Heritage Lake Property Owners Association, Inc.

Architectural & Environmental Building Rules and Regulations

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SECTION 100: INTRODUCTION

100 - PURPOSE

The purpose of this handbook is to document the building regulations at Heritage Lake. The Heritage Lake Property Owners Association (HLPOA) reserves the right to add, change, or delete any rules and regulations in this handbook.

103 - SAFETY

The protection of residents, visitors, and construction workers from death and injury is paramount. Therefore, it is imperative that all construction workers and construction procedures fully comply with the regulations of the Occupational Safety and Health Act (OSHA) and other authorities having jurisdiction.

106 - AUTHORITY OF THE A&E COMMITTEE

The Building Rules and Regulations are under the auspice and control of the Board of Directors and the A&E Committee.

109 - ARTICLES OF THE ARCHITECTURAL AND ENVIRONMENTAL COMMITTEE

1. NAME: (A&E) Architectural and Environmental Committee.
2. PURPOSE: To fulfill the objectives of Articles VI and VII of the Restrictive Covenants.
3. MEMBERSHIP: The committee shall consist of six (6) or more representatives appointed and approved by the Board of Directors. New or first-time members must attend three (3) consecutive meetings before they can be presented to the Board for membership. Voting privileges for members will be suspended if a member missed three (3) consecutive meetings, without notifying the committee chairman. Voting privileges will be restored upon attendance at a third consecutive meeting.
4. OFFICERS: The officers will be a Chairman, Vice-Chairman, and a Secretary.
5. MEETINGS: Meetings will be held at 7:00 p.m. at the Clubhouse, on the 1st and 3rd Thursdays of each month.
6. QUORUM: Shall be a minimum of three (3) voting members of the committee. In the event a scheduled meeting is held where an insufficient number of voting members are present to constitute a quorum, a special meeting shall be called.

   All committee members, anyone in attendance at that scheduled meeting, and anyone with proposed plans that were to be reviewed will be notified as to the time and date of the special meeting. The agenda of the special meeting will be limited to only those items that were on the agenda for the scheduled meeting.
7. Amendments to the Building Rules and Regulations document require the vote of the committee with the approval of the Board of Directors.
8. AUTHORITY: Roberts Rules of Order, Newly Revised will be followed.

112 - APPROVAL PROCESS/ COMMITTEE PROCEDURES

1. Permit applications submitted to the POA office by 3 pm, one week prior to the next scheduled A&E meeting, will be reviewed at that next meeting (see Application Requirements, Section 115).
2. The application fee must be paid according to the fee schedule ($20-$250) approved by the Board of Directors.
3. The POA office will deliver a list of properties requesting permits and permit request type via E-mail notification to current A&E committee members that have email addresses on file at the POA office.
4. A pre-inspection team consisting of A&E committee members, POA board members, and/or the property manager may at their discretion complete a site inspection before the scheduled A&E committee meeting.
5. Representation at A&E committee meeting- The property owner's presence at the A&E Committee meeting is required for the permit application to be reviewed. The property owner may have a representative present the project in their place. The property owner is responsible for following up with the representative and ensuring the construction is completed as documented and approved.
6. At the A&E Committee meeting the proposed plans will either be (a) approved, (b) denied, or (c) denied pending POA Board review. The approval of proposed plans will be by a majority of attending A&E committee members but with the approval of at least 3 voting members.
7. After the anticipated construction start date the A&E committee, POA board members, and/or property manager may at their discretion complete an "in progress construction inspection". Construction will be halted (see injunction section 133) if any of the rules and regulations are not being followed and/or the approved plans do not match current construction.
8. After construction is complete, the A&E committee may at their discretion finish the approval process with a final inspection.

113 – NOTIFICATION OF PROPOSED PROJECTS

At 3:00 pm every Wednesday that precedes the 1st and 3rd Thursdays of each month the POA office will post a list of the permit requests submitted for approval on the POA website: www.hlpoa.us/building-permits

115 – APPLICATION REQUIREMENTS

Property owners will submit plans to the committee, including the following: (All items must be completed before the plans will be considered for approval).

1. A current licensed and professional surveyor's plot plan showing the exact location of building stakes, location of well, driveway, all adjacent roads, and all improvements existing upon the lot and the location of the improvement proposed to be constructed or placed upon said lot, each properly and clearly designated. Plot plans for new homes additions, and garages must show the dimension of every structure line, the dimension for each lot line, and show the setback lines and any easements.

2. Floor plans drawn 1/4 inch to 1-foot scale.

3. Exterior elevation plan drawn1/4 inch to 1- foot scale (when required)

4. Specifications for the color and composition of **all exterior materials** proposed to be used together with any other material or information which the committee shall require.

5. New houses, home additions, and garages must conform to all current building codes established by Putnam County and the International Residential code. Any exceptions must be specified in writing at the time of the application.

6. Plans for new houses and home additions must include a foundation cross section drawing depicting the footers, foundation drainage, block or concrete walls, and crawl space (where applicable).

7. Plans for new houses and home additions must include a framing cross section drawing depicting the studs, Insulation, weatherproofing, drywall, and exterior materials (brick, siding, etc.)

8. Plans for new houses and home additions must include a completed "New Home Construction Information Sheet" (available at the POA office).

9. Fence applications must include a photo representing the fence type and material or detailed drawing of the fence type and material. A plot plan showing the fence location and all property structures is required.

10. **Notarized** Agreement (Section 904).

11. Anticipated start and completion dates.

118 - ACCESS TO A & E FILES

1. All A & E Committee minutes are available for review and copy by all Association members.

2. Members of the POA Board and/or the A & E Committee have access to all A & E records at any time while performing their POA duties.

3. All property owners have access to their own A & E Committee files.

4. Only POA Directors and A & E Committee members shall remove A & E files from the POA office after signing a receipt for the same.

5. Anyone being denied access to the A & E files may appeal to the POA Board.

121 - NO CONSTRUCTION WITHOUT PRIOR A&E COMMITTEE APPROVAL

1. No dwelling, building, structure, or improvement of any type, including any addition to an existing structure shall be constructed or placed on any lot in the Properties without the prior written approval of the A&E Committee in accordance with the By-laws and Restrictive Covenants.

2. Such approval shall be obtained only after written application has been made to the A&E Committee by the property owner.

3. Such written application shall be in the manner and form prescribed by the committee, and shall be accompanied by one complete set of plans and specifications (section 112, 115) for the proposed construction or improvement.

4. Where applicable, there shall also be submitted to the office, the HLPOA compliance forms (Section 904) and review fee or reports required by the Heritage Lake Property Owners Association, Inc. Restrictive Covenants.

Failure to do so will result in the HLPOA seeking an injunction.

123 – Property Survey to Clear Lot

In preparation of any construction on undeveloped lots property owners must have a staked survey performed by a licensed surveyor prior to 1. Removing trees and vegetation or 2. Grading the property.

124 – SITE LOCATION HLPOA COMPLIANCE FORM/PERMIT

All dues and other fees owed by an Association member on any property must be paid in full before a site location HLPOA compliance form/Permit (Section 904) is issued for any property.

127 – IMPROVEMENTS NOT LISTED

Any improvement not listed in the Building Rules and Regulations are also subject to approval by the A&E Committee, which is agreed to by all lot owners by accepting deed to the lot per HLPOA Restrictive Covenants.

130 - LIMITS OF LIABILITY

1. The Heritage Lake Property Owners Association A&E Committee Members, employees and officers charged with the enforcement of these Rules and Regulations, while acting for the Association, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that shall accrue to persons or property as a result of any act required or permitted in the discharge of their official duties.

2. Any suit instituted against any officer or employee because of an act performed by her or him in the lawful discharge of his or her duties and under the provisions of these Rules and Regulations shall be defended by the legal representative of the Association until the final termination of the proceedings.

3. The A&E Committee Officials shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of these Rules and Regulations and any of its provisions, or by reason of any act or omission in the performance of their official duties in connections therewith.

133 - AUTHORIZATION TO SEEK INJUNCTIVE RELIEF

The A&E Committee shall have the power, pursuant to the Restrictive Covenants and the Building Rules and Regulations to recommend to the Heritage Lake Board of Directors to seek injunctive relief in the event that any improvement is constructed in violation with the A&E Committee approved specifications or when no plans are on file with the A&E Committee.

1. The A&E Committee shall have the power to recommend to the Heritage Lake Board of Directors that injunctive relief be sought.
2. Nothing in this section shall prevent the Association from obtaining other appropriate relief.

134- Heritage Lake Property Owners Association Architectural and Environmental Committee Policy and Procedures for the Imposition of Fines

Policy:

All Heritage Lake Property Owner's Association ("POA") members ("Members") are required to obtain a permit (the "Permit") from the Architectural and Environmental Committee ("A&E Committee") prior to the construction/placement of any structure and prior to making any improvement to any existing structure, as set forth in the A&E rules. For the purposes of this policy, construction performed not according to the permit specifications is also considered building without a permit. Failure to comply with the permitting process or committing a violation of A&E Building Rules and Regulations shall result in: 1) a Stop Work Order, 2) a fine being imposed on the Member/contractor (the "Fine"), and 3) other possible sanctions, including, but not limited to, removal of the structure or improvement which was made/placed without a Permit. A Stop Work order can only be released by the Property Manager's office. (see definition Rule 203)

Procedure for Imposition of Fine(s) and/or Other Sanction(s):

1. If the A&E Committee is placed on notice that a structure has been constructed or an improvement was made without a Permit, or there is a rule violation at the site, the A&E Committee shall place the matter on the agenda at the next regularly scheduled A&E Committee meeting.

2. Prior to the aforementioned meeting, the property manager shall conduct an investigation regarding the structure and/or improvement and provide a report to the A&E Committee. If the A&E Committee concludes, by a majority vote of the A&E Committee, that a Member has constructed a structure or made an improvement without a Permit or committed an A&E rule violation (the "Violation"), the A&E Committee shall take the action listed in the table below.

3. All fines imposed for the Violation shall be paid within ten (10) days from the date of the Notice unless a timely appeal is initiated, in which case the fine shall be stayed pending the outcome of the appeal. Unpaid fines shall accrue interest at the rate of one and one half percent (1 ½%) per month until paid. The POA shall be entitled to initiate a collection action in the Putnam County Superior Court to collect all unpaid fines and interest charges. The POA shall also be entitled to recover all attorney fees, litigation expenses, and court costs incurred in the enforcement of any rule and/or in the imposition and collection of any fine and/or monetary sanction imposed hereunder.

4. All fines, interest charges, collection costs, and attorney's fees incurred by the POA shall become a lien on the Member's real property. The POA shall be entitled to take all action necessary to perfect and foreclose upon said lien.

The fine is determined by structure type (Class 1 or Class 2).
Class 1 structures: houses, additions, garages, boathouses, docks, permanent covered boat lifts

The Class 1 violations listed below will result in a $2000.00 fine for the 1st offense. Subsequent offenses will require the builder to appear in front of the Board who will determine the next course of action (an additional fine and/or a ban from future work at Heritage Lake):

1. Construction without a permit or not within the specifications of a permit
2. Continuing work after a Stop Work order has been issued
3. Failure to comply with the requirements listed on the A&E Building Rules and Signature Sheet
4. Continuing work on a structure without the required foundation inspection and approval
5. Occupying a dwelling without a Putnam County occupancy permit
6. Failure to allow entry onto property

The Class 1 violations listed below will result in a $500.00 fine for each offense:

1. Site not ready for a scheduled foundation inspection
2. Failure to notify the office of the completion of the project

Class 1 fines will be assessed to the assigned responsible person(s) on the permit application.

Class 2 structures: decks, fences, gazebos, moveable boat lifts, metal and glass sunrooms, pools, solar panels, pergolas, portable storage units

The Class 2 violations listed below will result in a $250.00 fine for each occurrence and the fine will be repeated every 30 days if the issue is not resolved:

1. Construction without a permit or not within the specifications of a permit
2. Continuing work after a Stop Work order has been issued
3. Failure to allow entry onto property
4. Failure to notify the office of the completion of the project
5. Use of swimming pool without the final inspection/approval of the same by Putnam County

Class 2 fines will be assessed to the Member only.

The A&E committee can, by majority vote, change the class of the fine (either up or down) based on the egregiousness of the violation.

Appeals Procedure:

If a member or contractor is issued a Notice of Violation, the Member or contractor may appeal the ruling of the A&E Committee and the imposition of any fine (the "Appeal") by following the Appeal procedures set forth below. The failure to follow the Appeal procedures shall constitute a waiver of all rights to initiate and/or pursue an Appeal.

1. The Appeal must be commenced by the Member or contractor within ten (10) days of the date of the Notice by filing a written notice of the Appeal with the POA business office (the "Notice of Appeal"). The Notice of Appeal form is attached hereto as Exhibit "A" and is also available at the POA business office.

2. The Notice of Appeal form MUST be accompanied by the following information:

   a. a concise written statement describing the factual grounds for the Appeal;
   b. a legible copy of all documents upon which the Member or contractor relies upon in support of the Appeal; and
   c. the name, address, and telephone number of each witness the Member or contractor intends to have testify in support of the Appeal;

3. The POA Board of Directors shall hear the Appeal at a time and date determined by the POA Board of Directors (the "Appeal Hearing"). Written notice of the Appeal Hearing shall be provided to the Member or contractor via United States Postal Service, first class mail, to the Member's or contractor's address on record with the POA business office.

4. The Member or contractor shall be entitled to one (1) continuance of the Appeal Hearing date upon good cause shown. A written request for a continuance must be delivered to the POA business office not less than two (2) business days prior to the scheduled Appeal Hearing. The request for the continuance must state the grounds for the continuance and be executed by the Member or contractor.

5. During the Appeal Hearing, the Member or contractor shall have the right to be represented by an attorney who is licensed and in good standing within the State of Indiana. The Member or contractor shall have the right to call the witnesses timely disclosed, as required by these procedures. The Member or contractor shall also have the right to present documentary evidence which was included with his/her Notice of Appeal. The Member or contractor shall have the right to cross-examine witnesses called to testify on behalf of the POA.
6. Following the presentation of evidence, the POA Board of Directors shall immediately convene an executive session for the purposes of considering the Appeal. The POA Board of Directors shall decide the matter (the "Decision") as follows:

   a. Affirm and uphold the decision of the A&E Committee; or
   b. Reverse the decision of the A&E Committee; or
   c. Affirm the decision of the A&E Committee but decrease and/or eliminate the fine(s) imposed by the A&E Committee.
   d. A decision to reverse the A&E Committee must be approved by an affirmative vote of Seventy-Five percent (75%) of the POA Board of Directors. Failure to obtain a Seventy-Five percent (75%) vote of the POA Board of Directors in favor of reversal shall result in the decision of the A&E Committee being affirmed in all respects.

7. The Member or contractor shall be notified of the Decision within ten (10) days of the date of the Appeal Hearing by written notice, delivered by the United States Postal Service, first class mail, to the Member's or contractor's address on record with the POA business office. The Decision shall be final and non-appealable. The Member or contractor shall pay any fine(s) affirmed by the Decision within seven (7) days of the date of the Decision notice.

8. Appeal Hearings shall be open to all POA Members, except for deliberations, which shall be conducted in executive session.

136 – RULES AND REGULATIONS HANDBOOK AND COMPLIANCE FORM

1. One copy of all required forms and the Rules and Regulations information shall be available at the Clubhouse to a lot owner free of charge.
2. The Association reserves the right to assess a fee for additional copies.

139 – REFUSAL OF PERMISSION

The committee may refuse to grant permission to construct, place or make the requested improvements when:
1. The drawings or other material submitted are themselves inadequate or incomplete, or show the proposed improvement to be in violation of A&E Regulations (see Section 115).
2. The requirements of the Restrictive Covenants have not been met.

142 -RESPONSIBILITY OF NOTIFICATION

When a surveyor is contracted to survey a lot, it is the property owner's responsibility to inform the surveyor of HLPOA building rules and regulations.

145 -UTILIZATION OF COMMON GROUND

Heritage Lake Property Owners Association common grounds shall not be utilized during construction in any way without written permission from the Property Manager.

148 - APPROVALS ACCORDING TO RESTRICTIVE COVENANTS

Any structure approved by the Heritage Lake A&E Committee is approved according to the design requirements, limitations and restrictions of the Heritage Lake Restrictive Covenants and A&E Regulations.

151 - SIGNIFICANT CHANGES

1. Any significant changes in the external structure and/or design of the home during the "construction process" without approval of the A&E Committee members, will result in an immediate injunction.
2. Changes will be noted on a new Compliance Form which will be filed in the construction folder for that property and maintained in the POA office after the A&E Committee approval.
3. Any violations discovered by the A & E Committee or the POA shall be submitted to the Putnam County Inspector for evaluation and/or fines. The county can and will issue fines at the request of Heritage Lake POA.

154 - CONSTRUCTION OVER LOT LINES

Before submitting an application to the A&E Committee for construction over a lot line (contiguous lots), the property owner must deed the two lots into one lot and record this change with the Putnam County Clerk. A copy of the recorded deed is to be submitted for any project that requires the properties to be deeded together. Lots that are deeded together cannot be separated once a structure has been built on the non- house lot or into the easement between the two lots.

1.Lots that are deeded together will be considered a single lot when applying for an A&E building permit.

157 - VARIATIONS

The HLPOA Board after consulting with the A&E Committee shall determine and vary these regulations in harmony with their general purpose and intent, only in the specific instances hereinafter set forth.

1. Application

a. An application or communication to the Property manager or A&E committee chairman for a variation shall be filed with the HLPOA Board on a prescribed form.

b. The application or communication shall contain such information as the A&E Committee shall require.

c. No more than ninety days after filing of such application or communication, a hearing shall be held on the application.

2. Standard of Variations: The Board shall not vary these regulations, as authorized herein, unless it shall make findings based upon the evidence presented to it in each specific case that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations due to the following findings of facts:

a. The particular physical surroundings shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same building classification.

c. The purpose of the variation is not based exclusively upon financial considerations.

d. The alleged difficulty or hardship has not been created by the owner of the property.

e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or

Substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood, or adversely affect the health, morals, or general welfare of the public.

The Board shall impose such conditions and restrictions upon the premises benefited by a variation as shall be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to carry out the general intent of these regulations.

160 – GRANDFATHERED STRUCTURES

Any structure approved by the A & E Committee prior to August 12, 2024 shall be considered exempt from complying with these Building Rules and Regulations unless said structure was constructed without obtaining proper permits or violated the then existing Rules and Regulations of the HLPOA, in which case, these illegal structures shall henceforth comply with these Rules and Regulations. Replacement of structures with different dimensions than the original structure shall no longer be grandfathered and must be incompliance to all current Building Rules and Regulations.

SECTION 200: GENERAL CONSTRUCTION INFORMATION

201 – PRESERVING HARMONY

Improvements applied for by property owners seeking approval by the A&E committee (or Board of Directors on appeal) are to maintain the "Harmony" of the community. Understandably, the term "harmony" is subject to interpretation. While the judgment of the A&E committee will determine the test of harmony, a general guideline is that improvements are to be consistent in material and design with the owner's property, neighboring property, and that of the community in general. In addition, all improvements are to have reasonable impact on neighbors' view of or access to, common areas. The judgment of the Board of Directors is the final determination of the term "reasonable" so a property owner may appeal the A&E Committee's denial of an application based on its judgment of harmony using the process outlined in 201.1

201.1 – Appealing denial based on Harmony to the Board of Directors.

When a project is denied based on A&E Rule 201 (Preserving Harmony), an appeal can be made by following the process listed below:

1) Obtain a Harmony Appeal form from the A&E Committee.
2) Have the A&E Committee determine the properties that could be affected by the project.
3) Show the project plans to the affected neighbors and have them complete their portion of the form.
4) Submit the completed form to the POA office and obtain a date to present the appeal to the Board of Directors.

202 – PERMANENTLY PLACED

All buildings and structures needing the approval of the A&E Committee are to be permanently placed. Any changes in their location, in foot print, or placement must be approved by the A&E Committee prior to change.

203 – DEFINITION OF STOP WORK ORDER

A stop work order suspends any and all work at the property until it is lifted. It is initiated by the POA Property Manager (or assistant) as a result of a Covenant or A&E Rule violation. It can only be rescinded when the infraction is corrected to the Property Manager's (or assistant's) satisfaction.

204 - DEFINITION OF LAKE POOL LEVEL is the level at which the lake is at normal pool. Heritage Lake's normal pool is 827.5 NGVD29; or when the lake level is even with the spillway.

207 - PROPERTY OWNER RESPONSIBILITY

The **property owner is responsible** for the actions and activities of all persons issued entry under his/her lot number. It is the property owner's responsibility to make all such persons aware of the Association Rules and Regulations.

210 - LOCATION OF UTILITY LINES

Location of utility lines is the responsibility of the property owner in cooperation with his contractor. As interruption of utility services represent potential downtime of vital public services, the A&E Committee strongly urges property owners and their contractors to call appropriate utilities and Indiana Underground Plant Protection Services before any digging is initiated. This is particularly important when building over two lots.

213 - EXTERIOR FINISHES

Exterior finishes must agree with the existing homes.

216 - ROOF PITCH

All homes must have at least a **4/12 roof pitch**. The A&E committee reserves the right to consider a roof pitch less than 4/12 for additions or alterations to a current structure.

219 – OVERHANGS

Overhangs must be at least **12 inches** excluding the gutter width. The A&E committee reserves the right to consider an overhang of less than 12 inches for additions or alterations to a current structure, and for buildings 120 square feet or less.

222 - DRAINAGE

Structures are approved with the understanding that the property is subject to drainage in its entirety and that it is the property owner's sole responsibility to ensure compliance with all state and local drainage regulations through proper engineering so that drainage does not drain onto adjacent property.

225 – CONSTRUCTION DEBRI

The property owner shall be responsible for keeping the premises free from accumulation of waste materials and debris during construction. No burning of any type will be allowed. Property owners must have **containment** and **disposal** of the building materials outside of Association properties.

228 - MINIMUM SQUARE FOOT
A house must have a minimum of 680 square feet of ground floor, enclosed living space.
*Note: HLPOA current recorded covenants state 680 square feet minimum; however, Putnam County currently requires new home constructions to be a minimum of **950** square feet.

231- FOUNDATIONS
All homes and garages are to be placed on continuous concrete footers.
Pole type buildings (a building quickly constructed in which vertical poles are secured to the ground to serve as both the foundation and framework) are prohibited.

232 – FOUNDATION INSPECTION
The POA office shall be notified upon foundation completion by the contractor. The POA will then have 72 hours to have the foundation location verified by a State Licensed Surveyor. If for any reason the foundation has not been verified within the 72 hours, the builder may proceed with the building.

234 – EROSION CONTROL
No work shall be permitted on any lot without erosion control devices being installed to intercept sediment-laden runoff from drainage areas of disturbed soil. Siltation fencing must be properly installed (trenched and backfilled as per Indiana Erosion Control Standards). It must be installed within twenty-four (24) hours after exposing bare soil. The siltation fencing must be maintained in good working order for the duration of the project. The siltation fencing must be removed within thirty (30) days after a uniform, perennial vegetative cover (grass) or an equivalent permanent stabilization measure has been established, as per Indiana Erosion Control Standards.

237 - MAXIMUM HEIGHT
No home construction shall exceed **2 ½ stories** in height measured from ground level on the street side elevation of the structure.

238- MAILBOXES
It is the responsibility of the builder to ensure that a mailbox is installed for a new home prior to obtaining a Putnam County Occupancy Permit.

240 – FREESTANDING FURNACES
No outdoor, free standing, auxiliary building, wood burning structures are permitted.

243 - SETBACK REQUIREMENTS
In general, except as shall be otherwise provided in these restrictions or on the plat, no dwelling or other structure shall be constructed or placed on any numbered lot in the Properties except as follow:
1. No building shall be located on any property nearer than **30 feet to the front property** line or nearer than **20 feet on any side street line.**
2. No building shall be located nearer than **10% to the width** of the property on which such building is to be placed to any side lines. In no case shall the setback be less than **8 feet** on the back and sides, except that a three-foot minimum side yard shall be permitted for a garage or other permitted accessory building which is located toward the rear of the property.
3. In no instances shall buildings be built any closer than **30 feet** to the waterline at normal pool (Section 204).
4. Eaves, steps and open porches shall not be considered when determining the setback requirements. However, no portion of the building shall encroach upon adjoining property.
5. Eaves, steps and open porches may be removed from easements by utilities and replacement will be at the owner's expense.
6. Easements are reserved:
a. along and within 8 feet of rear, front and side lines, 12 feet in front per plat maps, of all original lots for the construction and perpetual maintenance of public and quasi-public utilities, sewers and drainage;
b. to trim any trees which at any time may interfere or threaten to interfere with the maintenance of such lines with
right of egress and ingress from and across said premises to employees of said utilities;
c. to extend along owner's side and rear property lines in cases of fractional lots.
7. A person owning contiguous lots may build on the adjoining lot line and the easement shall be inoperative if the lots are deeded together. The building shall be placed thereon prior to the instigation of use of this easement. (also see section154).
8. It shall not be considered a violation of the provision of easement if wire or cables carried by power lines pass over some portion of properties with the eight-foot-wide easement as long as such lines do not hinder the construction of buildings on the property.
9. The foregoing Building and Use Limitations shall not apply to the Common Properties.

DEFINITIONS:
a. "Side Line" - is a lot boundary line that extends from the road on which the lot abuts to the rear line of said lot.
b. "Rear Line" - is the lot boundary line that is farthest from, and substantially parallel to the road on which the lot abuts, except that on corner lots, it shall be determined from either abutting road.
c. Setback line is determined by the measurements from the lot line to the structure.

246 - DILIGENCE IN BUILDING
Every building whose construction or placement on any numbered lot in the Properties is initiated shall be completed within **12 months** after the beginning of such construction or placement. Home construction shall be considered complete when a Putnam County Occupancy Permit is issued. This is consistent with the Putnam County requirements. An extension may be requested from the A&E Committee but, to be granted, the construction must be compliant with any new rules and regulations. ALL **NEW HOME** CONSTRUCTION AND **REMODEL** SITES MUST HAVE A **PORT-O-LET** AVAILABLE FOR ALL WORKERS ON THE SITE.

SECTION 300: HOUSE APPROVAL AND CONSTRUCTION PROCEDURE

301 - PROOF OF OWNERSHIP

No house plans shall be submitted to the A&E Committee for approval until the applicant can provide proof of ownership in the form of the recorded deed for the lot(s).

304 – REQUIREMENTS TO OBTAIN AN A&E COMMITTEE APPOINTMENT

1. The property owner's presence at the A&E Committee meeting is required for the permit application to be reviewed. The property owner may have a representative present in their place. The property owner is responsible for following up with the representative and ensuring the construction is completed as documented and approved. If the property owner or representative is not in attendance, the A&E committee will not review the related documents. Any significant changes, questions or concerns that need to be addressed shall result in postponing the construction approval to the next available meeting. See sections 115 and 201 - 246 which specifically address new home construction and application requirements.
2. Tree Removal Application – The Property Manager must be notified and permission granted in writing if trees to be cut will drop on HLPOA property.

307 - AT COMPLETION OF CONSTRUCTION

After the Putnam County Occupancy Permit has been granted, a copy must be submitted to the Heritage Lake Property Owners Association office for filing with the Heritage Lake Property Owners Association.

SECTION 400: MISCELLANEOUS CONSTRUCTION

401 - MOVING A DWELLING FROM ONE LOT TO ANOTHER

1. A finished home may be moved from one lot to another only with the written permission of The A & E Committee or the Board of Directors.
2. A HLPOA compliance form (Section 904) is required before the dwelling is moved.
3. After the Putnam County Occupancy Permit has been granted, a copy must be submitted to the Heritage **Lake Property Owners Association office for filing with the Heritage Lake Property Owners Association.**

402 – PORTABLE STORAGE UNITS

Portable storage units (any) are permitted to be placed on the driveway of a residence on a temporary basis (<6 months) for items from inside the house, provided the following items are completed properly. The homeowner will need to apply for a permit (fee: $20, see Rule 112 for application timing and process) and receive approval prior to placement. The permit application should include: (1) a plot plan (or drawing) showing the proposed location of the storage unit, and the location of the house and driveway; (2) the time that is being applied for; (3) the intended use of the unit; and (4) justification for the length of time being requested. If the unit is needed for a time longer than the originally approved estimate, then the permitting process must be repeated (fee waived) as before (see above).

404 – REMOVAL OF EXISTING HOME OR STRUCTURE AND SUBSEQUENT REPLACEMENT

1. In cases where acts of God require the removal of an existing structure and subsequent replacement with a structure having the same dimensions/materials, a new permit from the A&E Committee is not required if **permits** were previously approved and built the same (board for board). The property owner is strongly encouraged to request a copy of the original permit from the POA office.
2. Removal of an existing structure to replace it with a structure with different dimensions/materials will be processed as a new structure and therefore requires a new permit. All current building rules and regulations must be followed on the new structure.

407 - BOAT LIFT – COVERED BOAT LIFT

1. Boat lifts must be approved by the A&E Committee. An application and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association Office (see sections 112 and 115 for application requirements).
2. A Heritage Lake Property Owners Association Site location HLPOA compliance form is required. (see Sec. 904)
3. The boat lift may extend over the water no more than **10** percent of the width of the cove on which it is located, or **24 feet maximum**. A lift or a boat parked at a dock cannot occupy the area in the cove 10' on either side of the center of the cove between opposite shorelines.
4. If the boatlift is to be covered you must submit an elevation drawing or picture.
5. The boatlift's cover may be constructed of regular construction materials (e.g. wood, roofing tiles, etc.) as well as the built-on awning type cover.
6. Boat lift covers may not have enclosed walls of any type of material.
7. Boat lift covers are not to contain a storage shed.
8. As a general rule, canvas awning type boat lift covers will be approved because they have minimal affects to a neighbor's view.
9. Boatlifts with boat lift covers cannot exceed 15 feet in height at any point from the normal lake water level.
10. If the A&E committee has concerns about the project complying with Section 201, the committee reserves the right to deny the request. If the Board determines that the construction does not comply with Section 201, the application will be denied. If the Board determines that the construction does comply with Section 201, the application will be returned to the A&E Committee to complete their review. *Soft cover boat lifts, such as Shore Station® and Shore Master®, which meet all other conditions of the boat lift guidelines shall not be denied solely based on the Section 201. As a general rule/guideline the property's elevation is key to having **minimal disturbance** of a neighbor's view and the neighbor's view will be the top consideration in each of these requests. If the properties elevation drops significantly from the street to the lake, then minimal disturbance can be expected.

11. Any plans to use the Boat lift cover as a seating area must be approved by the A&E Committee.
12. If a boatlift is removed, any cover over the boatlift is required to be removed at the same time with no exceptions.
13. Any roof supports for permanent covered boat lifts and covered boat slips must be at least 8' from the property line (PL) and remain 8' from the projected PL as it extends into the water. No part of the structure can be closer than 6' from the PL and must remain 6' from the projected PL as it extends into the water.
14. Drainage must be preserved, to the satisfaction of the A&E Committee.
15. Applications for the construction of docks, boat lifts, and/or boat houses must include a new plot plan drawn by a licensed surveyor which shows the exact placement of the structure within the property lines projected into the water, with structure dimensions clearly marked. The property lines must be staked by the surveyor with a minimum of 2 stakes on each lot side line (at least 1 stake on each side must be visible from the water). A Port-O-Let must be on site during the construction of a permanent covered boat lift.
16. No boat lift will be approved for any property listed as "Heritage Lake non-waterfront" on the Putnam County GIS Card for that property.
17. In order to ensure that the property owners have a financial stake in the Heritage Lake community, there must be a house on the lot in order to construct a permanent covered boat lift (defined as a roof or deck structure whose supports are immoveable that is used as a boat lift).

410 - DECKS

1. Decks must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (Sec. 904) is required for construction of a deck. See Section 115 for application requirements.
3. No deck located at the water's edge will be approved for any property listed as "Heritage Lake non-waterfront" on the Putnam County GIS Property Card for that property.

413 - METAL AND GLASS SUN ROOM OR ANY THREE SEASON ROOM ADDITIONS

1. Additions must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (Sec. 904) is required for the construction of a Sun Room or any three-season room. See section 115 for application requirements.

416 – WATERFRONT PROPERTY FENCING

1. Fences are permitted in Heritage Lake Properties upon application and approval. See Section 115 for application requirements.
2. Plans for the erection and location of fences, walls, and pet enclosures will be considered on a case by case basis by the A&E Committee. In cases where the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending a Board of Directors review. Anything placed in the utility easement can be destroyed by a utility without compensation to the owner. The fence, wall, or pet enclosure must be built entirely within the bounds of the owner's property.
3. Pet owners are encouraged to consider using underground pet containment type of fencing as a first option.
4. Fences are only allowed in the backyard (waterfront) and side yards. Fencing may not be nearer the front street than the front of the house.
5. Fence applications must include a photo representing the fence type and material or a detailed drawing of the fence type and material. A plot plan showing the fence location and all property structures is required. Generally speaking, the A&E Committee may approve the following:
   a. Wrought iron, aluminum, and plastic covered aluminum, coated chain link fencing considered decorative.
   b. Split-rail fences with a top rail not exceeding four (4) feet.
   c. Other decorative or accent fences not exceeding four (4) feet in height.
6. Pet enclosures (See section 419 #11) and pool fencing will be considered on a case-by-case basis.
7. Fencing cannot be solid in appearance.
8. Height is measured from the normal ground grade to the highest point of the fence. A maximum of 3" gap can be added between the ground and the bottom of the fence.

419 – NONWATERFRONT PROPERTY FENCING

1. Fences are permitted in Heritage Lake Properties upon application and approval. Fence applications must include a photo representing the fence type and material or a detailed drawing of the fence type and material. A plot plan showing the fence location and all property structures is required. See Section 115 for application requirements.
2. Plans for the erection and location of fences, walls, and pet enclosures will be considered on a case-by-case basis by the A&E Committee. In cases where the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending a Board of Directors review. Anything placed in the utility easement can be destroyed by a utility without compensation to the owner. The fence, wall, or pet enclosure must be built entirely within the bounds of the owner's property.
3. Fences are only allowed in the backyard and side yards. Fencing may not be nearer the front street than the front of the house.
4. Fences cannot exceed 6 feet in height.
5. Shadow box fencing is permitted as a backyard fence, but there must be spacing between adjacent fencing members of approximately two (2) inches when viewed at a forty-five (45) degree angle.
6. Picket fences shall not exceed four (4) feet in height nor have member components closer than three (3) inches or greater than (4) inches either parallel or perpendicular.
7. Split-rail fences shall not have a top rail exceeding four (4) feet high.
8. Chain link fencing is permitted as a side and backyard fence, but must have a top rail.
9. All decorative or accent fences shall not exceed four (4) feet in height.

10. Side or back boundary line fences which are not part of an enclosure will be limited to a decorative type fence.
11. Pet Enclosures must meet the same requirements as back yard fences plus, the size shall be limited to a maximum of 150 square feet per dog with a length to width ratio no greater than 2:1. If there is a need for a pet enclosure over six (6) feet tall, the A&E Committee may grant permission for one seven (7) foot tall. Chain link fences may be used as long as the general view is not marred.
12. Privacy Fences or Walls are limited to the back yard and must be located so as to cause the least disturbance to nearby property owners. They can be up to seven (7) feet tall but cannot be over sixteen (16) feet in total length.
13. Height is measured from the normal ground grade to the highest point of the fence. A maximum of 3" gap can be added between the ground and the bottom of the fence.

421 – DETACHED GARAGES

1. Garages must be approved by the A&E Committee.
2. A Heritage Lake Property Owners Association site location HLPOA compliance form (see Sec. 904) is required for construction of a garage. (See section 115 for application requirements).
3. There must be a house constructed on the lot in order to construct a garage. Adjacent lots that have been deeded together (see rule 154) must have a shared property line in order to build a detached garage on the adjoining lot to the house.
4. Pole barns/building type structures are not considered garages and are prohibited. (See Sec. 231 for foundation requirements).
5. Detached garages must have a minimum of 180 square feet of floor space and a garage door that is minimum of 56 square feet.
6. Garages must have an exterior matching or compatible with the architectural design of the dwelling served, such that, without limitation, the roof, siding, doors and windows of the garage are the same as or substantially similar to those of the dwelling served.
7. In cases where in the opinion of the A&E Committee the view of adjacent neighbors is significantly affected, the A&E Committee reserves the right to deny the permit request pending Board of Directors review (see Sec. 201).

424 - BOATHOUSES

1. Boathouses must be approved by the A&E Committee
2. Application for a Site location HLPOA compliance form, appropriate fee and Construction plans (see Sec. 115 for application requirements) must be submitted to the Heritage Lake Property Owners Association Office by (see sections 112 and 115 for application requirements) and in accordance with the provisions in Section 121.
3. A Heritage Lake site location HLPOA compliance form (see Sec. 904) must be acquired unless the boathouse is approved and constructed at the same time as a new home construction.
4. A boathouse must be directly accessible to the waters of Heritage Lake via an access door at least 8' x 7' in size.
5. Have an interior floor size of at least 180 square feet
6. Be used and/or capable of immediate use for the parking and/or storage of a boat. (For example, a building that is used principally for the storage of personal property other than a boat or that has so deteriorated that it cannot be safely used by individuals and/or that boats cannot be stored therein without substantial risk of damage is not a boathouse.)
7. The structure must have a permanent foundation.
8. The building must have an exterior matching or compatible with the architectural design of the dwelling served, such that, without limitation, the roof, siding, doors and windows of the boathouse are the same as or substantially similar to those of the dwelling served.
9. No boathouse shall be located nearer than 10% of the width of the property on which such building is to be place from any side line.
10. If the A&E Committee has concerns about the project complying with Section 201, the committee reserves the right to deny the request. If the Board determines that the construction does not comply with Section 201, the application will be denied. If the Board determines that the construction does comply with Section 201, the application will be returned to the A&E Committee to complete their review.
11. Applications for the construction of docks, boat lifts, and/or boat houses must include a new plot plan drawn by a licensed surveyor which shows the exact placement of the structure within the property lines projected into the water, with structure dimensions clearly marked. The property lines must be staked by the surveyor with a minimum of 2 stakes on each lot side line (at least 1 stake on each side must be visible from the water).

427 - CARPORTS

No freestanding carports will be permitted. An attached carport to a house will be considered as an addition to the dwelling and will be processed as such.

430 - GAZEBOS & OUTDOOR KITCHENS

1. Gazebos and Outdoor Kitchens must be approved by the A&E Committee.
2. An application, appropriate fee, and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association Office by (see sections 112 and 115 for application requirements).
3. A Heritage Lake Property Owners Association site location HLPOA compliance form Sec 904) is required for gazebos and outdoor kitchens.
4. There must be a house constructed on the lot in order to construct a gazebo or outdoor kitchen.
5. Approval of gazebos and outdoor kitchens for height, square footage, and location shall be on an individual basis by the A&E Committee.
6. Construction materials allowed are treated wood, redwood, cedar, stone, concrete for a slab, etc.
7. May be screened but cannot be enclosed with glass or solid panels.
8. The Committee may refuse to grant permission to construct, place or make the requested improvement.

9. Gazebos are not to be constructed and/or built over the water.

431-PERGOLAS

1.Pergolas must be approved by the A&E Committee. 2. A Pergola is defined as a fixed slat, open air structure without walls that is supported by vertical beams.

3. The requests will be evaluated on a case- by-case basis with considerations given to location, height, spacing of slats, overall size, and harmony with neighboring lots.

4. Applications should include a plot plan showing adjacent road, common areas, all structures currently on the property (house, garage, deck, dock, fencing, etc.) and the placement of the pergola with length and width clearly marked. It also needs to include an elevation drawing showing the height, the number and size of vertical supports, the size of the lumber used for the slats (e.g., 2x8), and the spacing of the slats must be submitted to the Heritage Lake Property Owners Association Office by 3 pm on the Wednesday before said meeting (see Section 115 for application requirements).

5. A Heritage Lake Property Owners Association site location HLPOA compliance form Sec 904) is required for pergolas.

433 - DOCKS

1. Docks must be approved by the A&E Committee.

2. An application, appropriate fee and plans showing dimensions and location of construction must be submitted to the Heritage Lake Property Owners Association office (see sections 112 and 115 for application requirements).

3. A Heritage Lake Property Owners Association Site location HLPOA compliance form is required (see Sec. 904).

4. The boat dock can only extend over the water no more than 10 percent of the width of the cove on which it is located, or 24 feet maximum. A lift or a boat parked at a dock cannot occupy the area in the cove 10' on either side of the center of the cove between opposite shorelines. Excavation to accommodate boat parking will be considered but the excavation must maintain the setback requirements of Rule 243.3.

5. Construction materials shall be of exterior grade wood or other materials compatible to the structure.

6. DOCKS CANNOT BE ROOFED.

7. Drainage must be preserved, to the satisfaction of the A&E Committee, on any pier or dock constructed.

8. Applications for the construction of docks, boat lifts, and/or boat houses must include a new plot plan drawn by a licensed surveyor which shows the exact placement of the structure within the property lines projected into the water, with structure dimensions clearly marked. The property lines must be staked by the surveyor with a minimum of 2 stakes on each lot side line (at least 1 stake on each side must be visible from the water).

9. No dock will be approved for any property listed as "Heritage Lake non-waterfront" on the Putnam County GIS Card for that property.

434- SOLAR PANEL INSTALLATION

A&E approval is required prior to installing solar panels. The application should include:

1. A plot plan showing all current property improvements indicating the general placement of the panels,
2. A drawing or written description of the specific placement, and
3. A drawing or photo to show the panels themselves. The project will be evaluated based on the "Harmony" regulation (Rule # 201 and 201.1).

436 – Pools (ABOVE GROUND)

Above ground pools are not allowed. Children's pools holding less than 100 gallons of water with sides less than 12 inches tall are not considered above ground pools.

439 - POOLS (IN GROUND)

1. In-ground pools must be approved by the A&E Committee.
2. In-ground pools will be considered for approval on an individual basis.
3. A survey showing the plot plan with dimensions and location of construction must be submitted with the appropriate fee to the Heritage Lake Property Owners Association office (see Sections 112 $115 for application requirements).
4. In-ground pools must be within the building area. (see section 243)
5. The Putnam County Building Inspector must be notified for inspection.
6. When a pool is removed, the fence must also be removed.
7. Clear Creek Conservancy does not allow the discharge of pool water into the sanitary sewer system. Pool water can flow on to the natural drainage runoff surrounding the home following IDEM guidelines. [Reference IDEM Fact Sheet "Recommended Procedure for Draining chlorinated and Salt water Swimming Pools" posted on the POA website.]

442 - PRIVATE BOAT LAUNCH

Private boat launches are not permitted.

445 - TRAILERS

A site location HLPOA compliance form will not be issued to any structure that is similar to a trailer.

1. Any structure of a temporary character
2. Mobile home
3. Other dwelling unit so designed to be moved by any means from one site to another and to be used with or without a permanent foundation
4. Any structure sold with a title
5. Any dwelling whose structural integrity depends upon a transportation device.
6. Modular type construction homes that meet all A&E committee guidelines will be carefully considered. They must meet the Section 201 guideline and be consistent in material and design to that of the community in general. See sections 207 – 246.

SECTION 900: REQUIRED DOCUMENTS
904 Affidavits for Construction/ HLPOA compliance form/Permit

Affidavit for Construction of _____

HLPOA Permit _____ Date: _____

NAME: _____

LOT(S) NO(S): _____

PRESENT Mailing ADDRESS: _____

STREET NAME _____

TELEPHONE NO: _____

ANTICIPATED START DATE: _____

ANTICIPATED COMPLETION DATE: _____

AGREEMENT:

This document, my (our) approved blueprints (complete with cross section and elevation drawings, etc.), and approved plot plan, constitute an agreement on my (our) part that I (we) have read and understood the Restrictive Covenants of Heritage Lake, and that my (our) project conforms to them. I (we) understand it is my (our) sole responsibility to make sure that my (our) property and any structures contained thereon and conduct is in compliance with the Restrictive Covenants, and the rules and guidelines as established by the HLPOA Board of Directors, and that I (we) face legal action from neighboring homeowners and/or the POA if found to be in violation. Furthermore, it is understood and agreed that it is my (our) sole responsibility to make sure that my (our) property and any structures contained thereon and conduct is in compliance with any and all municipal, county, state, and/or federal laws, including those governing the body of water knows as Heritage Lake.

The plans, drawings, documentation, etc., that accompany this application for a Heritage Lake HLPOA compliance form are a true and accurate representation of what I (we) intend to build, as approved by the A&E Committee and/or the Board of Directors. I (we) further state that to the best of my knowledge the foundation, grade, landscaping, or any changes in the topography of my (our) lot(s) will not cause drainage of water from my (our) lot(s) to an adjoining lot.

In addition, I (we) further agree that it is our sole responsibility to ensure that any topography changes of my (our) lot(s) have been approved by the proper governing authority over the body of water and/or water ways known as Heritage Lake. I (we) acknowledge and understand that HLPOA is in no way responsible for any changes, fees and/or judgments brought or levied by any governmental authority which may result from incorrect and/or unapproved topography changes and that HLPOA is in no way responsible for approving such changes.

I (we) further agree and understand that any and all permits, certifications or allowances granted by HLPOA are granted and/or denied based solely upon the compliance with the HLPOA Restrictive Covenants, and the rules and guidelines as established by the HLPOA Board of Directors.

If changes to the approved construction are needed, I (we) agree to submit the changes to the A&E Committee, and will not proceed with construction until such changes are approved. Work must be completed within twelve (12) months of HLPOA compliance form/permit issuance.

I (we) further understand the construction will be monitored before, during, and after completion for compliance and adherence to the approved project plans. I (we) agree to allow the A&E committee,

HLPOA office staff, and/or Board of Directors permission to enter onto my (our) property to perform inspections after reasonable attempts to contact me (us) prior to inspections.

I (we) acknowledge that the ultimate authority for enforcing and interpreting the Restrictive Covenants is the Board of Directors and a court of law.

NOTICE: Permits required by Putnam County and other Local, State, and Federal Agencies must be obtained and are the responsibilities of the property owner.

Signed _____

(Lot Owner or Owners only)

State of Indiana SS: County of (_____)

Subscribed and sworn to me this _____ day of _____, 20___.

_____ Notary Public

A & E Committee Approval HLPOA Number _____ Date: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____

Signed by: _____