AND EQUIPMENT REQUIREMENTS:**

- a. **OBSERVER:** No person shall operate a watercraft while pulling a water skier, unless there is in the watercraft, in addition to the operator, an observer who is in a position to communicate readily with the operator, and who is observing the water skier in a competent manner. The minimum age for an observer is 5 years. (3 pts.)
- b. **APPROVED SKI FLAG:** During water ski activity, a red flag shall be affixed to the bow of the watercraft or at the highest point when ski tower or racks are installed, forward of the windshield and perpendicular to the deck. This flag shall be a minimum of 10 inches square, and shall be displayed at a height so that the bottom of the flag is at least 24 inches above the deck. The flag shall be visible for 360 degrees.
 1. Flags on pontoon boats shall be mounted at the highest point. When 360° visibility cannot be obtained, two flags shall be flown, one fore and one aft.
 2. Hand holding of a ski flag is not permitted.
 3. Ski activity is defined as the time the skis, rope, and/or skier enter the water until the time the skier, rope, and skis come out of the water. (3 pts.)
- c. **PERSONAL FLOTATION DEVICE (PFD):** A person on water skis or similar device shall wear a PFD, which is designed to withstand the impact of hitting the water at high speeds. (A ski belt is not an acceptable flotation device for skiing.) (3 pts.)
- d. **TOW ROPE:** No person on water skis shall use a tow rope, which is less than 25 feet in length or more than 80 feet in length. A training boom affixed to a power craft is an acceptable towing device, provided that a distance of 8 feet from the skier and the side of the boat is maintained, and that in no event could the skier come in contact with the power craft while skiing or in the event of a fall. (3 pts.)
- e. **TIME AND VISIBILITY REGULATIONS:**
 1. **DAILY HOURS:** No person shall operate a watercraft, in the act of pulling or attempting to pull a water skier, prior to sunrise, ½ hour after sunset, nor at any time that visibility is such that the water skier may not be seen from a distance of 100 yards. (6 pts.)
 2. **HOLIDAYS:** On Memorial Day, Independence Day, and Labor Day, skiing shall be permitted only during the following hours:

Sunrise to 10:00 a.m.

12:00 noon to 2:00 p.m.

(sunrise adopted 8-9-05)

Skiing may also be restricted or curtailed during any special event, as determined by the Executive Committee of the Association (3 pts.).

On the Holidays of Memorial Day, Independence Day & Labor Day, PWC use is restricted to the hours of 2 p.m. until 1/2 hour after sunset or 100 yards visibility.

f. OPERATION REGULATIONS:

1. **MAXIMUM NUMBER OF SKIERS:** No person shall operate a watercraft while pulling more than 2 water skiers, either separately or together, on the same device at the same time. (3 pts.)
2. **NO SKIING IN COVE:** No person shall operate a watercraft while pulling or attempting to pull a water skier within a cove, designated as such by an official water traffic control device. (6 pts.)

g. THE FOLLOWING ACTIONS ARE PROHIBITED WHILE WATER SKIING:

1. Cutting in front of or across the path of a watercraft on a fixed course, unless maintaining a distance of 150 feet. (6 pts.)
2. Swinging out so as to have any objects, such as watercraft, buoys, or swimmers, come between the skier and the towboat. (6 pts.)
3. Skiing within 100 feet of any shoreline, or inside of any cove marker, with the following exception: after a water skier has let go of the rope, he or she may ski into the 100 foot safety area to within 75 feet from the shore under his or her own power. (6 pts.)
4. Skiing while under the influence of alcohol or drugs. (6 pts.)
5. Taking off from any dock, pier, or other structure extending from the shoreline. (3 pts.)
6. Skiing within 50 feet of another watercraft. (3 pts.)
7. Skiing within 50 feet of another skier or fallen skier, unless both skiers are being pulled by the same watercraft. (3 pts.)
8. Carrying another person, animal, or object. (3 pts.)

8. JUMP RULES: SEE APPENDIX B (LAKE LOTAWANA SKI CLUB JUMP RULES)

8. Wake surfing shall only be performed behind a direct drive inboard type watercraft, in which the propeller is located under the keel of the boat.
 - a. In addition to the watercraft operator, an observer must be present.
 - b. No water bladders or other watercraft weight enhancement devices shall be used.
 - c. No one shall sit on the watercraft's gunwale or on the transom.
 - d. The wake surfer may use a ski rope less than 25 feet long.
 - e. Wake surfers shall comply with the water skiing life preserver requirements.
 - f. Wake surfing is allowed Monday thru Friday. No weekends or on holidays. Holidays are Memorial Day, Independence Day and Labor Day.
 - g. Wake surfing shall be limited to areas near the dam and the south end of the lake near Goat Hill. If one chooses the south end, the watercraft must operate in the middle of the lake at all times. The minimum distance to maintain from the watercraft to swim buoys and cove markers shall be 100 yards.
 - h. Violation of wake surfing requirements (6 pts.)

O. SWIMMING

1. A swimmer, or any person using a raft or any flotation device, shall stay within 75 feet of the shoreline. Swimmers and persons using flotation devices are permitted to swim from a watercraft inside of a cove, as designated by an official Water Traffic Control Device, provided that they stay within 75 feet of the watercraft. (6 pts.)

P. FISHING

1. All Channel Cat less than 14 inches in total length shall be returned to the water, unharmed, immediately after being taken from the lake. Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule, with the mouth closed and tail lobes pressed together. (3 pts.)
2. All Black Bass less than 12 inches and greater than 15 inches may be kept. Bass 12 to 15 inches in length, measured from the tip of the snout to the end of the tail, shall be returned to the water, unharmed, immediately after being taken from the lake. (3 pts.)

3. Carp may be taken by hook and line, gig, longbow, crossbow, pitchforks, wire hoops or any other device allowed by the Missouri Wildlife Code, not herein expressly forbidden. (3 pts.)
4. Special purpose fish (walleye and striped bass) shall be returned to the lake unharmed. (3 pts.)
5. **CRAPPIE BEDS:** Any brush or Christmas tree used for the establishment of crappie beds shall be sunk in water not less than 10 feet deep and adequately moored so as not to present any obstacle to boat traffic or pose any danger to swimmers. (3 pts.)
6. **BAIT FISH PROHIBITED:** No carp, sucker, or other rough fish minnows, shall be used as bait. Leftover minnows shall not be thrown into the lake. (3 pts.)
7. **PROHIBITED FISHING METHODS:** No person shall use any electrical device, explosive, poison, or chemical to kill, attempt to kill, or stupefy fish. (3 pts.)
8. No person shall use trammel net, hoop net, gill net, seine nets, or fish traps to take fish. No fishing with limb lines, trot lines, or jug lines. (3 pts.)
9. No fishing allowed from dam, spillway, bridge, or dam site boat docks. (3 pts.)
- x. No person shall feed any Canada Geese (3 pts.)

Q. MISCELLANEOUS:

1. **LITTER:** No person shall litter the lake or parkway with any vegetation (leaves, grass tree limbs), trash, fish offal, or other offensive substances. (3 pts.)
2. **CHEMICALS:** No person shall use any chemical in the lake, for the control of weeds or algae growth, except with written permission from the Executive Committee of the Lake Lotawana Association. (3 pts.)
3. No person shall use soap or detergent while swimming in the lake. (3 pts.)
4. **AIRCRAFT PROHIBITED:** No person shall land or takeoff any aircraft from the surface of the lake or adjacent parkway or easement. (3 pts.)
5. **FIREWORKS:** Fireworks are prohibited. (6 pts.)

6. No person shall move another person's watercraft, without obtaining permission from the water craft's owner. (3 pts.)

7. **HOLIDAY SAILBOAT RESTRICTIONS:** No person shall operate a sailboat in an organized or scheduled racing competition that starts before 8:00 a.m. or after 12:00 noon on the following legal holidays:

Memorial Day

Independence Day

Labor Day

Nor during a special event as determined by the Lake Lotawana Association.

SPECIAL PERMITS: The Executive Committee of the Lake Lotawana Association may issue special permits, which grant certain privileges to individuals or organizations to engage in activities, which would be contrary to these water use regulations. Failure to obtain a special permit for the following activities is a 3 point violation:

- a. **WATER SKI SHOWS AND EXHIBITIONS:** A permit may allow for the number of water skiers to exceed the lawful limit, for stunting and for other activities associated with water ski shows or similar water activities. Each section of the rules and regulations to be waived must be identified in such a permit. Any person operating a watercraft with a special permit shall display an exhibition flag of the same dimensions as the regulation ski flag, consisting of two halves—red over white.
- b. **SCUBA DIVING** is prohibited, unless a special permit is obtained from the Association. This permit is reserved for underwater salvage operations and occasional special dives.
- c. **TRAPPING:**
 - i. Nuisance rodents (i.e., muskrat, mink, and beaver) may be trapped within Lake Lotawana waters, provided the trapper (either a lake resident or a person contracted by property owner only) obtains a special permit.
 - ii. Trapping procedures and equipment shall comply with Missouri Conservation Department Regulations.

R. WATER PATROL ENFORCEMENT, CITATIONS, AND POINTS

1. **ENFORCEMENT** of the Rules and Regulations set forth by the Lake Lotawana Association, Inc. shall be the responsibility of the Lake Lotawana Water Patrol, Executive Director and Operations Manager. All

operators of watercraft and persons using the lake or parkway shall follow instructions from Water Patrol personnel.

- a. Upon the approach of an authorized patrol boat, utilizing a siren or flashing light, or otherwise signifying the existence of an emergency or a violation of the lake rules, all watercraft shall yield the right-of-way. (3 pts.)
- b. In the event of an accident involving injury or property damage, an immediate report shall be made by the driver of each watercraft involved, to the Lake Lotawana Association Office (if during regular hours) or to the Lake Lotawana Water Patrol, and to the Police Department of the City of Lake Lotawana. Failure to make this report shall constitute a Violation of the rules. (6 pts.)
- c. Failure to comply with directions or orders from the Water Patrol shall constitute a violation of the rules. (6 pts.)
- d. No person shall threaten the Water Patrol personnel with abusive language and/or physical harm. (12 pts. and suspension of lake privileges.)

2. CITATIONS: When the Water Patrol, Operations Manager or Association Manager of the Lake Lotawana Association observes a violation of the rules, they may issue a citation to the offending person. All citations shall be directed against the property owner, renter, or lessee, including citations of that person's children and guests. A duplicate of the citation shall be mailed to the responsible property owner, renter, or lessee, at the address on file at the Association Office.

3. ACCUMULATION OF POINTS: Citations issued by the Lake Lotawana Association, Inc. shall designate the number of points assigned to the violation(s) cited. Violation of these rules and regulations shall result in the assessment of 3 points for minor violations and 6 points for major violations, those which involve danger or injury to the offender or to others, the destruction of property, or lack of proper registration.

S. SUSPENSION OF LAKE PRIVILEGES – (See Appendix B)

T. APPEALS TO VIOLATIONS – (See Appendix B)

SECTION II

MOORING PRIVILEGES AND MOORING SPACE

- 1) An owner/member of the Lake Lotawana Association has the privilege of mooring a watercraft to his or her dock, subject to the rules and regulations of the Lake Lotawana Association. No owner/member shall moor a watercraft or any other devices such as but not limited to water trampolines in such a manner as to deny access to the mooring of owner/member's watercraft, to either side, front or back of a structure (dock/life) for which it was designed.

When there is a mooring space between two docks that can accommodate two watercraft and the space is reduced to hold only one watercraft due to the permitted enlargement of one of the docks, the first claim to the usage of the mooring space would go to the property owner who did not encroach.

- 2) An owner/member who does not have adequate docking or mooring facilities, as determined by the Lake Lotawana Association, shall register the watercraft as daily launch and removal.
- 3) Maximum mooring distance from any dock shall be a foot or less, using any Mooring whip or bumpers.
- 4) The allocation of mooring space between two adjacent docks shall be determined by the two adjacent dock owners. No owner/member shall move, or cause to be moved by others, another owner/member's watercraft with the intent to change prior usage. If the dock owners cannot reach an agreement concerning the allocation of space, both parties in dispute shall submit a written description of the problem, and a request for help in determining mooring priority, to the Water Use Enforcement Board.
- 5) If the parties cannot agree upon a reasonable solution, the Water Use Enforcement Board shall make the decision for the parties allocating space usage. The decision of the Water Use Enforcement Board shall be delivered to the parties in writing. The decision of the Water Use Enforcement Board may be appealed to the full Board. During the appeal process, the parties shall comply with the decision of the Water Use Enforcement Board. Non-compliance during the appeal with the Water Use Enforcement Board's decision shall result in the issuance of one (1) point per day.
- 6) Resolution Process: The Water Use Enforcement Board shall conduct an investigation of the dispute as expeditiously as possible. Both parties involved in the dispute shall be requested to appear before the Water Use Enforcement Board, to present their positions and any suggestions for solutions. The Water Use Enforcement Board shall hear the evidence and place priority in achieving a solution, which is agreeable to both parties. The Board shall consider the size and type of watercraft involved, the position of other watercraft parking in the area, the prior usage of the area in dispute, and all other relevant factors in making its decision.
- 7) For a period of twelve (12) months, prior usage/mooring rights of the space for the same size width and length of watercraft or smaller shall be extended to the new

owner of a property when purchased. After twelve (12) months, owner member will retain usage of that space unless he/she does not moor their watercraft in said space. Removal of watercraft for seasonal storage or maintenance will not constitute revocation

- 8) Citations:
- a) When the water patrol observes a violation of the Rules and Regulations, they may issue a citation to the offending person.
 - b) When the Association Manager, Operations Manager, Administrative Assistant are confronted by a violation of the Rules and Regulations of the Lake Lotawana Association, they may issue a citation to the offending person.
 - c) All citations shall be directed against the property owner, renter, or lessee, including citations of the person's **immediate family** and guests. A duplicate of the citation shall be mailed to the responsible property owner, renter or lessee at the address on file at the Association Office.
- 9) Suspension of Lake Privileges – See Appendix B
- 10) Appeals to Violations – See Appendix B

SECTION III

COMMON AREA IMPROVEMENTS

A. DEFINITIONS

- 1. **Barrel:** A round hollow vessel constructed of any material.
- 2. **Boathouse:** An enclosed boat dock that includes a roof and walls.
- 3. **Bead Board:** White beaded Styrofoam flotation logs used under docks.
- 4. **Watercraft Lift:** An apparatus projecting into the water for the purpose of cradling and lifting watercraft above the water. (Title changed 2-22-05)
- 5. **Catwalk/Ramp:** The suspended or floating walkway that leads from the shore or seawall to a boat dock, boathouse, boat lift or other docking structure.
- 6. **City Building Permit:** Permits construction within the City of Lake Lotawana. See also: Permit for Building on Common Area.
- 7. **Common Areas:** All land transferred to the Lake Lotawana Association by the Lake Lotawana Development Company via the Lake Lotawana Holding Company on December 8, 1988, including, but not limited to, the lake, roadways, parkways, and pathways.

8. **Culvert:** An approved conduit installed below grade to transport surface water.
9. **Dock:** A lake structure made of wood, metal, or other material attached to the lake shore for the purpose of watercraft mooring or swimmer's use, either floating or supported on the lake bottom.
10. **Dock, covered:** Same as above (no. 9), except this structure has a roof or deck overhead with no sidewall enclosures.
11. **Docking Structure:** Any structure not described above that is anchored or cabled to the lake shore and used for a dock, including boathouse, dock, or boat lift.
12. **Easement:** Legal permission to use the land of another. This term should not be confused with "pathway."
13. **Full Reservoir:** The elevation at which the lake water is level with the primary spillway.
14. **Gazebo:** A freestanding roofed structure usually opened on the sides.
15. **Grandfather Clause:** An exemption created by previously existing circumstances.
16. **Ice Removal Device:** Any device which agitates the water during freezing weather preventing the normal formation of ice.
17. **Launching Ramp:** Any "on grade" construction which facilitates vehicle launching of watercraft.
18. **Multi-Owner Dock:** A docking structure jointly owned and registered to two or more owners.
19. **Owner:** The grantee in the Corporation Warranty Deed of the Lake Lotawana Development Company, currently known as the Lake Lotawana Association.
20. **Parkway:** That portion of common area land immediately adjacent to the lake edge and extending to the lake side of the platted property line.
21. **Pathway:** A narrow strip of common area connecting the parkway to the roadway, provided in the plat for access to the lake by lot owners.
22. **Patio Deck:** A structure on or above grade, without roof, for recreation or outdoor activities.
23. **Permit for Building on Common Area:** Permits the placement of construction on common area, including docking structures. The Lake Lotawana Association is the sole authority to issue these permits. Permits are issued by the Lake Lotawana Association Office.
24. **Pier:** A structure built over the water supported by pillars or piles.
25. **Pump House:** A structure built to house water pumping equipment, piping and appurtenances.

26. **Retaining Wall:** A wall to hold back, keep or restrain a hillside or other landscapes.
27. **Revocable Permit:** A license or permit to hold, keep, or maintain a structure on the common areas, subject to being revoked by the Lake Lotawana Association, under certain conditions.
28. **Right-of-Way:** Platted portions of the common area between property lines used for roadways.
29. **Roadway:** That portion of the common area within the boundaries of the Lake Lotawana Association specifically set aside in the plat for vehicular egress & ingress to individual owned properties.
30. **Sea Wall:** A wall or rock embankment to protect the shore from erosion or to act as a breakwater.
31. **Storage Building:** A building for storing goods, skis, tackle, etc.
32. **Unsafe Structure:** Any structure on the common area (including the lake), which is in bad repair and presents a hazard to health, safety, and welfare.

B. GENERAL RULES

1. All structures other than docks/lifts; including Trampolines, Islands, and inflatable devices from a minimum of 6 feet to a maximum of 12 feet in diameter may be allowed if a non power craft sticker is obtained; may not be used outside the “no wake zones” and must be stored on the owner's dock when not in use or in between the docks if both are owned by the property owner or agreed on by both dock owners. (adopted 8-9-05)

Construction and/or placement of structures on the common areas by property owners, is limited to the lake proper, parkway, pathways and roads. Permission must be granted by the Lake Lotawana Association, through the Lake Improvement Board. Only properly completed applications, which meet the following criteria, will be considered and processed.

2. Any construction violation or variance from the Extension of Restrictions shall result in assessment of violation points. (3 pts.) Non-compliance within 30 days shall result in an assessment of one point per day until the violation is corrected.
3. The Board of Directors of the Lake Lotawana Association also has the ultimate authority to revoke permits. Permits are revocable under the terms of the Lake Lotawana Association Bylaws and Deed of Restrictions. Notification of permit revocation shall be made to the current owner/member, as shown on Association records.
4. Before constructing, modifying, and/or placing any structure on the common areas, the owner of record shall obtain a Construction Permit from the City of Lake Lotawana and a Revocable Permit from the

Association. The improvement shall be constructed, modified, placed, and/or maintained in accordance to the requirements of the permits.

b. No boat cover shall be allowed that is suspended or draped from the docking structure so that the view through the dock is obscured and creates the effect of an enclosed boat house. (3 pts.) Also see C. Dock Rules, #4 and #11.

5. No mobile, manufactured or modular homes can be erected at Lake Lotawana. (3 pts.)
6. Non-compliance of any rule, concerning the placement or construction of any structure on the common areas, will result in assessment of "violation points," and suspend all processing of any permits to the Owner/Member, so long as the violation continues to exist.
7. Applicant must be an Active Owner/Member, current on all assessments on all properties owned. Non-payment of regular maintenance or any special assessments will cause the Owner/Member to be assessed 3 violation points.
8. In each household one person must be designated as responsible party for the property. (adopted 8-13-02)
9. The property to which a docking structure is to be registered shall be improved with inhabitable living quarters connected to an approved sewer system.
10. Any construction or excavation that may result in runoff shall require a silt fence or other approved erosion control device to be put in place. (6 pts.) Violators will be given ten (10) days after receipt of certified letter stating violation to install appropriate erosion control devices. Non-compliance within ten (10) days shall result in assessment of one point per day until the violation is corrected.
11. Construction of any improvement that changes the structure's footprint or height, prior to issuance of an Association permit will result in assessment of violation points at a rate of 1 point per day, until permit is obtained.
12. Applicant must not be under suspension from Lake use.
13. Scaled dimensional drawings, including site plan, structure details and material lists are required with permit applications.
14. Application for construction on the parkway will require a legal survey or other approved verification of the property lines, in order to establish the location of the proposed improvement.
15. The Lake Improvement Board staff may approve minor construction and exact replacements of existing structures on the common area.
16. Applications must be submitted for hearing by the Lake Improvement Board by the first of the month. Lake Improvement Board meetings are scheduled on the fourth Thursday of each month.

17. The Lake Lotawana structures at locations representing each gate entrance are reserved for civic and community organization's notices only. Signs posted at these locations should be removed by the organization responsible on a timely manner. No personal signs or advertisement are allowed.
18. As consideration for permits granted, it is agreed by the Applicant to take all responsible precautions to prevent accident or injury to all persons or property. Applicants will indemnify and save harmless Lake Lotawana Association, their affiliates, officers, directors, and shareholders, from any loss or claims of damage, of whatsoever kind or character, by reasons of the permit approval for construction, repair, or maintenance.
19. Upon certified and regular mail by the Lake Lotawana Association; any violation to the Deed of Restrictions, Building Codes or Building within the two (2) foot strip without a permit shall result in a \$100 fine per month plus legal fees, until a permit is issued and violation is corrected. The permit must be prominently displayed and readable.

C. DOCK RULES

1. Placement of a docking structure is a privilege granted to owners who have paid all of their assessments and who are abiding by all the rules and regulations of the Lake Lotawana Association. The property to which a docking structure is to be registered must be improved with inhabitable living quarters connected to an approved sewer system.
2. All placements of docking structures of any type on the lake, including an expansion, realignment or replacement of an existing docking structure, must be approved by the Lake Lotawana Association. The Association may exercise discretion to deny or modify a request based on the need to balance all lot owners' utilization of the lake. (adopted 5/13/08)
3. The placement of any new docking structure for non-waterfront property must be within one half the distance to a platted pathway in either direction from the nearest platted pathway. All first tier waterfront property is subject to the above however, they are encouraged to stay within lot line extensions. Any docking structure must have access from the parkway to be issued a permit.
4. Boathouses will not be permitted. Boathouses that were registered on the lake prior to 1991 are allowed and may be maintained, but are not to be moved or modified with regards to size and dimensions.
5. Only one (1) docking structure permit shall be issued to each lot except where permitted by the Lake Improvement Board.
6. All docking structures shall be a minimum distance of 15 feet from adjacent docking structures. Exceptions may be appealed to the Lake Improvement Board.
7. Block and lot numbers and registration plate shall be displayed on each dock.

8. Dock Floatation: All newly constructed boat docks shall use floatation tubs made of a polyethylene shell that encapsulates polystyrene foam. Barrels of any type and expanded polystyrene logs or blocks “white bead foam” shall not be used as dock floatation in new or replacement construction. Blue or orange extruded polystyrene “Styrofoam™” logs shall not be used as dock floatation in new construction. For maintenance purposes, blue or orange Styrofoam™ logs may be used to replace up to 20% of a dock’s existing foam floatation within a one year period. Docks requiring more than 20% replacement of the blue or orange Styrofoam™ logs shall convert to 100% encapsulated foam tubs. (Adopted 9-13-11)
9. A pontoon boat shall not be used as a boat dock.
10. A license plate issued to a specific dock shall not be removed and placed on any other dock, unless specifically authorized by the Association.
11. Existing docking structures being replaced shall be disposed of by demolition by the owner or by contract with the Association.
12. Relocation and/or modifying an existing dock require a permit.
13. All dock boxes greater than 3 feet high by 6 feet wide by 3 feet deep must be approved by the Lake Improvement Board.
14.
 - a. Docking structures may be co-owned and registered to more than one lot and one owner.
 - b. All rules relating to ownership, use and permitting of docks shall apply to each co-owner of any dock.
 - c. Prior to issuance of any permit for a shared or co-owned dock, the owners shall each execute a shared dock agreement that allocates, at a minimum, the responsibilities and rights identified in Appendix E. All such agreements are subject to the approval of the Board of Directors or its designated representative.
 - d. In the event some or all of the co-owners fail to sign an individualized shared dock agreement and present the same to the Association at the time of licensing, the terms of Appendix E shall apply. Every co-owner, as a condition of the license for the dock, shall be deemed to have consented to the terms and conditions of Appendix E.
15. ATTACHMENTS TO SEAWALLS: Attachments to seawalls, other than by owner, shall be made only with the specific written permission of the owner of the seawall. Where such permission is withheld, attachments for approved docks and structures shall be made from the lake bottom or on the parkway as approved by the Lake Improvement Board. (3 pts.)

D. VIOLATION POINTS

1. REQUIRED PERMITS:

- a. No person shall hold, maintain, and/or place any structure on the “common areas” without first obtaining a REVOCABLE PERMIT from the Lake Lotawana Association. (6 pts.)

- b. No person shall willfully give false information on an application for a permit to construct, modify or place a structure on common area. (3 pts.)

2. ICE REMOVAL DEVICE:

- a. Any person operating an ice removal device during the ice season shall operate same to restrict the open water to an area not to exceed twenty feet lake side from the dock or structure owned by the operator. (6 pts.)
- b. Any person operating an ice removal device during the ice season shall post at least two warning signs reading "OPEN WATER" in letters not less than six inches high, one on each side of the structure they are de-icing, so that the signs can be read from the lake side. (3 pts.)
- c. No person shall operate an ice removal device during the ice season without a REVOCABLE PERMIT from the Lake Lotawana Association. (6 pts.)

3. DOCKING STRUCTURES:

- a. No person shall repair a docking structure requiring material replacement of 50% or more as determined by the Lake Improvement Board, without first obtaining a permit. (3 pts.)
- b. Any person possessing and maintaining a docking structure on the lake, which has been determined to be unsafe or in disrepair by the Water Use Enforcement Board, Lake Improvement Board, Lake Patrol or by the City of Lake Lotawana shall satisfactorily repair or remove the structure within 30 days. (6 pts.)
- c. The owner of each docking structure or boat lift on the Lake must register that structure with the City of Lake Lotawana and the Lake Lotawana Association. (3 pts.)
- d. All docking structures must be constructed in accordance with the requirements set forth in the permit. (3 pts.)
- e. All docking structures must be placed or located according to the requirements set forth in the permit. (3 pts.)
- f. Each docking structure shall be moored properly so as not to present a hazard on the water or on the parkway. (6 pts.)
- g. No docking structure shall have living facilities, dressing rooms, and toilet or sink facilities. (3 pts.)
- h. The maximum dimensions of an individual docking structure shall be 36 feet wide as measured along the shoreline and 28 feet long measured perpendicularly from the shoreline. (3 pts.)
- i. The minimum dimensions for the deck of a docking structure shall be 8 feet wide measured along the shoreline and 8 feet long measured perpendicularly from the shoreline. (3 pts.)

- j. The maximum width of the roof of an open type docking structure shall not exceed two (2) feet on either side more than the width of the deck of the dock. (3 pts.) (new size adopted 11/13/07)
- k. The peak of the roof of the docking structure shall not exceed 12 feet in height above the deck. The minimum heights of the roof shall not be less than 6 feet above the deck. (3 pts.)
- l. The maximum height of the deck of a docking structure shall be 3 feet above the water level. (3 pts.)
- m. Gangway, ramp or catwalk width shall not exceed the width of the docking structure to which it is attached nor be more than 12 feet long, and must approach and attach to the shore side of the structure. (3 pts.)
- n. The construction, modification, location, relocation, or repair of a structure shall be completed within 12 months from the date of issuance of permit unless extended by the Lake Improvement Board. (3 pts.) (time limit increased 6/10/08)
- o. All docking structures shall be maintained in a presentable appearance, as determined by the Lake Improvement Board. (3 pts.)
- p. All docking structures shall be identified by Lot and Block numbers in letters and numerals at least 3 inches in height in a contrasting color, and attached to a vertical surface of the dock clearly visible from the lakeside. (3 pts.)
- q. All dock structures shall be identified with the proper license plate, as issued by the Lake Lotawana Association, attached to a vertical surface of the structure visible from the lakeside. (3 pts.)
- r. All floating structures shall maintain a reasonable level condition of the deck and any wood members of the structure shall be a minimum of 2 inches above the water. (3 pts.)
- s. Rights to a docking space shall exist for a maximum of one year from the date the Lake Lotawana Association confirms a docking structure is not occupying its authorized space. At the time of confirmation, the Lake Lotawana Association shall notify permit holders by certified mail.

4. REMOVAL OF DOCKS:

- a. Unsafe Docks and Docks in Disrepair: Docks may be considered unsafe, in disrepair or not in compliance with the Rules and Regulations of Lake Lotawana Association as determined by the Water Use Enforcement Board, Lake Improvement Board or by City Ordinance, and shall be subject to repair or removal. "Unsafe Docks" and "Docks in Disrepair" are those which "threaten the health, safety and well-being of a resident" or are in a hazardous or dangerous condition, not meeting minimum construction and safety standards.
- b. The owner/member associated with the identified dock deemed unsafe, in disrepair or not in compliance with Association Rules and

Regulations by the Association or its representatives, and any dock registered to any property where the assessments for that property are two years in delinquency as of February 28 of any year, may be removed by the Association at the owner's/member's expense and the dock permit shall be revoked. The owner will be given written notice by registered and regular mail of the deficiency authorizing removal. Thereafter, the owner shall have 30 days from the date of the mailing to correct the deficiency or to appeal the notice authorizing removal as provided in the Rules and Regulations to the Board of Directors of the Lake Lotawana Association and upon the owner's failure to act, the removal notice shall be final.

- c. Upon a final removal notice by the Association, the Association may, without further notice, remove the dock and assess all costs to the owner.
- d. The provisions of this rule shall be retroactive to any outstanding balances due from owners to the Association as of the date of adoption of this rule.
- e. If docks are not claimed, or associated with a block and lot, they are subject to removal pursuant to above rule. (amended 9/09)

5. PARKWAY AND PATHWAYS:

- a. Unauthorized launching ramps shall not be constructed on the parkway. (3 pts.)
- b. New structures extending above grade shall not be constructed on the parkway. This includes storage building, decks, covered patios, gazebos, etc. (3 pts.)
- c. The construction or placement of any structure, such as steps, walkways, railings, pipes, wires and dock guy lines, which restrict walking access or present a dangerous condition, are prohibited. (6 pts.)
- d. Construction of seawalls and retaining walls shall be approved by the Lake Improvement Board. (6 pts.)
- e. Construction over City sewers on the parkway is not permitted, except with the express approval of the City of Lake Lotawana. (3 pts.)
- f. **VEHICLES ON PARKWAY:** Engine or motor-powered cars, trucks, motor bikes, golf carts, ATV's and other passenger vehicles, shall not be driven across the parkways and pathways unless expressly approved and permitted by the Association. Equipment used for grass mowing and lawn maintenance shall be allowed.

Vehicles considered for approved access on the parkways and pathways shall include:

- 1. Construction vehicles and equipment used for permitted construction on the parkways and pathways. The vehicles used for construction purposes on the parkways and pathways shall

be listed on the Application for Construction approved by the Association.

2. Golf carts used to transport passengers and boating equipment directly to and from boat docks. Golf cart owners shall annually apply for a Parkway Vehicle Permit for the purpose of driving on parkways and pathways. A Parkway Vehicle Permit decal, Block and Lot Numbers shall be displayed on the golf cart.

Parkway Vehicle Permit applicants shall provide proof of insurance; agree with the conditions listed on the Association's Parkway Vehicle Permit and pay applicable fees (Violation: 3 points).

- g. **ELECTRICAL WORK ON COMMON AREAS, SEAWALLS, AND DOCKS:** Electrical work on such areas requires a construction permit. All work shall conform to the National Electrical Code NFPA 90, and is subject to approval of the City Inspector and a Lake Improvement Board Representative. (6 pts.)
- h. All electrical circuits on common areas shall be protected by ground-fault interrupters. (6 pts.)
- i. **ILLUMINATION AND LIGHTING:** All lighting on the common areas shall be subject to the approval of the Lake Improvement Board. (3 pts.)
- j. **LIVE TREES ON PARKWAYS AND PATHWAYS:** Permission is required to plant or remove living trees on the parkway or other common areas. (9 pts.)
- k. Living trees on the parkway may be reasonably trimmed by lot owners, but only in that area of the parkway bounded by extension of the lot owner's property lines to the water's edge. Any other pruning or trimming is prohibited. (3 pts.)
- l. **OBSTRUCTIONS ACROSS PARKWAY:** There shall be no obstructions (planting, deck, fences, etc.) across the parkway or pathways which obstructs pedestrian access. (3 pts.)

6. ROADWAYS:

- a. Construction on the right-of-way requires a permit. (3 pts.)
- b. No trucks, except trash trucks with a weight of more than 12000 pounds per axle shall be on the roads without a load permit, obtained from the Association office. (3 pts.)
- c. No excavating or cutting of the road surface, shoulder area, or road ditches, boring under the road or connection to the road shall be allowed except with advance authorization by permit. (3 pts.)
- d. Any construction encroachment on the right-of-way, including driveways and parking ramps shall require a permit. (3 pts.)

- e. Disposal of debris, such as leaves, vegetation and hazardous liquids on the right-of-way is prohibited. (3 pts.)
- f. Any discharge onto the right-of-way, damaging roadway surfaces, is prohibited. (3 pts.) Any such discharge, removed or cleaned up by the Lake Lotawana Association shall be billed to the property owner at Association cost including, but not limited to, equipment expense and labor.
- g. No person shall repeatedly park anything over the white line after being notified by the Lake Lotawana Association. (3 pts.) Non-compliance will result in 1 additional point per day.
- h. All newly constructed driveways and parking pads shall be hard surface or open hard surface. (3 pts.)
- i. No person shall operate any pocket bike, less than 50 cc, mini bike or go-cart on Association roadways. (3 pts.)
- j. Motorized vehicles shall be operated on Association roadways only by licensed drivers. (3 pts.) (adopted 8/12/08)

7. NON-COMPLIANCE:

- a. Continued non-compliance with the “Regulations” or the “Covenants and Restrictions of the Corporation Warranty Deeds”, shall result in the assessment of one (1) additional violation point per day for each violation not corrected within thirty (30) days of notice.
- b. Violations of any rules or regulations by a renter or lessee shall result in assessment of violation points to such renter or lessee.

8. PENALTIES:

- a. Violation points assessed under this section are cumulative with those assessed under Section I, Water Use.
- b. Accumulation of Points, Suspension of Lake Privileges, Violation of Suspension and Appeals to Violations shall be as shown in the Water Use Section I, herein before set forth.

9. CITATIONS:

- a. When the Water Patrol observes a violation of the Rules and Regulations, they may issue a citation to the offending person.
- b. When the Association Manager, Operations Manager, Administrative Assistant are confronted by a violation of the Rules and Regulations of the Lake Lotawana Association, they may issue a citation to the offending person.
- c. All citations shall be directed against the property owner, renter or lessee, including citations of the person’s immediate family and

guests. A duplicate of the citation shall be mailed to the responsible property owner, renter or lessee at the address on file at the Association Office.

10. SUSPENSION OF LAKE PRIVILEGES – See Appendix B

11. APPEALS TO VIOLATIONS – See Appendix B

SECTION IV.

AUTHORITY

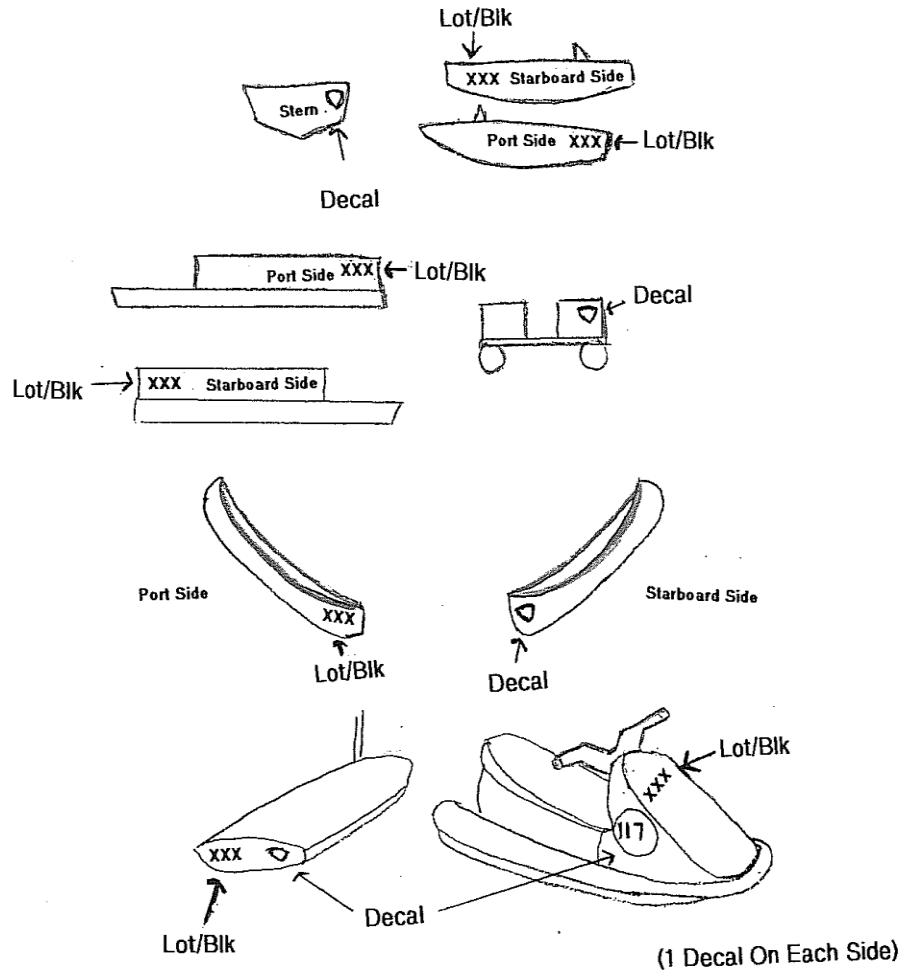
Authority for the preceding rules, regulations, and restrictions is contained in the following documents:

- A.** Deed of Restrictions
- B.** Association Bylaws, and
- C.** Court Order awarding ownership of Lake Lotawana to its Owner/Members, dated December 19, 1988

Copies of the above documents, both in their entirety and in consolidated and edited versions, are on file at the Lake Lotawana Association Office, and are available for inspection.

Appendix A

Number and Decal Placement



APPENDIX B:

I. SUSPENSION OF LAKE PRIVILEGES

- 1. SUSPENSION OF LAKE PRIVILEGES:** Points assessed against a property owner, renter or lessee, shall remain in effect for one year. The Water Use Enforcement Board shall determine the dates of the suspension period. The property owner, renter or lessee shall be suspended from using his or her lake privileges, along with members of family and guests, whenever the points assessed accumulate based on the following:

9 Points-- suspended for a period of fourteen (14) days

12 Points – suspended for a period of twenty-eight (28) days

15 Points – suspended for a period of twelve (12) months

2. Suspension of lake privileges shall be decided by **at least** a 75 percent vote of a quorum of the Water Use Enforcement Board of the Lake Lotawana Association, at a regular or properly called Water Enforcement Board meeting. The property owner, renter, or lessee will be notified of his or her violation(s), by a First-class and Certified mail at the address on file at the Association Office; the notice will be mailed 7 days in advance of said meeting.
3. If a vote of suspension is rendered by the Water Use Enforcement Board, then within 7 days following the meeting, this Board shall deliver a written decision by First-class and Certified mail, to the property owner, renter or lessee at the address on file at the association Office. **A violation of suspension can result in trespass charges against and criminal arrest of the violator, as well as further suspension of lake privileges, as determined by the Water Use Enforcement Board.**
4. Property Owner and person(s) who received 9 points or more and lost lake privileges shall take and pass a written, open book test with 80% accuracy or better before lake privileges will be restored.

II. APPEALS TO VIOLATIONS

- 1. DECISIONS AND SUSPENSIONS:** All appeals shall be made to an Appeals Board, composed of a quorum of Association Directors, at a regular or properly called Board of Directors meeting. Appeals shall be made in writing to the Association Office no later than 14 days after the citation or suspension is issued. The Board of Directors shall inform the

applicant of the Board's decision to hear the appeal. The property owner, renter, or lessee shall be notified in writing, as to the date, time and place of the appeal; the notice shall be mailed 7 days in advance of the appeal meeting. (# days to appeal changed 5/07)

- 2.** Appeals before the Board of Directors shall be informal. The complainant and witnesses (if any) shall be heard first, followed by the alleged violator or property owner, renter or lessee. Within 7 days following the appeal, the Board of Directors, by a majority vote, shall render a written decision, to be delivered by First-Class and Certified mail, to the property owner, renter or lessee, at the address on file at the Association Office. All decision of the Appeals Board shall be final.

APPENDIX C:

Lake Lotawana Ski Club Jump Rules

Eligibility:

All jumpers and drivers must be current members of the Lake Lotawana Ski Club and be approved by the Ski Club to use the jump.

Safety:

1. All jumpers must wear a jump helmet, life jacket, and proper jump skis.
2. The gate must be returned to its full upright position and locked when jumping is completed.
3. Flashing Light will be attached to the jump to warn other boaters of the jump at night.
4. All jumpers must follow association rules regarding water skiing, i.e., There must be an observer in the boat and ski flag requirements.

Jumping Times:

Jumping will only be allowed during times approved by the Lake Lotawana Association for Lake Lotawana Water Ski Club scheduled practices and show.

The jump will be put away by the last day in August.

Water Patrol may suspend jumping, if they determine that the congestion creates unsafe conditions.

Position of Jump:

Approximately 150 yards from the Yacht Club

Jumpers and drivers are reminded to use good judgment when jumping. Failure to follow these rules will result in loss of jump use.

APPENDIX D:

Ski Club Slalom Course Rules.

Eligibility:

1. All Property Owners or Tenants of Lake Lotawana with paid Homeowners Association Dues displaying a Lake Lotawana Boat Sticker.

Safety:

1. All Skiers will wear a life jacket and a proper slalom ski.
2. All skiers must follow Association Rules regarding water skiing, i.e.: There must be an observer in the boat and proper ski requirements.

Position of Slalom course:

1. The course shall run parallel to, within safe distance from, and approximately centered upon the dam until deemed necessary by the Board of Directors of the Homeowners Association to move it.

Slalom Course Times:

1. The course may only be set up from Monday A.M. until the following Thursday P.M. It will not be allowed on the lake for the weekends, without expressed permission by the Homeowners Association Board of Directors.
2. Normal Association Rules regarding times for lake use are in effect.

Rules for Use:

1. The course is to be used for slalom skiing only.
2. The use of any other water apparatus of but not limited to double-skis, wake boards, wake skates, knee boards, tubes, air-chairs or any other rideable apparatus IS NOT ALLOWED THROUGH THE COURSE AT ANY TIME.
3. No watercraft shall run through or parallel to the course without a slalom skier being pulled behind it. Please respect the space required of competition slalom skiing. Previously established safe boating/skiing rules and appropriate points assessments will govern over the use of the course and monitored and enforced by Water Patrol. Any violations of these rules for use will result in 3 points.

Points of contact for the slalom course are:

Sarah Frashier 578-4126

Aaron Custer 578-2216

APPENDIX E:

This Agreement, entered into this _____ day of _____, 20____, between _____ and _____, as co-owners of a dock assigned to Lots _____ shall constitute the terms of use regarding the dock space to be shared by said individuals. These terms and not exhaustive and may be altered or amended by the Parties, if approved by the Lake Lotawana Association. ***These terms and not exhaustive and may be altered or amended by the Association at any time.*** The following shall govern the use of any dock shared between two or more property owners:

1. Owners will be responsible for the maintenance and/or repair of the shared dock in accordance with their ownership rights. The owner of each property shall be responsible for the costs of maintaining or making any necessary repairs. However, if it is alleged that any such need for repair is due to the acts and/or omissions of one of the owners, then such owner shall be solely responsible for such repair. If an agreement cannot be reached by the co-owners within a reasonable amount of time (not to exceed 60 days) regarding fault and/or payment for repair of any damage to the dock, the parties may bring their case to the Lake Improvement Board of the Lake Lotawana Association, who will then have final say in the matter.

2. Each owner of a dock shall have equal rights to the use and enjoyment of said dock space. Each owner shall have the right to allow friends and family members who do not reside at the Lake to use and enjoy dock privileges, but such right does not extend to the use of individuals who do not own property in Lake Lotawana to use the dock at any time in which the dock owner is not present. Without any exceptions, no boat may be docked on Lake Lotawana that does not belong to a property owner and/or is not registered with the Association.

3. Each party to this agreement will indemnify and hold the other owner and the Lake Lotawana Association, Inc. harmless for any injury, loss, damage, cause of action, or claim resulting from any and all acts or omissions of the party, his agent, guest or other persons or entities on or utilizing the premises at the party's request. All owners must carry and show proof of liability insurance covering any owners use and the use of any authorized individuals.

4. A dock co-owner shall make no changes or modification that would require approval from the Lake Lotawana Association Inc. to any portion of their dock without prior written agreement with the other owner.

5. The parties to this agreement shall keep his dock clean and free of any impediment (boxes, lockers, ice chest or any personal property). Each party must keep the dock in a reasonably safe condition and ensure the dock does not present a safety risk.

6. Each co-owner of a dock shall use his slip or any other area of the dock for the purpose intended and only for the size and character of their boat suited to their slip.