

Lake Dalecarlia Property Owners Association, Inc.
4665 Main Street
Lowell, IN 46356
(219) 696-0771
www.lakedalecarlia.org

WATER SAFETY RULES & REGULATIONS

The following rules and regulations have been duly passed by the Executive Board of the Lake Dalecarlia Property Owners Association, Inc. (hereinafter referred to as "POA") and are in full force and effective immediately.

The purposes for the promulgation of these water safety rules and regulations shall be to provide for the safety of all land owners using the waters of Lake Dalecarlia and to further maintain and to conserve the water of Lake Dalecarlia.

SECTION A: WATERCRAFT OPERATING REQUIREMENTS & RESTRICTIONS

1. **HIGH SPEED BOATING SHALL BE BETWEEN THE HOURS OF 10 A.M. AND 7:00 P.M. IN THE AREA AUTHORIZED FOR SUCH RECREATION. ALL WATERCRAFT ARE TO RUN AT IDLE SPEED BETWEEN 7:00 PM AND 10:00 AM DAILY AND IN CHANNELS AND BAYS AT ALL TIMES AT A MAXIMUM SPEED OF 5 MPH.** Said channels and bays will be designated by the Property Owners' Association and are available on a map showing those areas where the speed restrictions shall be enforced. **THE TOP SPEED OF ANY WATERCRAFT SHALL NOT EXCEED 45 MPH.**
2. Property owner or renter must be **SOLE OWNER** of watercraft to be permitted on the lake. Any operator of motorized watercraft **MUST BE 16 YEARS OF AGE OR OLDER AND MUST CARRY IN THEIR POSSESSION A PHOTO ID OR VALID DRIVER'S LICENSE.** Owners are responsible for ensuring that the operator is of the proper age and that he or she fully understands the rules and regulations of the lake. **NO PROPERTY OWNER(S) IS PERMITTED TO INVITE NON-RESIDENT(S), INCLUDING RELATIVES, TO PUT ANY WATERCRAFT ON THE LAKE.**
3. No watercraft of any kind is permitted in beach areas.
4. No watercraft racing or speed contests are permitted at any time; no person shall operate any watercraft so as to approach or pass another watercraft in such a manner or at such a rate of speed as to create a hazardous wake or wash. No watercraft of any kind shall be operated in a reckless manner so as to endanger the life and property of others, including but not limited to permitting occupants to stand, sit or lie on the bow, stern or gunwales of any motorized watercraft while that watercraft is in motion (except for anchoring, mooring or casting off).
5. No watercraft or floatation device shall be anchored or moored so as to interfere with boating navigation. Floating rafts are to be pulled into shore at sundown or lighted.
6. **WATERCRAFT OVER 10HP ARE PERMITTED ON THE LAKE BETWEEN THE TIME OF THAWING AND APRIL 30 OF EACH YEAR WITH THE UNDERSTANDING THAT THE ENTIRE LAKE IS AT NO WAKE (IDLE SPEED ZONE AT ALL TIMES FOR ALL WATERCRAFT).**
7. Sirens shall not be allowed on any watercraft, except for boat patrol.
8. No speeding will be permitted after 7:00 p.m. The fire siren is sounded at this time, but in the event it is not heard, the rule still applies.
9. No more than two skiers are to be pulled by one boat at a time. No airborne devices are to be pulled by any watercraft.
10. All skiing is to start and stop in the skiing area. **ALL SKIING AND WATERCRAFT OPERATION SHALL BE IN A COUNTER-CLOCKWISE DIRECTION.**
11. No criss-crossing permitted by skiers.
12. All boats must display a light at night, pursuant to Indiana law as set forth in Indiana Code 14-15-10, 11, 12, 13 and 14.
13. U.S. Coast Guard Safety Rules and Indiana Regulation of Water Recreation rules shall apply.
14. Boat and Personal Watercraft (PWC) horse power and length restrictions:
 - A. Outboard motors shall not exceed 90 HP
 - B. Inboard-Outboards shall not exceed 140 HP
 - C. Runabouts shall not be longer than the 18ft. class.
 - D. Pontoons shall not exceed 24ft. in length.
 - E. No boat shall have a motor with more horsepower than the manufacturer recommends.
 - F. A two-seater PWC shall not be rated above 75 HP and shall not exceed 45 MPH.
 - G. A three-seater PWC shall not be rated above 80 HP & shall not exceed 45 MPH.These restrictions shall not apply to boats registered prior to their being excepted on January 27, 1988. PWC registered prior to May 20, 1996, which exceed the horse power limitations, shall not exceed 45 MPH.
15. No person shall operate any motorboat or PWC so as to approach or pass within fifty (50) feet from the shoreline of Lake Dalecarlia except for the purposes of trolling or for the purpose of approaching or leaving a dock or pier or the shore of said lake.
16. In addition to the rules and regulations as set forth herein, each owner and operator of a watercraft on the waters of Lake Dalecarlia shall be obligated to abide by the laws of the State of Indiana for watercraft safety that are not in conflict with these rules and regulations as set forth in Indiana Code 14-1-1-1 et. seq.

SECTION B: WATERCRAFT REGISTRATION INFORMATION & TAG PLACEMENT

1. In order to maintain control over trespassers and unauthorized watercraft and for the proper enforcement of all existing water safety rules and regulations, it shall be mandatory for every watercraft of any nature to be registered annually with the POA. **ALL WATERCRAFT MUST BE PROPERLY REGISTERED AND REGISTRATION INFORMATION MUST BE RECEIVED BY THE OWNER AND DISPLAYED ACCORDINGLY PRIOR TO LAUNCHING OR USE ON THE LAKE.** The tag(s) supplied shall be prominently displayed on the starboard side (on the right of someone aboard facing forward) near the bow and above the rub-rail line or, for pontoon boats, on the forward most starboard panel. Each boat owner shall be assessed an annual registration fee as set out by a schedule promulgated by the Board.
2. A completed registration application is required annually. Such application includes, but is not limited to, serial number, color, make/model, length, motor type and hp for each watercraft being registered. **IN ADDITION, PROOF OF INSURANCE MUST BE INCLUDED WITH THE COMPLETED REGISTRATION APPLICATION FOR EACH MOTORIZED WATERCRAFT.**

3. No unregistered watercraft will be permitted on the lake at any time. Anyone violating this provision shall be deemed on the lake without permission of the POA and shall therefore be **SUBJECT TO PROSECUTION** under the Laws of the State of Indiana.
4. Anyone violating any part or parts of these rules and regulations governing water safety and security may be cited before the Executive Board of the POA, deemed as trespassers and be subject to prosecution under the Laws of the State of Indiana.
5. All property owners and renters under the jurisdiction of the POA are hereby granted permission to use the lake and its tributaries and outlots, subject to their compliance with these rules and regulations.

SECTION C: ENFORCEMENT

1. The enforcement of these rules and regulations shall be under the supervision of the fully appointed SAFETY PATROL CHAIRMAN, who may appoint others to assist him/her.
2. The SAFETY PATROL CHAIRMAN and his duly appointed assistants are hereby authorized and directed to enforce all rules and regulations prescribed herein and to take any necessary legal action to prevent trespassers from illegally using any and all properties owned by the POA.
3. The POA **SHALL HAVE THE POWER TO ASSESS FINES FOR THE VIOLATION OF ANY OF THE ABOVE STATED WATERCRAFT RULES IN ACCORDANCE WITH A SCHEDULE OF FINES PROMULGATED BY THE ASSOCIATION.** Every such fine shall be paid promptly upon its being assessed; if it is not, the POA may collect said fine or assessment through the courts of Lake County and, in addition to the fine and/or assessment, the POA shall be entitled to their reasonable court costs and attorney fees in the collection of said fines and assessments.
4. **ANY FINES AND ASSOCIATED FEES COLLECTED SHALL BE TURNED OVER TO THE TREASURER OF THE POA.** Such monies shall be used to cover necessary expenses of the Safety Patrol, as may be prescribed by the Executive Board.
5. If any violation of the restrictions shall occur or be threatened, the party to whose benefit the particular restriction injures or the POA may proceed at law to recover damages for, or in equity, to prevent the occurrence or continuation of the violation. The remedies hereby specified are cumulative and this specification of them shall be taken to preclude an aggrieved party's resort to any other remedy at law, in equity, or under any statute. No delay or failure on the part of an aggrieved party to invoke an available remedy in respect of a violation of any of the rules or regulations herein shall be held to be a waiver by that party of any right of available to him upon the recurrence or continuance of said violation or the occurrence of a different violation.
6. Every one of the rules and regulations is hereby declared to be independent of and severable from the rest of the rules and regulations and of and from every other one of the rules and regulations. Therefore, if any of the rules and regulations shall be held to be invalid or to be unenforceable, that holding shall be without effect upon the validity of enforceability of any other one of the rules and regulations.

SECTION D: DEFINITIONS

1. Where the term **POA** is used, it shall mean the Lake Dalecarlia Property Owners' Association, Inc., of Lake County, Indiana.
2. Where the word **LAKE** is used, it shall mean all waterways, bay channels, beaches, outlots and any and all properties owned by the Property Owners' Association.
3. Where the word **MOTOR BOAT** is used, it shall mean a watercraft propelled by an external combustion, steam or electrical inboard or outboard motor or engine or by any mechanic means, including sailboats that are equipped with any such motor or engine when the same is in operation, whether or not the sails are hoisted.
4. Where the word **WATERCRAFT** is used, it shall mean any instrumentality or device in or by means of which a person may be transported over and upon the waters of this Lake Dalecarlia and it includes every motor boat, sailboat, rowboat, personal watercraft, jet-ski, skiff, dinghy, paddleboat or canoe of any length or size whether or not used to carry passengers for hire.
5. Where the word **BOAT** is used it shall mean watercraft. Where the word **SKIER** is used, it shall mean skier, tuber, torpedoers, or any other device or person pulled by the boat.
6. Where the phrase **IDLE SPEED** is used, it shall mean the slowest possible speed, not exceeding 5 MPH, so as to maintain steerage whereby the wake or wash created by the watercraft is minimal.
7. Where the phrase **TO OPERATE** is used, it shall mean the act of navigating, driving, steering, sailing, rowing, paddling, or otherwise moving or exercising physical control over the movement of a watercraft.
8. Where the word **WAKE** or **WASH** is used, it shall mean a track left by a watercraft causing waves that disrupt other water sport activities or that may cause injury or damage to persons, watercraft or property.
9. Where the phrase **PROPERTY OWNERS** is used, it shall mean fee titleholders, tenants and authorized permanent occupants. This will not include temporary guest, visiting relatives or relatives that are non-fee titleholders.
10. Where the word **TRESPASS** or **TRESPASSERS** is used, a person who commits the act of trespass shall be a person who: (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or his agent; (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or his agent; (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle; (4) knowingly or intentionally interferes with the possession or use of the property of another person without his consent; or (5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without his consent.
A person has been denied entry under subdivision (1) of this section when he has been denied entry by means of (1) personal communication, oral or written; or (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public. (A person who commits a criminal trespass is a Class A Misdemeanor.)

SECTION E: MODIFICATION

The POA reserves the right to amend and modify these rules and regulations from time to time pursuant to the terms and provisions of the Association by-laws. Notice of any amendments or modifications shall be placed in the Association Newsletter. In addition, copies of all rules and regulations shall be posted at the POA building located at 4665 Main Street, Lowell (Lake Dalecarlia), IN. In addition, a map of the lake showing the speed and idle zones shall be posted at the above address.