

Lake Kiowa (LK) Boating & Watercraft Rules -2018

Lake Kiowa is a private lake intended for the sole use of Association, members, residents, lessees and authorized guests. As a private lake, Lake Kiowa is under the jurisdiction of the Association for all matters relating to boating and boating safety. The Association has adopted the required equipment and boating regulations contained in Subchapters C and D of the Texas Water Safety Act. Copies of the act are available directly from the Texas Parks and Wildlife Department and a reference copy is available at the Security Department.

The following water safety rules, procedures, and definitions are unique to Lake Kiowa and have been adopted in the interest of public safety and the protection of property. These rules along with the required equipment and boating regulations in Subchapter C and D of the Texas Water Safety Act apply to all watercraft that operate on Lake Kiowa. Failure to comply with provisions of the equipment and boating regulations detailed in Subchapters C and D of the Texas Water Safety Act constitute a violation of these rules. Lake Kiowa is narrow in some places and wakes created by watercraft can crash into sea walls and boat docks creating damage to the walls, docks, boats and other items and should therefore be avoided, penalties for violation of these rules do include full restitution for intentionally, knowingly or recklessly causing damage to Association or member's property.

Defined: Watercraft means all craft capable of being operated on water and powered by gasoline, electricity, and wind or manually powered. This includes personal watercraft (PWC) which are jet driven boats designed to sit, stand, or kneel on the vessel rather than being inside the vessel.

3.3.6.1 – ** Watercraft Registration All watercraft other than manually powered watercraft under 20' (Kayaks, canoes, row boats, surf boards, paddle boats, etc.) in length must be registered with Security; registration decals EXPIRE on the last day of the calendar year indicated by the decal. Lot numbers in contrasting three-inch or larger numbers (aft port and aft starboard sides of all boats and the forward port and forward starboard sides of all PWC's) are required to be displayed on all watercraft regardless of size or type. Property owners born on or after September 1, 1993 will also have to show proof that they have completed the boater safety course prescribed and approved by the Texas Parks and Wildlife Department before Lake Kiowa registration decals will be issued.

3.3.6.2 – ** Prohibited Watercraft (Specific Penalty 3.2.7.b(5)) Watercraft specifically designed or modified to create a large wake to enhance airtime for wake boarding, wake surfing, or any other activity that creates a large wake are expressly prohibited because of the potential damage that large wakes have on private property and sea walls. Inadequately muffled watercraft and houseboats are also prohibited. Watercraft belonging to anyone other than a member or lessee is not allowed on the lake at anytime.

3.3.6.3 – ** Watercraft Operator Restrictions Watercraft can be operated on Lake Kiowa on any day and at any time of the day permitted under the Texas Water Safety Act provided they: (1) belong to a property owner or lessee; (2) if required, are registered with the Security Department, and display the Lake Kiowa registration decal, and (3) display the property owner's lot number. Any person who is permitted to operate a registered watercraft may operate a watercraft on Lake Kiowa provided there is liability insurance on the watercraft being operated and they have successfully completed the Lake Kiowa Boating Safety Course. It is prohibited for any person to operate a watercraft of 10 horsepower or more or windblown vessel over 14 feet if the operator is under age 18 unless (1) the operator is at least 13 and has successfully completed a Boater Safety Course prescribed and approved by the Texas Park and Wildlife Department, or (2) is accompanied on board by a person 18 years of age or older who can lawfully operate the watercraft. Persons born on or after September 1, 1993 can only lawfully operate such watercraft if they have successfully completed a Boater Safety Course prescribed and approved by the Texas Park and Wildlife Department. Operators under the age of 18 are also required to complete the Lake Kiowa Boating Safety Course. Children under 13 are specifically prohibited from operating watercraft unless accompanied on board by a person at least 18 years of age who can lawfully operate the watercraft.

3.3.6.4 – Prohibited Activities (Specific Penalty 3.2.7.b(5)) Operating any watercraft in any manner designed to create a large wake to enhance airtime for wake boarding, wake surfing, or any other activity that creates a large wake are expressly prohibited. Wake surfing, teak surfing, parasailing, tube kiting and kite riding are prohibited. The release of any sewage wastewater is prohibited. It is prohibited to land or to takeoff an aircraft or helicopter upon the waters of Lake Kiowa at any time other than in a declared emergency.

3.3.6.5 – Operation and Safety (Specific Penalty 3.2.7.b(5)) All watercraft will generally be required to operate in a counter clockwise direction around the main body of Lake Kiowa except when travel in another direction is necessary for safety, such as traffic or obstacle avoidance. US Coast Guard boating safety right-of-way rules apply at all times. To insure personal safety and to prevent wake damage, all gasoline powered watercraft and skiers must stay a distance of 50 feet or more from docks and shorelines except when fishing, launching, docking or towing a skier to or from a dock. It is prohibited to operate a PWC in a manner that requires the operator to swerve at the last possible moment to avoid collision or to jump the wake of another boat recklessly or unnecessarily close to that boat (i.e. 100 foot safety barrier).

3.3.6.6 – ** Right-of-Way Wind powered and manually powered watercrafts have the right-of-way at all times. When a watercraft is being used for towing a skier or other device, it has the right-of-way over other powered watercraft underway. All watercraft must "give-way" to any boat with limited maneuverability.

3.3.6.7 – ** Navigational Lights and Night Restrictions When operating between sunset and sunrise, watercraft must have and exhibit the navigation lights prescribed by the Coast Guard for boats of its class. Water skiing, tubing, or similar activities involved in the towing of person(s) behind the watercraft is prohibited between the hours from one-half hour after sunset to one-half hour before sunrise. Operating a PWC or towing any device with a PWC is prohibited between sunset and sunrise.

3.3.6.8 – ** Buoyed Areas No watercraft or water skier may enter or put ashore inside any designated beach swimming area, nor the area of the spillway marked by buoys. All buoy markings and signage installed by the Association, whether temporary or permanent in nature, must be obeyed.

3.3.6.9 – ** Skiing, Towing and Operating Speed Any person permitted to operate a watercraft may pull a skier or other towed devices on the main body of Lake Kiowa in a counterclockwise pattern. Towing may go into or out of coves designated by signs and/or buoys as “Ski In/Ski Out” but not into those coves and areas designated as “No Wake/Headway Speed Only,” to include the areas surrounding boat launch ramps. “Ski In/Ski Out” is defined as (1) towing a person into the cove and allowing them to drop or dismount, OR (2) towing a person out of the cove and into the main part of the lake; towing into AND out of the cove without stopping is not permitted. Skiers may be towed to and/or from a personal dock, with the resident’s permission. Power turns, defined as 90 – 360 degree turns which produce wakes, are not permitted within “Ski In/Ski Out” coves. “No Wake/Headway Speed Only” coves and areas, to include the areas surrounding the boat launch ramps, are also marked with signs and buoys. Headway speed is defined as “slow, idle speed or speed only fast enough to maintain steerage on course.” These lake and cove restrictions apply to all watercraft.

3.3.6.10 – ** Engine Cutoff Switch If a PWC is equipped with a lanyard engine cutoff switch, the lanyard must be attached to the operator’s person, clothing or personal flotation device (PFD).

3.3.6.11 – ** Reasonable Distance All watercraft must maintain a reasonable distance, generally 100 feet, from all other watercraft or any person(s) being towed.

3.3.6.12 – ** Prohibited Activity No watercraft may be operated in a circular course around another watercraft whose occupants are engaged in a water-related activity or around any person swimming.

3.3.6.13 – ** Towing Requirements Watercraft towing a rider on any device must be equipped with a wide-angle rearview mirror with a minimum of four inches from the top to bottom and across from side to side. In the absence of such a mirror, watercraft must comply with the observer requirements of the Texas Water Safety Act. An observer is someone other than the operator who is 13 years of age or older. A PWC must be rated for at least two persons when towing a person on water skis or similar device. If an observer is used, the PWC must be rated for three people, the driver, the observer, and the skier. PWC operators must comply with the PWC's recommended capacity in the owner's manual and on the manufacturer's warning decal. Buzzing or spraying another boat or swimmer is prohibited. Any down person(s) being towed must be retrieved as rapidly, safely and efficiently as possible.

3.3.6.14 – ** Flotation Device Requirements A readily accessible US Coast Guard approved wearable personal flotation device must be available for each person on board any watercraft. Additionally, any motor-propelled or wind-powered watercraft at least 16' in length must have on board a Type IV (throwable) flotation device. Operators and passengers of personal watercraft and anyone being towed on any device must wear an approved US Coast Guard Type I, II, III or V personal flotation device. Passengers under 13 years of age must wear a life preserver while on board any watercraft.

3.3.6.15 – ** Fire Extinguisher All personal watercraft and all motorboats less than 26' in length, with a permanently mounted gas tank, must have on board on Type B-1 fire extinguisher. Outboard motorboats less than 26' in length, of open construction and with no permanently mounted gas tanks are exempted from this requirement.

3.3.6.16 – * Buoy Restrictions Watercraft may not tie up to or hold onto any buoy. Placement of privately placed buoys is not allowed without the Architectural Control Committees advance approval.

3.3.6.17 – Reckless Operation (Specific Penalty 3.2.7.b(6)) No person shall operate any watercraft in a wanton or negligent manner that endangers the personal safety or property of others. No person shall operate any watercraft when said watercraft exceeds the maximum weight capacity; or the maximum horsepower; or the capacity limits as stated on the watercraft's capacity label affixed to the vessel by the manufacturer, or as required by law. No person shall operate watercraft of any type while under the influence of alcohol or drugs.

3.3.6.18 – ** Watercraft Banned from Using the Lake The Community Manager has the authorization to close the lake to all watercraft.

Table of Penalties – (3.2.7)

3.2.7.a – Penalties The following penalties may be assessed for violations of Specific Rules. Rules are divided into nine (9) categories and are identified by their corresponding paragraph number. Each rule is preceded by asterisks which indicate the classification of the rule violation. Violations are classified as a minor *, serious **, major ***, or “special” infraction and penalties are assessed based on the severity of the violation and frequency of occurrence. A minor infraction involves a breach of any rule which is not classified as a serious or major infraction. A serious infraction involves an actual or potential compromise to safety or security. A major infraction involves an actual or potential injury to persons or damage to property. Increased penalties for the 2nd and 3rd and each further violation is intended to be within a 12 month period. Penalties for each infraction class are as follows:

3.2.7.a.(1) – * Minor Infraction First Violation - \$25.00 fine Second Violation - \$50.00 fine Third Violation - \$75.00 fine Each Further Violation - \$100.00 fine and 30 day suspension

3.2.7.a.(2) – ** Serious Infraction First Violation - \$50.00 fine Second Violation - \$75.00 fine Third Violation - \$100.00 fine and 30 day suspension Each Further Violation - \$200.00 fine and 60 day suspension

3.2.7.a.(3) – * Major Infraction** First Violation - \$75.00 fine Second Violation - \$100.00 fine Third Violation - \$200.00 fine and 60 day suspension Each Further Violation - \$300.00 fine and 90 day suspension

3.2.7.b.(5) – Specific Rule 3.3.7.4 and 3.3.7.5: A violation of Prohibited Items and Activities and Operator Safety Rule carries the following fines in addition to full restitution of all damages caused:

1st Offense - \$200.00 fine 2nd Offense - \$400.00 fine and 45-day suspension of privileges 3rd Offense - \$800.00 fine and 90-day suspension of privileges Additional offenses \$1,600.00 fine and 180-day suspension of privileges

3.2.7.b.(6) – Specific Rule 3.3.2.8 and 3.3.7.17: A violation of Reckless Driving or Reckless Operation Rule carries the following fines (Including violations of Alcohol and Drug Use) in addition to full restitution of all damage caused:

1st Offense - \$200.00 fine 2nd Offense - \$400.00 fine and 45-day suspension of privileges 3rd Offense - \$800.00 fine and 90-day suspension of privileges Additional offenses \$1,600.00 fine and 180-day suspension of privileges

3.2.7.d – Removal from Lake At their discretion, Security Personnel have authorization to remove watercraft from Lake Kiowa. Security Personnel may remove a watercraft from the lake for a period not to exceed 24 hours. This authorization includes, but is not limited to, all incidents of continuing serious violations.