

# Rules and Regulations Governing Enchanted Lake

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Enchanted Lake (Ka'elepulu Pond) is private property owned by the Enchanted Lake Residents Association (ELRA). These rules are established by the Board of Directors of the Enchanted Lake Residents Association, a non-profit corporation licensed under the laws of the State of Hawaii. The Board of Directors of ELRA is the sole authority for arbitrating, defining, and resolving any differences which may arise in the interpretation and application of these Rules and Regulations.

The purpose of these rules is to maximize the residents' use and enjoyment of lake-associated recreation while minimizing possible annoyances and/or danger to others. While there are many "do's" and don'ts" listed, the Board of Directors feels they are based on common sense and past experience. Any questions concerning the application of or explanation of these rules should be directed to the Association's Lake Security Officer or any other Director.

## **I PROTECTING AND USING YOUR LAKE**

A. Protecting the environment of the Lake is the responsibility of every resident whose property borders the Lake as well as every person who uses the Lake.

B. Each lake front resident must maintain the lakeside frontage of their property. This means picking up all debris and never disposing waste materials of any kind into the Lake. Palm fronds and coconuts must never be allowed to enter the Lake. Mangrove plants shall not be allowed to grow on any lakeside frontage. Non-compliance shall be subject to monetary assessment to cover the cost of clean-up.

C. Commercial or any "for profit" activities are strictly prohibited on Enchanted Lake.

D. Under the laws of the State of Hawaii, only residents "in good standing" of ELRA are permitted use of the Lake. This means a resident whose Lake Maintenance Fees are current. Non-residents, unless guests of a resident or guests of ELRA, are considered trespassers and are subject to State and local laws covering such violations.

## **II REGISTRATION OF BOATS**

A boat is defined as any floating object capable of providing transportation.

A. All boats operated and/or moored on Enchanted Lake must display a current ELRA registration decal and be maintained and safe. Boats of recognized Hawaiian Canoe Clubs, so recognized by ELRA's Board of Director's are exempt from registration requirements. Only residents may register boats which they own and for which they have the appropriate liability insurance.

1. An ELRA registration decal is available annually from the association's Administrative Assistant upon proof or presentation of the following:
  - a. Annually paid ELRA Lake Maintenance Fees.
  - b. Proof of valid liability insurance (a minimum of \$300,000 limit per occurrence) applicable to power boats only.
2. An annual ELRA registration fee will be charged for every boat. The amount of said fee is established by the Board.
  - a. All boats, power, and non-power, must renew decals annually.
  - b. Boats operated and/or moored without a current decal will be reported by the Security Officer to the ELRA Directors pending notification to the owner. Failure to register a boat may result in removal of the boat from the Lake at the owner's expense.

3. Without specific approval by the Executive Board of ELRA, the following classes of boats are prohibited on the Lake:

- a. any boat exceeding 19' length overall, capable of speeds in excess of 5 knots.
- b. any boat with "inboard" power, including straight outdrive, and jet.
- c. any boat with an engine size in excess of 150 HP.
- d. jet ski boats.

4. The Security Officer may recommend to the Board of Directors the revocation of the registration of any boat on the Lake which, in his view:

- a. is being operated contrary to the Nautical Rules of the Road, these Rules and Regulations, or in a dangerous and careless manner.
- b. because of the boat's design and handling characteristics, causes an excessive wake and/or is capable of speeds deemed dangerous for other boaters.

### **III OPERATION OF BOATS**

A. The following shall govern the operation of boats on Enchanted Lake.

1. Inland Rules of the Road (see 33 USC 2001-238 or obtain at any US Coast Guard office).
2. Sailboats, while having the right-of-way over power boats, should avoid impeding the enjoyment of the Lake by water skiers.
3. Boating is not permitted on the Lake between the hours of 10 p.m. and sunrise.
4. All boats will display proper lights after sunset.
5. All boats exceeding 5 MPH shall maintain a distance from the shoreline of at least 25 feet.
6. Boat speed after sunset will be limited to a maximum of 5 knots.
7. Water skiing is permitted:
  - a. between the hours of 8 a.m. and sunset.
  - b. only in a counter-clockwise direction.
  - c. only when both an observer and driver are in the boat.
  - d. only when the skier is wearing a floatation device.
8. Remember, the Security Officer has both the responsibility and the authority to enforce safe boating. He should be contacted if unsafe practices are noted.

### **IV BOAT DOCKS**

A. What Constitutes a Dock

1. Any boat dock structure installed on Enchanted Lake that extends beyond the water-line of your property requires approval from the ELRA Board of Directors. Boat dock structures include, but are not limited to floating docks, fixed docks and cantilever boat docks.

2. Boat docks may be designed to float on the Lake, to cantilever out from the resident's property or to be supported on piles driven into the Lake. Docks should be designed so that no horizontal or vertical forces, loads or pressures are transmitted to any wall that could collapse.

3. If the floating structure is a dock, it needs ELRA approval and related government permits; if the floating structure is a boat or barge, it needs to be "lake-worthy" and have a current ELRA boat sticker.

## B. Design Guidelines and Standards

1. Use: Any boat dock structure on Enchanted Lake shall be solely for the mooring of watercraft. Boat docks shall not be used to extend or increase the resident's use of the lot and/or living unit (i.e., lanais, gazebos, etc...).

2. Size and Location: Your boat dock, constructed parallel to your property waterline, must be located five (5) feet or more from your side property lines (exceptions due to lot size may be requested of the board). It is recommended that your dock be nearly centered on your property. This action provides a boating safety margin for maneuvering your boat to and from your boat dock and also for your adjacent neighbors who may have a boat and/or a boat dock.

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

## C. Submitting Plans to Process Approval for Construction of Your Boat Dock.

1. Lake residents wishing to construct or erect small boat docks in or on Enchanted Lake must submit a letter to the ELRA Board of Directors requesting permission to build a boat dock. This letter should state the name of the legal owner of the property, the Tax Map Key identification of the property, dock construction details and a site plan with dimensions showing the proposed location of the dock (relative to the owner's legal property lines and those of the adjacent neighbors' property lines and/or structures).

2. The ELRA Board of Directors will review the request and if approved by ELRA, the owner should proceed with applications for permits from the appropriate agencies as outlined below.

## D. Requirements

1. Several Federal, State, and local agencies require applications and/or permits prior to construction of a dock. Such requirements and addresses as described herein will change from time to time.

a. Application forms for boat dock construction should be requested from the Department of the Army, U.S. Army Corps of Engineers District Honolulu, Ft. Shafter, HI 96858.

b. Application for a Conservation District Use Application (CDUA) should be made to the State Department of Land and Natural Resources, P.O. Box 621, Honolulu, HI 96809. If the construction of the boat dock is such that it is cantilevered and no support or other portion of the boat dock breaks the surface of the water, this application is not required.

c. A building permit should be requested from the City's Building Department, Permit Section, 650 S. King Street, Honolulu, HI 96813. Be prepared to include three (3) sets of plans with the application.

d. Residents of Kukilakila should write an informal letter of request to the KCA Board of Directors. (Board approval is required for any construction or modification that would involve "common areas".)

2. When the 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.

## E. Dock Maintenance

1. All owners of boat docks on Enchanted Lake shall make sure that the:
  - a. boat dock is maintained in a safe structural condition.
  - b. boat dock has a proper appearance and that it be in harmony with surrounding community property.
  - c. appropriate liability insurance is in force at all times.
  - d. owner continues to be a resident in good standing of ELRA.
2. Steps will be taken to have those boat docks in substandard condition to be brought into compliance with these Rules and Regulations.
  - a. An initial letter will be sent to the owner advising that they are in violation of these Rules and Regulations.
  - b. Should compliance not be achieved within a reasonable period of time, as determined by the ELRA Board of Directors, action will be initiated to have the offending boat dock removed at the owner's expense; such removal not to be considered a trespass.

## V SWIMMING

A. While swimming is not prohibited, the following points should be kept in mind:

1. The lake is not routinely tested for pollution and the coliform count has been known to exceed public health standards for swimming after heavy rains.
2. The oyster beds in shallow areas are hazardous; severe cuts can occur.
3. Boaters often have difficulty seeing swimmers.

B. When you do swim, stay away from the normal counter-clockwise path of the water skiers.

## VI FISHING

A. Fishing in the Lake by pole or with rod and reel is limited to residents and their guests only. Traps for crabbing by residents are permitted within 15 feet of the resident's own sidewall. Moored nets and traps are not permitted on the Lake.

B. Gill nets, fish traps, spears, etc. are forbidden. Since the Lake is private, residents may also legally take oysters. Eating anything taken from the Lake is at your own risk.

C. WARNING!! Whether fishing, crabbing, or oystering, keep in mind that the Lake is not routinely tested for pollution and the coliform count has been known to exceed public health standards, particularly after heavy rains.

## VII BOAT RAMP

The boat ramp area located at the Kukilakila Townhouse Project is the property of Kukilakila.

- A. Kukilakila residents may use it according to the KCA rules.
- B. Other boat owners on the Lake will need to secure permission to use the ramp from the Kukilakila Association.

## VIII DISCLAIMER

While it is our opinion that complying with the above requirements will benefit all Enchanted Lake residents with respect to durability of docks and safety of navigation, it should be clearly understood that ELRA does not guarantee or warrant the effectiveness of the above procedures 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 standards.

The location of every boat dock on Enchanted Lake will be subjected to variables of wind, water levels, and various boat types, sizes, and shapes, moored to the dock. Each boat 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 and Regulations.

That each resident hereby recognizes the possibility that the structures authorized under the general guidelines may be subject to damage by wave wash from passing vessels. Authorization to build under the general guidelines does not relieve the owner/resident from taking all proper steps to insure the integrity of the authorized structure and the safety of boats moored thereto from damage by wave wash and the owner/resident shall not hold ELRA liable for any such damage.

That no attempt shall be made by any owner/resident to prevent the full and free use of all navigable waters of Enchanted Lake/Ka'elepulu Stream by those persons entitled to such use.



**Enchanted Lake Residents Association**

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