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## RESOLUTION PROPOSAL

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**DATE:** May 28, 2009

**SUBJECT:** Amend PM 6.02 Recreational Facilities Rules and Regulations: Beaches and Swimming to remove restriction against swimming from a boat anchored in a cove

**SPONSOR:** Scott Meiss Treasurer

### **BACKGROUND INFORMATION:**

I am proposing striking letter e from the policy. I believe that if boaters have anchored in a cove, they should be able to swim from their boats.

The Safety and Security Committee was asked for their opinion on this change. They were opposed to the idea based on:

- Current policy allows swimming up to fifty-feet from your dock/property seems adequate
- It is dangerous
- Boat traffic in coves are concerned with speed and maneuverability and with this change will also have to dodge swimmers.
- We have 5 beaches and a pool.
- Will this be a liability concern?

Coast Guard Flotilla 88 and the Lake Safety Patrol were also asked for input. Bill Flanders replied that he has always been of the opinion that swimming from boats in coves can be done safely and suggests that the following additional safety requisites be added as a simple extension of the rules that allow swimming anywhere in the lake:

- Swimming be from a tube attached to the boat.
- Observer(s) in the boat follow the rules for skiing.
- Persons left in the boat know how to operate the boat.
- The skier down flag be shown.

The insurance company for LMOA was asked if this change would create a liability issue for LMOA. The insurer replied:

“There is nothing in the insurance provisions that would preclude coverage in the event LMOA was sued in this situation. It is good that they are concerned, however, they can do so much. I think their best bet, if they choose to allow this, is to encourage caution on the part of the swimmers and the boaters when doing this activity. After all, its going to be the boaters responsibility (as it has always been) to be careful when boating and to watch out for downed skiers or swimmers in the water since the operator of the boat will be liable in the event of an accident, not LMOA.

There should not be any swimming in the coves that are in the process of being dredged, whether or not the dredge is in operation. LMOA does assume liability for the operation of this piece of equipment whether or not it is running, and this is an opportunity to remind the residents to stay away from that piece of equipment.”

The First Reading on April 23, 2009 had only one change to the policy, which was:

**B. Lake and Cove Swimming**

4. Swimming shall not be permitted in the following areas:
  - a. The settlement/fishing lake or any body of water within the Golf Course.
  - b. Within the Marina slip or dock area, and within the Marina buoy marked area.
  - c. From the upstream slope of the main dam.
  - d. In the vicinity of the spillways.
  - e. ~~From boats anchored or drifting in the Lake.~~

Since that time, additional changes are being proposed and are attached.

**STAFF RECOMMENDATION:**

**PROPOSED FINANCIAL IMPACT:** none

**PROPOSED SOURCE OF FUNDING:** NA

**STRATEGIC PLAN REFERENCE:**

**POSSIBLE MOTION:**

Move that the Board of Directors approve the revision of PM 6.02 Recreational Facilities Rules and Regulations: Beaches and Swimming to remove restriction against swimming from a boat anchored in a cove as presented in the May 28, 2009 Board packet.

**PERSON RESPONSIBLE FOR FOLLOW-UP:** General Manager

**CHAPTER SIX - Section 6.02  
BEACHES AND SWIMMING**

Adopted: March 30, 2005  
 Amended: February 28, 2008  
 Amended: September 25, 2008  
 Proposed: May 28, 2009

B. Lake and Cove Swimming

1. Waterfront property owners and their guests are permitted to swim in the main lake and its coves, within 50 feet of their own shoreline. ~~Swimming beyond the 50-foot limitation shall not be permitted.~~
2. Swimming across coves (which exceeds the limitations imposed by 1 above) or across the Lake shall not be permitted except as authorized by the General Manager.
3. **Swimming in coves, from an anchored boat is allowed subject to the following rules and at the swimmers own risk.**
  - a. **Swimming shall not occur after sundown or before sunrise or under conditions of low visibility.**
  - b. **The anchored boat shall display an orange flag, 12" by 12", mounted to a pole and high enough to be visible to other boaters indicating that swimmers are in the water.**
  - c. **If the anchored boat has a motor, it shall be turned off while loading and unloading or while there are swimmers in the water.**
  - d. **An inner tube shall be attached to the boat by a rope.**
  - e. **Swimming shall be no more than 50 feet from the boat.**
  - f. **Swimming shall not be within 100 feet of no wake buoys.**
4. No person shall swim or use any raft, inner tube, air mattress or other floatation device in the normal traffic flow pattern of the Lake.
45. Swimming shall not be permitted in the following areas:
  - a. The settlement/fishing lake or any body of water within the Golf Course.
  - b. Within the Marina slip or dock area, and within the Marina buoy marked area.
  - c. From the upstream slope of the main dam.
  - d. In the vicinity of the spillways.
  - e. From boats anchored or drifting in the **main body of the** Lake.