

**CHAPTER SIX – Section 6.04
BOATING AND BOAT OPERATIONS**

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I. POLICY

A. Lake Monticello and Tufton Lake are private bodies of water owned by the Lake Monticello Owners Association (LMOA). These lakes shall only be utilized for permitted activities by LMOA residents and their guests in accordance with this policy. The LMOA prioritizes safe boating and water sports participation and responsible enjoyment of LMOA waters. The following Rules and Regulations shall be in force regarding boating activities, boating operations, vessel types, and water sports on bodies of water owned by the LMOA.

II. DEFINITIONS

These definitions pertain to boating operations on Lake Monticello specifically. While some terms are verbatim as defined by the U. S. Coast Guard (USCG) and/or Virginia Boating Law and pertain to Virginia waterways, the LMOA, as a private lake owner, can add policies, definitions, and restrictions to facilitate safe watercraft operations.

Air Boat: A motorized boat that utilizes an aircraft-type propeller, fan, or air pump for propulsion.

Enhanced or Excess Wake: Any wake created by wake enhancement devices, special vessel operations or alterations, or any other means, with the intent of creating a wake beyond what is reasonably necessary for routine boating, water skiing, or tubing. Any wake capable of being surfed.

Manually Propelled Watercraft: Any watercraft propelled by human power without the aid of any motor or sail. Examples include, but are not limited to canoes, kayaks, row boats, paddle boats, or paddle boards. .

Motorboat: Any vessel which is equipped with propulsion machinery (e.g., detachable or fixed outboard engines or inboard engines powered by fuel or electricity) that is steered from a seated position, powered by a motor of any type that utilizes a propeller or jet of water for propulsion, and that is designed for travel on the surface of the water for travel, fishing, or for the towing of persons engaged in approved water sports without creating an enhanced or excess wake.

No Wake Speed: The slowest possible speed required to maintain steerage and headway. May also be referred to as ‘idle speed’.

Novel or Experimental Watercraft: Any watercraft that is of a novel or experimental design that is not a motorboat, manually propelled boat, or sailboat. This includes any unmanned autonomous or remote-controlled watercraft used as tow vessels.

Personal Watercraft (PWC): Any motorized vessel that is operated or ridden while straddling a seat, kneeling, or standing on the vessel. Examples include, but are not limited to, jet ski, WaveRunner, or any type of powered board, ski, foil or inflatable. Note: PWCs are not allowed on Lake Monticello waterways.

Qualified Motorboat Operator: Individual who has successfully completed the Lake Monticello (LM) Boating Safety Exam within the past 5 years.

Reckless Operation: Operating any vessel or manipulating a towing device so as to endanger life, limb, or property.

Safe Speed: A speed less than the maximum to enable a boat operator to take proper and effective action to avoid collision and stop within a distance appropriate to the prevailing circumstances and conditions.

Sailboat: Any boat, propelled by sail and wind only. If under motorized power, it will be deemed a motorboat.

Slow Speed: A precautionary speed of five miles per hour.

Towed Watersports: Watersports where a person or persons are towed via a rope or pole on or above the surface of the water while standing, kneeling, sitting, or lying on skis, a board, a tube, other rideable inflatable, or hydrofoil board.

Wake Enhancement Devices: Any device, object, or weight, affixed to, or used by a vessel, which produces elevated or enhanced wakes by use of ballast, mechanical hydrofoils, uneven loading, weight, or "operation at transition speed" — which means greater than slow-no-wake but not fast enough that the boat is on plane. Note: Active wake enhancement devices are NOT allowed on Lake Monticello.

Warning Flags:

When posted on the Main Dam, and all LMOA Beaches:

RED and WHITE: Lake is closed to all boats except emergency vessels.

BLUE and WHITE Checked Flag: Slow speed, all boats.

When displayed on a boat:

ORANGE: Indicates a person in the water nearby. Use caution.

RED with WHITE DIAGONAL STRIPE: Indicates one or more diver(s) is in the water.

Keep 75 feet clear.

Vessel: All forms of watercraft capable of being used as a means of transportation on water (e.g., motorboats, manually powered watercraft (kayaks, paddleboards, canoes, paddleboats, sailboats, etc.).

Watercraft: See Vessel.

III. RULES & REGULATIONS

A. Approved Vessels and Usages

1. Only vessel types approved by LMOA in this policy may be operated on Lake Monticello and Tufton Lake. Any vessel that is not explicitly listed as approved shall be deemed not approved and shall not operate on LMOA waters. Personal watercraft, air boats, and novel or experimental watercraft are not permitted on any LMOA waters except by emergency services personnel, LMOA maintenance staff, LMOA contractors, or as otherwise approved for special usage by the LMOA Board of Directors (BOD) or the General Manager. No vessel classified by the manufacturer as having an overall hull length greater than 24 feet is permitted.
 - a. Approved vessels for Lake Monticello

- i. Motorboats that are properly registered per LMOA Policy 6.05.
 - ii. Boats designed by the manufacturer for enhanced wakes or boats with wake enhancement devices attached may be operated on Lake Monticello as long as they can be operated without the wake enhancement devices engaged, deployed, filled, or otherwise activated and in a manner that does not produce an enhanced or excess wake.
 - iii. Manually propelled watercraft that are properly registered per LMOA Policy 6.05.
 - iv. Sailboats that are properly registered per LMOA Policy 6.05.
- b. Approved vessels for Tufton Lake

- i. Motorboats classified by the manufacturer as having an overall hull length not exceeding 16 feet that are powered by an electric motor operating at slow speed that are properly registered per LMOA Policy 6.05
- ii. Manually propelled watercraft that are properly registered per LMOA Policy 6.05
- iii. Sailboats that are properly registered per LMOA Policy 6.05
- c. Approved usages for Lake Monticello
 - i. Recreational boating with any type of approved vessel
 - ii. Towed watersports
 - iii. Fishing
 - iv. Swimming as defined elsewhere in this policy and in LMOA Policy 6.02
 - v. Special events as approved by the LMOA BOD or General Manager
 - vi. SCUBA diving on a case-by-case basis as controlled, managed, and coordinated by the Marina Manager.
- d. Approved usages for Tufton Lake
 - i. Recreational boating with any type of vessel approved for Tufton Lake.
 - ii. Fishing
 - iii. Wake surfing is prohibited
 - iv. Ramps or the placing of obstacles or slalom markers are prohibited unless approved by the LMOA BOD or General Manager.

2. Unapproved Vessels

B. Airboats, PWCs, and novel watercraft are not approved to operate on any LMOA waters. Boat Operations and Requirements

- 1. As a private lake (i.e. a lake in Virginia without general public access);
 - a. Motorboat operators are not required to complete a National Association of State Boating Law Administrators (NASBLA) Boating Safety Course or obtain a Virginia Boating Certificate as described in the Virginia Boater's Guide. While not required, motorboat operators must be familiar with safe boating practices. Completing NASBLA or Virginia Safe Boating training is strongly recommended.
 - b. *All watercraft on Lake Monticello waters must carry USCG and State of Virginia required Safety equipment, including appropriate navigational lights, signaling devices, personal flotation devices and, for motorboats over 18 feet in length, fire extinguishers.*
- 2. Boat operator exam requirements All motorboat operators aged 16 and above must complete the Lake Monticello Boating Safety Exam before independently operating a motorboat on Lake Monticello.
 - a. No person under the age of 12 shall operate a motorboat on Lake Monticello

- b. Persons over the age of 12 but under the age of 16 may independently operate a motorboat on Lake Monticello under the following conditions:
 - i. They have successfully completed the Lake Monticello Boating Safety Exam as described below.
 - ii. They have the permission of a parent or guardian.
 - iii. May operate only between the hours of sunrise and sunset
 - iv. The motorboat's engine may not exceed 10 horsepower
 - c. If a juvenile between the ages of 12 and 16 has not successfully completed the Boating Safety Exam, they may operate a motorboat while under the direct supervision of a parent or guardian who has successfully completed the Lake Monticello Boating Safety Exam and who is able to take immediate control of the motorboat,
 - d. Persons aged 16 and older who become motorboat operators by successfully completing the Lake Monticello Boating Safety Exam may independently operate a motorboat on Lake Monticello waters to the fullest extent allowed by LMOA Policies.
3. One must correctly answer 85% of all questions on the Lake Monticello Boating Safety Exam to receive a passing score and be considered a qualified motorboat operator. All motorboat operators must retest every 5 years.
 4. Completion of the Lake Monticello Boating Safety Exam is also required to operate selected motorboats at Slow Speed on Tufton Lake (motorboats that are no more than 16 feet long that use an electric motor of no more than 10 hp).

C. General Rules

1. All watercraft operators on Lake Monticello and Tufton Lake shall observe all USCG rules and regulations pertaining to boating safety, lighting, and navigation including safety laws of the Commonwealth, VA Department of Wildlife Resources (DWR) regulations.
2. All motorboat traffic shall proceed in a counterclockwise manner, with the starboard side toward the shore, around Lake Monticello. Any boats crossing the pattern shall ensure that traffic is clear and it is safe to do so. Manually propelled watercraft shall follow the established traffic pattern while travelling the circumference of the main lake when beyond 75 feet from shore.
3. The maximum allowable speed on Lake Monticello shall be 35 Mph during daylight hours. Between sunset and sunrise, the speed limit shall be less than 5 Mph ("Slow Speed"). "No Wake" speed shall be observed at all times in all coves and other areas marked with No Wake buoys. At less than 50 feet from shore, dock, or swimming areas, and swimmers in the water, No Wake speed applies per State law. Slow Speed is to be observed between 75 to 50 feet of any shore, dock, swimming area, and swimmers in the water.
4. Conventional motorboats shall operate with caution in the vicinity of manually propelled watercraft, reducing speed as necessary to avoid the possibility of swamping or capsizing.
5. Slow Speed shall be observed when the water level is more than six inches above the normal pool or more than one foot below the normal pool. The Blue and White Checked Flag will be flown on the dam and other areas throughout the lake during these times. The General Manager may waive, at his discretion, the Slow Speed for special, short-term events during abnormal pool levels.
6. The beaching of conventional motorboats is not permitted on any beach. Conventional motorboats

- shall be moored at docks or slips where provided. Sailboats and manually propelled boats may land temporarily at beaches outside the roped areas.
7. Under no circumstances shall trash, garbage, or litter of any kind be placed into the LMOA bodies of water at any time.
 8. Mooring
 - a. Boats shall be moored at the owner's property, at the marina, or at other assigned slips.
 - b. Boats of Marina Point Condominium unit owners must be moored parallel to the bulkhead. Mooring of boats perpendicular to the Marina Point shoreline is not permitted.
 - c. No boat shall be moored, nested, or anchored in a manner that it in any way impedes or interferes with normal navigation on Lake Monticello, or creates a safety hazard.
 - d. Anchoring of unattended boats is not permitted except in emergency circumstances or with LMOA approval.
 9. Boating shall be permitted on the main lake and its coves only. Boats propelled by oars, paddles, or electric motors are permitted on Tufton Lake (fishing pond). No watercraft of any kind are permitted on any other bodies of water within LMOA property (e.g., golf course, retaining ponds, etc.).
 10. There shall be no racing of motorboats.
 11. All watercraft using LMOA waters after sunset and before sunrise shall be equipped with and required to use proper navigational lights as defined by the Virginia Department of Wildlife Resources (DWR) and the USCG for their watercraft. Motorized boats greater than 16 feet must have red and green sidelights and one illuminated white light visible 360 degrees (all around white light). All boats less than 16 feet must have one all around white light. Docking lights are only to be used when docking a boat, as they are not considered navigation lights.
 12. At night, manually propelled watercraft must have an illuminating white light visible for 360 degrees.
 13. No person shall operate any vessel or manipulate any towed device recklessly or negligently so as to endanger the life, limb, or property of any person.
 14. The responsibility of removing any watercraft that has sunk shall be by its registered owner. If a sunken watercraft is not removed, LMOA will remove the watercraft after giving the registered owner 24 hours' notice. Any sunken watercraft that is a safety hazard or is causing or could cause environmental damage will be removed immediately by LMOA; similarly, any watercraft that has been abandoned will be removed by LMOA. The total cost of the removal will be at the expense of the registered owner (costs incurred by the contractor and any cost incurred by LMOA for environmental cleanup).
 15. Boat operators shall not intentionally drain or dump ballast or wells known to contain water from outside bodies of water into the Lake Monticello watershed.
 16. No person shall operate any vessel with wake enhancement devices engaged, deployed, filled, or otherwise activated for the purpose of creating an enhanced wake. Wake surfing is prohibited.
 17. All manually propelled watercraft operators (e.g., windsurfers, standup paddle boarders, kayakers, canoers, paddleboaters, etc.) and all persons onboard these watercraft must wear or have

onboard and readily accessible, USCG approved life jackets and a sound producing device (e.g., whistle).

18. Regardless of age requirements, in determining whether passengers should wear life jackets, passenger safety should always be considered by qualified boat operators based on a number of factors, including; weather conditions and visibility, passenger age, physical limitations, and swimming ability.
19. All LMOA rules, regulations, usage agreements shall be observed by all watercraft operators on Lake Monticello and Tufton Lake.
20. A boat crew in need of assistance should wave the orange flag to catch the attention of other boaters. Responding boaters should cautiously approach and be prepared to render assistance as needed.
21. Consistent with Virginia law, no person shall operate a motorboat that generates a wake that; causes damage to equipment, injuries to people, damage to docks or shores, or results in swamping or capsizing boats.

D. Buoys

1. The buoys placed in the Lake and its coves are designed for the safety of boaters and swimmers and the protection of property. The buoys are numbered counterclockwise, beginning at the main lake dam. Privately anchored or moored buoys are not permitted on Lake Monticello. Islands (dive platforms) or multi-person floats are not permitted to be permanently anchored on Lake Monticello.
2. Boat owners and boat operators shall familiarize themselves with and adhere to the meaning and intent of the markings on the buoys.
3. Tampering with or using buoys for any purpose other than in subsection "a" above is prohibited. Specifically prohibited is tying up to any buoy.
4. Neither boaters nor property owners shall change the positions of buoys. Out-of-place buoys shall be reported to the LMOA Facilities Department or the Marina supervisor.
5. Traffic flow around the Lake is counterclockwise. Designated turn-around buoys are located near the east and west ends of the Lake.

E. Towing and Towed Devices

1. Every boat engaged to tow a device shall have a minimum of two persons aboard: the operator and an observer. It shall be the responsibility of the operator to choose a mature observer who can identify hand signals with those being towed and assist with the safety of those being towed (e.g., entering/exiting the water, managing the orange flag, keeping a lookout for other boaters and swimmers).
2. When a towed person falls or is no longer being towed and is in the water, the boat shall display an orange flag to indicate that a person is down in the water. The orange flag shall be minimum

12" x 12", mounted to a pole, and high enough to be visible to other boaters. Caution shall be used by all boaters in the area when the flag is displayed.

3. No person shall operate a watercraft towing any device, nor shall anyone engage in such activities after sunset or before sunrise or under conditions of low visibility (e.g., bad weather), or when volume of boat traffic may endanger riders. The only exceptions are in an emergency or by emergency personnel.
4. Skiers shall not be permitted to take-off, land, or beach on any beach or dock. Kite skiing is prohibited.
5. Unequal length tow lines for multiple tows are not permitted. Tubing equipment is generally not made for speeds over 20 Mph.
6. Skiing and aquaplaning are prohibited within 75 feet of shorelines, swimming areas, docks, coves, or in areas marked with No Wake. Tubers may be pulled at No Wake Speed in and from coves.
7. A fallen skier shall prop a ski out of the water to signal other boats. When two or more skiers are being towed from the same boat, and one falls, the other skier(s) shall drop their towlines immediately and signal properly. Any towed person who is down shall raise his/her arms or ski to signal other boats.
8. When towing multiple people on a tube (or tubes) or other device, if one or more people falls off, those who have not fallen off should remain on the tube until instructed by the motorboat operator to minimize separation of people in the water. The motorboat operator will reduce speed and maneuver the boat to recover everyone.
9. All persons being towed shall wear a USCG-approved life jacket designed for waterskiing.
10. The motor of any boat shall be turned off during the pick-up, loading, or unloading of any person from the water, dock, shore, or while engaged in any act of loading or transferring passengers.
11. No person shall operate any vessel or manipulate any towed device recklessly or negligently that endanger life, limb, or property. The following practices shall be considered reckless operation or negligent manner for the purposes of this policy:
 - a. Any watercraft following another boat towing a person or device at a distance of fewer than 50 yards.
 - b. Any watercraft that shall cut in front of any motorboat, sailboat, or boat towing persons at a distance of fewer than 50 yards.
 - c. Any person who shall operate a towboat causing persons using skis to negotiate a landing directly onto the shore, beach, or dock without first coming to a gradual stop in the water at least two feet deep.
 - d. Any boat or towed person that shall purposely maneuver toward any watercraft or person and veer away at the last moment for whatever reason.
 - e. Any person who shall ride on the gunwale or stern of any powerboat while underway.
 - f. Any person who operates or manipulates any watercraft towing a skier, skiers, or aqua planer into or out of any cove, access area, or other restricted area marked by warning buoys. Tubers are permitted to be towed at slow speed in coves.
 - g. Power slides are considered reckless boat operations.

- h. Operating any vessel while intoxicated.
- i. In addition to any administrative policy violations and pursuant to the laws of the Commonwealth, those operating any motorboat or vessel, or manipulate any skis, surfboard, or similar device in a reckless manner so as to endanger the life, limb, or property of any person or operating a motorboat while intoxicated may be subject to criminal summons, warrants, or arrest.
- j. The dropping and leaving of water skis or equipment in the Lake shall be prohibited.

E. Swimming from Boats

- 1. Swimming from boats is restricted to Adams Cove, Monroe Cove, Jackson Cove, and the area west of the no-wake buoy and east of Beach 5 in the Van Buren Cove area.
- 2. Swimming is authorized from sunrise to sunset.
- 3. The following conditions must be met to allow swimming from boats:
 - a. A boat observer shall fly an orange flag while any swimmer is in the water.
 - b. The boat engine(s) shall be off while swimmers are in the water or boarding.
 - c. The boat must be anchored, and a safety observer must be on board who is a qualified motorboat operator.
 - d. Anchoring shall be away from the central channel of the cove or near buoys marking swimming areas, turn points, shallow water, etc. to not obstruct the view by other boaters.
 - e. No swimming shall be allowed under the boat or between boats that are tied together.
 - f. There shall be no swimming to shore from a boat, or from shore to a boat, or a swimming area to a boat.
 - g. Swimmers must swim within 50 feet of the boat.
 - h. Boats shall carry a throwable flotation device and have it readily available to the safety observer.
 - i. A means of boarding the boat unaided must be available and deployed.
 - j. Noise shall be controlled not to be a “nuisance” to nearby residences.
 - k. There shall be no swimming from boats moored at LMOA docks.
 - l. No multi-person floats are permitted unless secured to the anchored boat's broadside.

B. Fishing

- 1. All fishing shall be done in compliance with the laws of the Commonwealth of Virginia and DWR regulations.
- 2. All fishing shall be conducted in accordance with LMOA PM 6.06.

C. Exceptions

- 1. Public Safety, Emergency Services, and maintenance/lake health operations are exempt from this policy as needed to perform their official duties.
- 2. The LMOA General Manager or Director of Public Safety may temporarily suspend all or parts

of this policy, limiting boating operations, or close any body of water owned or controlled by LMOA for special events or public safety emergencies.

D. Enforcement

1. All persons operating watercraft on any waters owned by LMOA shall stop their vessel whenever given a visual and/or audible signal to stop by any law-enforcement officer or member of the LMOA Water Safety Team (VWST). The VWST enhances safe boating operations in coordination with the Lake Monticello Police Department. Additionally, the VWST provides education and assistance to LMOA members and visitors with the goal of ensuring a safe recreational environment for all.
2. LMOA members are responsible for all operations and actions of their boat, regardless of who is operating the vessel. Failure of any party on or operating the vessel to abide by LMOA regulations, usage agreements, and state laws are considered a policy violation. The violation will be against the LMOA member who is the registered owner of the vessel and may result in compliance actions to include fines, expulsion from LMOA waters, and/or loss of usage privileges.
3. Violations of the laws of the Commonwealth may result in criminal proceedings in addition to any LMOA administrative actions. Examples of violation of Virginia law may include operating in a reckless and negligent manner, damage to equipment or injury to people, injuries related to capsized boats, and/or damage to docks or shorelines.
4. The Lake Monticello Department of Public Safety shall enforce the provisions of this policy.