

0275

**III. SWIMMING/SCUBA DIVING**

1. Swimming across the main part of the lake is prohibited.
2. Swimming at the boat launching and marina area is prohibited.
3. The 50-foot area adjoining the residential lots is reserved for swimming.
4. Scuba Diving is allowed only by special permit from the Association Board and never on weekends or holidays.
5. All scuba divers must use a flag while diving. All boats of any kind must stay 75 feet from this flag.

**IV. LAKE RULES IN COVENANTS**

Owners and members must comply with the Lake restrictions set forth in the Declaration of Covenants, Conditions, Restrictions and Easements of West Shores (the "Covenants") recorded on \_\_\_\_\_, 2001, in Book \_\_\_\_ Page \_\_\_\_ of the Register of Deeds, Douglas County, Nebraska. The Lake restrictions which are set forth in the Covenants are being reproduced below for your convenience. All Owners (members) must comply with both the provisions set forth in the Covenants regarding usage of the Lake and these rules.

The Restrictions set forth in the Covenants pertaining to the Lake:

1. Boats which are not in the water, boat trailers, recreational vehicles, campers and other trailers must be removed from the Owner's Lot within 48 hours unless stored in the garage of the residence. Boats on trailers may be parked in a driveway during the 15-day period between April 15 and April 30 and October 15 and October 30 when Owners are readying their boats for usage and/or storage. Maintaining boats, boat trailers, recreational vehicles, campers and other trailers on the Owner's Lot, other than as set forth herein, is strictly prohibited (Article I, ¶28).
2. The Declarant grants each waterfront Lot Owner the privilege to install a dock in the Lake in front of their respective Lot. All boat docks must be constructed from a polyethylene, vinyl, fiberglass, aluminum or a non-rusting material and shall not extend more than 30 feet into the Lake from the Owner's Lake Lot line. The decking on the boat docks can be made of redwood, vinyl or treated wood material. The plans for all docks, showing their material, configuration and size, shall be approved by the DRB or the Association prior to their installation. The boat lifts allowed will be those made of aluminum, such as "Shore Station-Hewitt" etc., or of a non-rusting type of material as approved by the Association, with white or gray canopy covers, or of a canopy color approved by the Association. The plans for all boat lifts showing their size, materials, colors and configuration, must be approved by the DRB or the Association prior to their installation (Article I, ¶29).
3. Boat Houses are prohibited (Article I, ¶30).
4. Lot Owners are prohibited from using the Lake for boating unless construction of their residence has commenced on their Lot and they have a dock and boat lift in place (Article I, ¶31).

5. All boats operating on the Lake must comply with all the Lake Rules and Regulations as well as Regulations established by the State of Nebraska for boating (Article III, ¶2(a)).
6. All boats on the Lake must be owned by Lot Owners, registered with the Association and contain the appropriate and current Association sticker. No other boats shall be permitted on the Lake. All boats (power boats, canoes, paddle boats, fishing boats, sail boats, etc.) must display the Owner's Lot No. and the Association sticker in the size established by the Association in a visible position on the starboard AFT (right rear) side Article III, ¶2(b)).
7. Inboard, Inboard-Outboard and Outboard motors are allowed. Air boats, Jet Powered Boats, Jet Powered Watercraft classified as Jet Skis, Wave Runners, or any other Jet Powered Personal Watercraft of any brand, make or model, and Boats with above water exhaust systems are prohibited (Article III, ¶2(c)).
8. Boat speeding on the Lake is prohibited. The Declarant and/or Association shall establish the boat speed limit on the Lake and set forth such maximum speed limit in the Lake Rules and Regulations. Speed in the launching, marina, shore and dock areas is always NO WAKE, and on the Lake proper between sundown and sunrise, is NO WAKE (Article III, ¶2(d)).
9. All boats and skiers, and others being pulled by a boat, must remain a minimum of sixty (60) feet from the shore and/or boat lifts and docks Article III, ¶2(e)).
10. In addition to the above restrictions and covenants, the use of the Lake shall also be subject to the Lake Rules and Regulations, as amended time to time (Article III, ¶2(f)).

## **V. BOATS - GENERAL INFORMATION AND REGULATIONS**

- A. All member boats operating on the lake must comply with all West Shores safety rules and regulations as well as regulations established by the State of Nebraska.
- B. Boats belonging to guests of Association members are prohibited on the Lake. Any nonmember boat found on the Lake or its shores may be removed by the Association or its duly authorized agent at the expense of the owner.
- C. Any member who shall have permitted, authorized or allowed illegal use of or launching of a boat in violation of the rules, regulations or restrictions in connection with the Association, and/or documents recorded at the Douglas County courthouse, shall have their rights and privileges as a West Shores member revoked and the set charge or fine has been paid and until a formal application for reinstatement has been made to and approved by the Association Board.  
This revocation period shall run for a period of thirty (30) days from the date of the application to the Board, unless said thirty (30) days waiting period is waived by the Board of the Association.
- D. There is a punitive system for the violation of boating rules. This is set by the Board of the Association. The first offense is a warning. The second offense is a \$100.00 fine. The third offense in one boating season will result in the suspension of boating privileges for the rest of the season. Reinstatement will only be after written application is made to the Association Board.

- E. All boats (power boats, canoes, paddle boats, fishing boats, sail boats, etc.) must display the member's lot number and the Association sticker in the size so set by the Association in a visible position on the starboard aft (right rear) side. Stickers will be obtained from your Association Board with proof of current registration, proof of liability insurance, and current dues.
- F. To maintain safety for participants, boats may be restricted during special events as deemed necessary by the Association Board of Directors.
- G. Only one motorized watercraft from each lot shall be operated on the water at any given time.
- H. No boat shall be equipped with sanitary facilities of any kind, which are capable of directly discharging into the water.
- 1. Inboard, Inboard-Outboard and Outboard motors are allowed. Airboats, Jet Powered Boats, Jet Powered Watercraft classified as Jet Skis, Wave Runners, or any Jet Powered Personal Watercraft of any brand, make or model, and Boats with above water exhaust systems are not allowed.
- J. No water bladders, weighted transoms or any modification to increase boat wake is allowed.
- K. Boat Sizes and Horsepower

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Pontoon Boats. Maximum length is 25 feet determined by the length of the pontoons. Decks not to extend beyond either end of the pontoons and with a maximum of 75 Horsepower motors.

Deck Boats. Maximum length is 22 feet 6 inches with a maximum of 220 Horsepower for carbureted motors or 260 Horsepower for Multi-port Injection (MPI) motors.

Inboard Ski Boats. Ski boats must be A.W.S.A. approved. Maximum length is 21 feet 6 inches with a maximum of 360 Horsepower motors.

Inboard/Outboard Boats. Maximum length is 20 feet with a maximum of 220 Horsepower for carbureted motors or 260 Horsepower for Multi-port Injection (MPI) motors. Boats under 18 feet 6 inches with a maximum of 190 Horsepower motors.

Outboard Boats. Maximum length is 18 feet with a maximum of 125 Horsepower motors. Boats under 16 feet with a maximum of 90 Horsepower motors. All outboard motors must be 4 cycle or 2 cycle with D.F.I. or Fitch injection only.

Boat Motors. No motors may be altered or modified from their original factory production standards to increase their performance or Horsepower.

- L. Boat speed limit on the lake proper is 40 MPH. Speed in the launching, marina, shore and dock areas is always NO WAKE, and on the lake proper between sundown and sunrise, is NO WAKE.
- M. (1) Future establishment or use of a slalom course on the lake must be by annual application to and approval by the Association Board of Directors. (2) If approved, the slalom course must be utilized when there is minimum traffic on the lake. The course shall only be used during established hours between sunrise and sunset as a courtesy, boats should not go through the course when it is in use and should take on the responsibility to either replace a buoy if they cut it or seek help from a Ski Club member.

## VI. BOATING RULES – WEST SHORES

- A. All boating will be in a COUNTERCLOCKWISE direction.
- B. All boats towing water skiers, sleds, etc. must have a wide-angle rearview mirror, or an onboard observer, 13 years or older.
- C. Boats must not follow a person being towed (skier, etc.) closer than 200 feet (2/3 of a city block).
- D. All boats and skiers, etc. must remain a minimum of 60 feet from the shore and or boatlifts and docks.
- E. Boats and water vehicles of any kind must not operate between a downed skier and the towing boat.
- F. Towlines may not be towed in the water for more than 300 feet (one city block). Towlines may not exceed 75 feet in length.
- G. Boats shall be limited to a maximum of two towlines at one time and only when there is minimum traffic on the lake.
- H. Boats with a downed skier should turn around only while turning into or toward shore in order to pick up their skier.
- I. Pontoon boats shall not be allowed to pull water skiers.

## VII. BOATING–STATE LAWS ENFORCED AT WEST SHORES

- A. Children under 12 years of age and younger must wear approved life preservers when in a moving boat.
- B. No one under the age of 14 years shall operate a motorboat of any class at any time.
- C. All boats must use appropriate lights if on the lake at night
- D. Sailboats, canoes, rowboats, paddleboats, any vessel not operating under mechanical power, any anchored vessel, and swimmers always have right of way over any vessel

operating under mechanical power.

- E. Chasing waterfowl with powered water vehicles is prohibited and is reason to lose Lake privileges.
- F. All water skiers or persons being towed must wear a life jacket while being towed.
- G. All boats pulling people must have an orange warning flag on board and show it when the person being towed is down.
- H. All boats must have a U.S. Coast Guard–approved life saving device of Type I, II, or III, for each person on board. In addition, every vessel shall carry at least one U.S. Coast Guard–approved throw able flotation device (Type IV).
- I. All boats must have an efficient whistle or other mechanical sound-producing device.
- J. It is prohibited to stand or sit on the side edge of a moving powerboat.