

## Enchanted Lake Residents Association (ELRA) Lake Rules

I **PURPOSE:** To establish rules for the use and protection of Kaelepulu Pond (aka Enchanted Lake (the Lake)).

II **PENALTIES:** Failure to abide by ELRA Lake Rules may result in penalties as determined by the Board of Directors. A Member shall be responsible to ensure that the actions and conduct of such member's guests, family, and tenants comply with the rules and regulations of the Association.

### III **DEFINITIONS:**

"Assessed Lot" as defined in ELRA's Amended and Restated Bylaws means any lot whose title is encumbered by any of the Instruments identified collectively as the 'Lake Declaration'.

"Boat" means a small vessel propelled by oars, paddle, sail or power. (Hawaii Administrative Rules §13-230-8)

"Commercial activity" means to engage in any action or attempt to engage in any action designed for profit or commerce in general to include but not limited to renting of paddleboards, kayaks, canoes or other boats for use on the Lake.

"Houseboat" means any vessel which is fitted for use as a permanent or temporary place of habitation and is either stationary or capable of being moved. (Hawaii Administrative Rules §13-230-8)

"Lot" defined in ELRA's Amended and Restated Bylaws means an Assessed Lot, or Kukilakila Lot, or other Lot as determined by the Board of Directors.

"Member" is defined in ELRA's Amended and Restated Bylaws Article 2. There are three (3) types of members, Assessed Members, Voluntary Members, and Associate Members, as set forth in Section 2.2.

"Member In Good Standing". A Member in Good Standing is defined as being current with all Assessment, fees, and charges having been paid in full.

"Moored" means to secure a boat by making it fast with cable, lines, or anchors. (Hawaii Administrative Rules §13-230-8)

"Motorboat" means any vessel which is temporarily or permanently equipped with propulsion machinery. (Hawaii Administrative Rules §13-230-8)

“Personal Flotation Device (PFD)” is a technical term for a life preserver that has been approved and certified by the United States Coast Guard and capable of providing at least ninety percent of factory-rated flotation capacity. (Hawaii Administrative Rules §13-230-8)

“Thrill craft” means any motorized vessel that falls into the category of personal watercraft, which: 1) is generally less than thirteen (13) feet in length as manufactured; is generally capable of exceeding a speed of twenty (20) mph; can be operated by a single operator but may have the capacity to carry passengers; or is designed to provide similar operating performance as a personal watercraft small size, power, and hull design. (Hawaii Administrative Rules §13-230-8)

“Vessel” means all description of watercraft used or capable of being used as a means of transportation on or in the water. (Hawaii Administrative Rules §13-230-8)

IV. **PROTECTION AND USE OF THE LAKE:** Only Members in Good Standing, and their guests, family and tenants are permitted use of the Lake.

Commercial activity is **prohibited** on the lake.

All persons, regardless if Member or not, must assure:

- 1) No trash, debris, plant or soil matter, pesticides, fertilizer, etc. enter the Lake. This includes fish or other animal carcasses/remains. Everyone is expected to remove debris and foreign material from the Lake and provide for its appropriate disposal.
- 2) Mangrove plants shall not be allowed to grow on any lakeside frontage.

No attempt shall be made by any person to prevent the full and free use of the Lake by those persons entitled to such use.

The Lake is regularly patrolled by the ELRA Security Officer appointed by the ELRA Board of Directors to monitor activity and to enforce compliance with Lake Rules. Questions regarding these Rules or to report suspected violations, please contact Lake Security at (858) 247-1138 or [ELRASafety@gmail.com](mailto:ELRASafety@gmail.com)

V. **REGISTRATION OF BOATS**

- A. Only vessels owned by Members in Good Standing, their guests, family or tenants, to include boats and motorboats maintained for safe operation may be registered for use on the Lake. Motorboats must have appropriate liability insurance. NOTE: The State of Hawaii requires all boats be registered annually except a recreational vessel holding a valid U.S. Coast Guard marine document;

*a U.S. Government owned vessel; a vessel's lifeboat used solely for lifesaving purposes; a manually propelled recreational vessel; a recreational vessel eight feet or less in length propelled solely by sail; or motorboats used exclusively for racing. ([www.dlnr.hawaii.gov/dobor](http://www.dlnr.hawaii.gov/dobor))*

B. Without specific written approval from the Board of ELRA, the following classes of boats are PROHIBITED:

1. Any boat with 'inboard' power, including straight outdrive, and jet
2. Any boat with an engine size in excess of 150 HP
3. Thrill craft
4. Houseboat

C. Vessels operated and or moored on the Lake must display a current ELRA registration decal. [*Six-man canoes of recognized Hawaiian Canoe Clubs providing annual certificates of liability coverage, so recognized by ELRA's Board of Directors, are exempt.*]

1. An ELRA registration decal will be issued upon presentation or proof of the following:
  - i. Annual Owner assessment and/or Membership fee is current
  - ii. Valid liability insurance (a minimum of \$300,000 limit per occurrence) applicable to motorboats only
  - iii. Registration fee as established by the Board of ELRA
2. Decals must be renewed annually

VI. **OPERATION OF BOATS:** Only vessels owned by Members in Good Standing, their guests, family or tenants, to include boats and motorboats maintained for safe operation may be operated on the Lake.

STATE REQUIRED BOATING SAFETY EDUCATION: Effective 11/1/2014 all individuals who operate a motorized vessel (10 hp or more) in Hawaii State waters must have taken a boating safety course and be able to show proof via a certificate if asked by DLNR Officers. ELRA Members are not exempt from these rules.

Resources to obtain courses for safety and mandatory certification:

US Coast Guard Auxiliary ([cgaux.org](http://cgaux.org))  
Hawaii Power Squadron ([uspshawaii.org](http://uspshawaii.org))  
Boat-ed.com  
BoatUS.com  
BoatUS.org

The Department of Land and Natural Resources, Division of Boating and Recreation, Hawaii Administrative Rules for Boating and Rules for Shore Waters and Shores (as now or hereafter amended) are incorporated as a part of these Rules as appropriate, and shall govern the use of the Lake, except as may otherwise be provided herein.

- A. Boating is only permitted between the hours of sunrise and 10PM. All boats will display proper lights after sunset.
- B. Minors less than thirteen (13) years must wear PFD. PFD should be available to the total numbers of persons onboard.
- C. Minors less than fifteen (15) years of age operating a motorboat must be under direct visible or audible supervision of a parent, guardian, or person 18 years or older.
- D. All boats exceeding 5 knots shall maintain a distance of at least 25 feet from the shoreline. After Sunset, boat speed is limited to a maximum of 5 knots.
- E. Waterskiing is permitted: between the hours of 8:00AM and sunset, only in a counter-clockwise direction, when both an observer and a driver are in the boat, and the skier is wearing a flotation device.
- F. Sailboats while having the right of way over motorboats, should avoid impeding the enjoyment of the Lake by water-skiers.
- G. FUEL LOADING: The loading or proper use of U.S. Coast Guard approved fuel containers of six (6) gallons or less is authorized for refueling small craft. The refueling of larger power boats by 55-gallon fuel drums is prohibited. Due regard for the conduct of safe refueling practices to preclude the pollution of our Lake from fuel spills is mandatory.

VII. **FISHING:** Only Assessed and Voluntary Members in Good Standing, their guests, family or tenants, may fish in the Lake by pole or with rod and reel.

**“Catch and Release” only** – Any animal caught by any means, including fish, shrimp, crab, oysters, etc. must be released expeditiously, unharmed and alive, back into the Lake.

The following are PROHIBITED: Moored nets, gill nets, fish traps, spears, barbed hooks and treble hooks. Exception: Crab traps are permitted within 15 feet of a Member’s own Lakeside property line.

WARNING – The Lake is not routinely tested for pollution and the coliform count has been known to exceed public health standards, particularly after heavy rains. Eating anything from the Lake is at your own risk and is contrary to the Catch and Release policy.

VIII. **SWIMMING:** Only Members in Good Standing, their guests, family or tenants, may swim in the Lake.

NOTE: The Lake is not routinely tested for pollution and the coliform count has been known to exceed public health standards, particularly after heavy rains. Boaters often have difficulty seeing swimmers and Oyster beds in shallow areas are hazardous; severe cuts can occur.

## IX. **DOCKS**

Any dock structure installed on the Lake that extends beyond a Lot's property line into the Lake requires approval from the ELRA Board of Directors. Dock structures include but are not limited to; floating (floats on the Lake), fixed (supported on piles driven into the Lake), and cantilevered (cantilevered out from Lot).

NOTE: A floating dock used as a boat ('party barge') also requires an ELRA Boat Registration.

- A. Plan Approval: Residents wishing to construct or erect a dock in or on the Lake must submit a letter to the ELRA Board of Directors requesting permission. The letter should state the name of the legal owner of the property, the Tax Map Key identification of the property and the proposed location of the dock relative to the owner's legal property lines and those of the adjacent neighbor's property lines and/or structures.

The ELRA Board will review the request and if approved by ELRA, the owner should proceed with applications for permits from the appropriate agencies. Several federal, State, and local agencies require applications and/or permits prior to construction of a dock. Such requirements and addresses as described herein may change:

1. Dept. of the Army, U.S. Army Corps of Engineers, District Honolulu, Ft. Shafter, HI 96858
2. Conservation District Use Application (CDUA) should be made to the State Dept. of Land and Natural Resources, PO Box 621, Honolulu HI 96809. If the construction is such that it is cantilevered and no support or other portion of the dock breaks the surface of the water, no CDUA is required.
3. A building permit should be requested from the City's Building Dept., Permit Section, 650 S. King St., Honolulu HI 96813. Be prepared to include three (3) sets of plans with the application.

4. Residents of Kukilakila should write a letter of request to the KCA Board of Directors as Board approval is required for any construction or modification that would involve "common areas". Address to President, Kukilakila Community Association, 515 H Keolu Dr., Kailua HI 96734

When above permits/approvals have been obtained, a letter should be sent to ELRA providing evidence to the board that the resident is covered by an appropriate homeowner's liability insurance policy in the amount of at least \$300,000, and that it is currently in force.

- B. Dock guidelines/standards: Any dock on the Lake shall be solely for the mooring of watercraft. Docks shall not be used to extend or increase the residents use of the Lot and/or living unit (i.e., lanai's, gazebos, etc.)

Docks shall be constructed parallel to Lot waterline, must be 5 feet or more from the side property lines (exceptions due to lot size may be requested of the Board). It is recommended that the dock be nearly centered on your property which provides a boating safety margin for maneuvering your boat to and from your dock and also for your adjacent neighbors who may have a boat or dock.

Docks should be designed so there is no wood in continuous contact with the water. Railing will be permitted provided they are well designed and primarily constructed for safety. No roofs or covered structures will be allowed.

- C. Maintenance: All owners of docks on the Lake shall ensure that the dock is maintained in a safe structural condition; has a proper appearance and that it can be in harmony with surrounding community property; appropriate liability insurance is in force at all times.

Steps will be taken to have docks in substandard condition brought into compliance with these Rules:

1. An initial letter will be sent to the owner from the Board advising that s/he is in violation of these Rules.
2. Should compliance not be achieved in a reasonable period of time as determined by the board, action will be initiated to have the offending dock removed at the owner's expense.

Every dock on Enchanted Lake will be subjected to variables of wind, water levels, wave wash and various boat types, sizes and shapes, moored to the dock. Each dock design should be carefully constructed to meet the individual boat owner's requirements and constructed accordingly within the basic recommended guidelines in these Rules.

Authorization to build under these general guidelines does not relieve the owner/resident from taking all steps to ensure the integrity of the structure and the safety of boats moored thereto from damage. ELRA is not liable for any damage.

**X. BOAT RAMP**

The boat ramp located near the Kukilakila Townhouse community is the property of Kukilakila. Members who are Kukilakila residents may use it according to KCA Rules. Other Members will need to secure permission from Kukilakila to use the ramp.

**XI. DISCLAIMER**

While it is our opinion that complying with these Lake Rules will benefit all Enchanted Lake Residents with respect to durability of docks and safety of boating, ELRA does not guarantee or warrant the effectiveness of the above Rules and will not be responsible for any claims, damages, or injury allegedly arising out of or in connection with compliance or failure to comply with these Rules.