

9.--BUILDING CODE RULES AND REGULATIONS

The Lake Buckhorn Property Owners Association is a nonprofit corporation organized pursuant to the laws of the State of Ohio. The membership is composed of property owners within a certain tract of land known as the Lake Buckhorn Subdivision, Holmes County, Ohio; the Association is the governing body thereof. The general nature and purpose of the Association are expressly stated in its "Bylaws". It is in conformity with, and in furtherance of the same, that the Association hereby declares the following to be its "Building Code" with reference to the regulation of the planning, design and construction of all buildings and/or property within the subdivision.

A. --BUILDING COMMITTEE

The LBPOA president shall appoint a Building Committee to perform the following functions:

- 1) To provide for the review, evaluation, approval, and/or disapproval of proposed plans for the planning, design and construction of all buildings and/or property improvement within the subdivision.
- 2) To establish, maintain and preserve guidelines and standards or the planning, design and construction of all buildings and/or property improvements within the subdivision.

The Building Committee shall be composed and structured as follows:

- 1) The Building Committee shall consist of not less than three (3) Members in good standing of the Association. One (1) of which will be its Chairperson and an LBPOA Trustee.
- 2) At least one (1) member of the committee shall possess knowledge and/or experience in all, or substantially all, aspects of residential construction.
- 3) The committee and the individual members thereof shall serve at the pleasure of the LBPOA and its Trustees.

Enforcement of Building Code-

It is the responsibility of the Lake Manager to enforce **ALL** Building Codes and Regulations.

B--GENERAL BUILDING RULES

NO property shall be built upon until a Building Permit is issued by Lake Buckhorn Property Owners Association, Inc.'s Building Committee. Said permit is to be posted so it can be seen from the roadway. Refer to "**Deed Restrictions**", Section (4), pg. 5.

A **Schematic** not less than inch per foot be made of position of house and septic system and to be presented to the Building Committee before a permit can be issued.

NO addition or extension of any type shall be made upon any house, garage, or building without a permit and drawing.

At least **two (2) test holes** to be dug on all lots prior to septic evaluation. Depth and location set by Holmes County Health Department. Refer to "Deed Restriction, Section (4), pg. 5.

Lake Buckhorn equipment and employees be available if requested for this purpose. Fee is to be paid in advance by lot owner or perspective buyer. Fee will be set by Lake Manager. A current list of Fees/Fines is at end of these "Rules and Regulations".

NO dwelling shall be occupied either temporarily or permanently until an approved septic system is installed. Said system must be approved and inspected by Holmes County Health Department, and LBPOA Building Committee or Lake Manager. Septic system must be inspected prior to final covering with earth.

ALL out buildings, as specified in the "**Deed Restrictions**", Section (2), pg. 5, on a lot without a residence, must be removed within sixty (60) days of notification or such building will be removed by the Lake at the owner's expense.

NO under-ground fuel tanks will be permitted.

C--BUILDING PERMITS

1) Scope of Permits

Building permits shall be required for the construction or alterations of any and all buildings, including boat houses. A "Boat House" shall be defined as any mooring structure with a roof. Permits are also required for new dock installation.

NO sides permitted on boathouses.

2) Requirements to obtain permit:

A building permit shall be issued only upon full **compliance and satisfaction** of the following:

(a) A permit from the Holmes County Healthy Department for installation of a suitable sewage treatment system. Refer to "**Deed Restrictions**", Sec.(4),pg.

5. **NO** new house construction or addition will be approved by the Building Committee with less than a three (3) bedroom septic system.

(b) Lots to be surveyed and flagged along boundary lines before a building permit will be approved.

(c) Written approval of all plans and specifications from the Building Committee.

(d) Payment of Building Permit Fee, along with any Security Deposit, to LBPOA.

NO more than one (1) home shall be located on any number of contiguous lots owned by the same owner, without paying more than one (1) assessment. In the event that more than one (1) home is built on said contiguous lots, then, and in that event, said owner shall be assessed and shall be obligated to pay the annual assessment times the number of homes built upon said contiguous lots.

To be considered an attached structure, the building must share a common wall and/or roof affixed to and supported by both structures.

(a) **NO** home that has been titled, presently titled, or hereinafter titled as a mobile home or double-wide mobile home be allowed to be set-up in Lake Buckhorn Subdivision.

(b) **All steel support structures** must be removable and permanently removed before any off-site manufactured home be permitted in Lake Buckhorn Subdivision.

(c) **All off-site manufactured home structures** must have a roof pitch **no** less than 4/12 pitch.

(d) **All off-site manufactured homes** must be in compliance with the Ohio Basic Building Codes.

- (e) **Before beginning construction** on any new residence, a lot owner shall engage a Registered Professional Land Surveyor to perform the following requirements:
- (i) The surveyor shall locate and mark the corners of the lot
 - (ii) The surveyor shall place stakes on the property lines of the lot opposite the proposed structure so that the setback requirements may be checked before and during construction.
 - (iii) The surveyor shall prepare a drawing of the lot showing dimensions of the lot(s) and the size and location of the proposed residence. The drawing submitted by the surveyor need not contain all the requirements for a boundary survey as defined in the "Minimum Standards for Boundary Surveys in the State of Ohio" unless requested by the lot owner. Cost of engaging the surveyor shall be paid by the lot(s) owner.
 - (iv) Erosion Control
 - (aa) Property owners or contractors, who are clearing, excavating and/or stripping ground cover from their lot(s), shall provide a means of erosion control.
 - (ab) **NO** eroded material shall be allowed to enter the lake or adjoining properties whether owned by another private individual or by LBPOA.
 - (ac) An erosion control device constructed of a geofabric material or bales of straw shall be placed on all properties where disturbance of the top soil occur.
 - (ad) The device shall be placed so as to successfully stop soil from moving into the lake or onto other property and shall remain in place until all soil in the area has been stabilized.
 - (ae) This device shall be in place before the Building Permit is issued.

The regulations on unattached garages and out buildings limits the size of either of these types of structures to **no** more than nine hundred (900) square feet, roof pitch **no** less than 4/12 pitch, and **no** more than ten (10) feet height to square. Must have approved residential type roofing/siding.

Acceptable residential siding shall be that which is to be deemed suitable by the Building Committee of LBPOA.

Permits are valid for one (1) year from issue.

NO REFUND will be given after one (1) year if structure is not yet built.

D--APPROVAL OR DISAPPROVAL

NO improvement, construction, addition, or excavation shall be commenced or continued until the same shall have first been approved in writing by the Building Committee in accordance with the Building Code. Approval shall be requested by submission to the Building Committee of plans and specifications, in duplicate, showing the following:

- 1) Existing and proposed land contours and grade.
- 2) **All** buildings and/or other improvements, access drives, and other improved areas, and the locations thereof on the site.
- 3) **Plans** for all floor, cross sections, and elevations, including projections and wing walls.
- 4) Decks, porches, dock and boat houses.
- 5) **Type materials** to be used shall be of quality products. Refer to "**Deed Restrictions**", Paragraph (2), pg.5.
- 6) The Building Committee may also request any other information such as data or drawings as it is reasonable.
- 7) **NO** saleable logs may be removed from any lot unless a permit to remove them is first issued by the Building Committee. A saleable log is defined as any log in

excess of three (3) inches in diameter, also known as a “lumber stick” or “LG form”. **NO** fee shall be charged for the permit. The Building committee shall issue such permits only in the case of construction for which an approved plan exists; or for planned thinning; or for landscaping where **NO** construction is anticipated. A fine of up to ten thousand dollars (\$10,000.00) may be imposed for each violation of this rule. In the case of construction, actual construction or excavation must commence within ninety (90) days after the permit is issued.

Approval shall require a majority vote of the Building Committee based, among other things, upon conformity and harmony of the proposed plans with other structures in the subdivision, the effect of the locations and use of improvements on neighboring property; and conformity of the plans and specifications to the purpose and general intent of the Code. Any questionable plans shall be returned to the entire Board of Trustees for majority approval.

If the Building Committee fails either to approve or disapprove such plans specifications within thirty (30) days after having been delivered to the Building Committee, either personally or by certified mail, it shall be presumed that the Building Committee has approved plans.

Neither LBPOA, the Trustees, the Committee, nor any member thereof, nor any of their respective heirs, personal representatives, successors, or assigns shall be liable to any one submitting plans for approval by reason of mistakes in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans. Every person and entity who submits plans to the Building Committee agrees, by submission of such plans, that he/she or it will not bring any action or suit against the Building Committee or LBPOA to act or to recover any damage.

E--EXPRESS STANDARDS OF CONSTRUCTION

Reference Requirements: The “Minimum Property Standards for One and Two Family Dwellings” issued by the U. S. Department of Housing and Urban Development and the restrictive covenants of the LBPOA Subdivision are made a part hereof to the same extent as if fully rewritten herein, subject to the express provisions hereinafter set forth.

Earth homes: NO earth homes or basement homes will be permitted within the Lake Buckhorn Subdivision.

Modular Construction: Modular construction shall be permitted within this subdivision. For the purpose of this section, the term “modular structure” shall refer to a single-family residential structure which has been constructed off-site and transported on-site requiring only placement and minor construction prior to occupancy.

Floor Area: One floor homes shall have a minimum of nine hundred (900) square feet of finished living area. Multi-level homes shall have a minimum of nine hundred (900) feet of finished living area. The main level shall meet the “**Deed Restriction**”, **Section (3), pg. 5**, requirement of nine hundred (900) square feet.

Framing: All framing shall be done in accordance with the requirements of term D. above.

(a) Hereof except that in no case shall framing for walls or partitions be less than 2” x 4” nominal. Spacing of 2” x 4” studs and floor joists shall be a maximum of 16” on centers. 2” x 6” studs may be 24” on centers when set directly under trusses to provide adequate roof support. Resistance to racking in exterior wall construction shall be in accordance with 606-4.7 **Item D.**, except that steel straps will be unacceptable.

Driveways: Concurrent with the excavation for footers or basement, the driveway must be graded and filled with limestone sufficient to provide access for trucks without carrying mud and debris onto the subdivision roadways. Requirements for tiling of

drive and treatment of road ditch to be determined by the Lake Manager. Off-street parking for a minimum of three (3) vehicles must be provided.

Electrical: In addition to the requirements of **Item D**. hereof, electrical installation shall be in accordance with the National Electric code.

Plumbing: In addition to the requirements of **Item D**. hereof all plumbing shall be in accordance with the Ohio State Plumbing code. All lavatories, toilets, sinks and laundry tubs shall have a secondary shut-off valve in each water supply line.

- (a) All customer service lines must be ” K Copper or 200 lb. ” CTS pressure plastic pipe.
- (b) All exterior connections must be made by compression fittings.
- (c) All residential houses or other types of construction must have a shut-off valve located inside of the new building, and a check valve.
- (d) The company’s operator must be given five (5) days notice in order to inspect the water system installation between the curb box and the new structure.
- (e) The company will not provide water service until the customer’s water supply installation has been inspected by the company or its operator.
- (f) The company will not provide water supply service to any customer until all past due accounts are paid in full. With respect to all existing water supply services, please note that:
- (g) The company or its operator must be given twenty (24) hours notice to turn-on or turn-off any customer water supply service.
- (h) The company’s fee for connecting or disconnecting water supply service must be paid in advance prior to any action by the operator.

-NO customer is permitted to turn on or off his/her water service. Any customer who tampers with the water supply system will be prosecuted. A fee will be charged for this service. A current list of Fees/Fines is at the end of these “Rules and Regulations”.

A-Frame dwellings must meet the nine hundred (900) square feet “**Deed Restriction**” and must have a basement type foundation as per **Item D** above. In any new construction or excavation on any lot, all water from run off created by drives, concrete slabs or roofing systems, spouting, etc. should be diverted in such a way that it will go to ditch along the roads or other ditch going to the lake. If necessary, water brake or catch basins may have to be installed. Final decisions on this will be decided by Lake Management.

F--INSPECTION

Inspection shall be made by qualified individuals, as designated by the LBPOA Board of Trustees, to determine that the terms of this Code have been met. All inspections must be made on site. No portions of the building may be closed to view until the necessary inspections have been made and THE WORK APPROVED. ALL INSPECTION COSTS SHALL BE INCLUDED IN THE BUILDING PERMIT FEE.

G--BUILDINGS –FOLLOWING INSPECTIONS WILL BE REQUIRED

- 1) when the layout is staked, lot line pins must remain visible.
- 2) when building is complete.
- 3) a final inspection when building, grading and landscaping is complete. Other improvements must be inspected sufficiently to determine that it has been done according to the approved plans.

H--BUILDING CODE VIOLATORS WILL BE FINED.

A current list of Fees/Fines is available in the LBPOA Office during normal business hours. A current list of Fees/Fines is at the end of these "Rules and Regulations".

I--REVIEW OF PROCEDURES

- 1) The Committee shall exercise its best judgment to see that all improvements in the subdivision conform to these standards as to size, external design, quality and type of construction material, setting, heights, grade, finished ground elevation. The actions of the Committee, through its approval or disapproval of plans and other information submitted pursuant hereto, shall be conclusive and binding on all interested parties except that deviations may be referred to the LBPOA Board of Trustees for review and a final decision.
- 2) A final decision of the Building Committee may be appealed to the Board of Trustees of the LBPOA. Variances cannot be granted by the Building Committee but must be returned to the full Board for approval. Variances and exclusions may be requested at a meeting of the Board of Trustees.
- 3) The following procedure shall be effected in order to perfect an appeal:
 - (a) A statement setting forth in detail the basis of the appeal shall be filed with the Secretary of the Board of Trustees and the Chairman of the Building Committee within ten (10) days from the date of the final determination being appealed. Filing may be accomplished by personal delivery or certified mail.
 - (b) The appeal shall be considered at the next regularly scheduled meeting of the Board of Trustees at which time the person filing the appeal must be present.
 - (c) The appeal shall be restricted to the documents upon which the Building Committee rendered its determination, together with the statement described in **Item C (2)** hereof, and any oral statements offered at the time of hearing.
 - (d) The determination of the Building Committee shall be conclusive absent a showing on the part of the party filing the appeal that the determination is not supported by the provisions of this Code.

J--INSURANCE REQUIREMENTS

The Contractor shall provide evidence of the following MINIMUM Insurance Coverage:

- 1) Commercial General Liability - \$1,000,000. per occurrence and \$2,000,000 annual aggregate. Such insurance shall be broad form and include the applicable general liability, facility, and food service operations, contractual liability, independent contractor's liability, products and complete operations liability and person injury liability.
- 2) Employer's Liability – with minimum liability limits of \$1,000,000. bodily injury by accident, \$1,000,000. bodily injury by disease, \$1,000,000. bodily injury each employee.
- 3) Commercial Auto Liability -- \$1,000,000. per accident. Such insurance shall cover injury (or death) and property damage arising out of the ownership, maintenance or use of any private passenger or commercial vehicle and any other equipment used on Lake Buckhorn property. If no vehicles are insured commercially, evidence of Hired and Non-Owned Auto Liability is acceptable.
- 4) Property Insurance – replacement cost property insurance to protect against loss of owned or rented equipment and tools brought onto and/or used on any property by the contractor.

Certificates of Insurance

- 1) Certificate will be issued with "The Lake Buckhorn Property Owners Association, Inc." shown as the Certificate Holder.
- 2) The Certificate will include a waiver of subrogation against the certificate holder listed above.
- 3) All policies will be written by companies licensed to do business in the State of Ohio with AM Best Ratings of A- or better.
- 4) Contractor shall furnish the Certificates to the client evidencing the above coverage before work commences.
- 5) Certificates of Insurance relating to policies required under this agreement shall contain the following:

"It is agreed this insurance will not be cancelled, non-renewed or the limits of coverage reduced without a thirty (30) day advance written notice of a ten (10) day advance written notice in the case of non-payment of premium, sent by certified mail to the Lake Buckhorn Property Owners Association, Inc., 1817 SR 83, Unit 3323, Millersburg, Ohio 44654, ATTN: Lake Manager."

K—UNATTACHED GARAGE AND OUT BUILDING REGULATIONS

The size of an unattached garage and out building is limited to **NO** more than nine hundred (900) square feet, roof pitch no less than a 4/12, and no more than ten (10) feet height to square and must have residential type roofing and siding.

L--BOATHOUSE/DOCK BUILDING CODE AND RESTRICTIONS

- 1) --**GENERAL** – Boat docks and boathouses are built in or on LBPOA Property. Therefore permission to build is given by LBPOA and can be taken away if restrictions are not met or if rules governing docks and boathouses are broken. Refer to "**DEED RESTRICTION**" 6 on page 6.
- 2) --**DEFINITION** –
 - (a) **DOCK** – any floating or permanently built mooring structure that has no sides. Docks/boathouses should not be within ten (10) feet of property lines.
 - (b) **BOAT HOUSE** – any mooring structure built on lake's edge that has a roof.
 - (i) **NO** sides permitted on boathouses.
 - (ii) Boat docks/boathouses extend into the lake **NO** farther than twenty-five (25) feet from the 880' elevation providing it doesn't create a hazard.
 - (iii) Maximum size of limited to seven-hundred-fifty (750) square feet.
 - (iv) Boat docks, with or without boat houses, shall extend no more than twenty-five (25) feet into the water from the shoreline at the 880' full pool. Any dimensions stated are acceptable.
 - (v) The dock's width must not come closer than ten (10) feet from either outer property line.
 - (vi) Only one (1) dock per contiguous lot ownership or per dwelling.
 - (vii) Three (3) inch Lot Numbers, readable from the lake, on all docks and/or boat houses.
- 3) --**PERMIT**-- A permit will be granted by the LBPOA for a boathouse when the following are completed:
 - (a) Agreement in writing that the boathouse will be maintained or will be torn down at the owner's expense.
 - (b) Built to specifications agreed to by Building Code and Building Committee (Ref. Exhibit "A" boat house building plan available at the LBPOA Office during regular business hours.

- (c) Agree to an inspection every November 1st by Lake Manager or designated representative.
- 4) --**INSPECTION** –Lake Manager will inspect boathouses on or about November 1st of each year for security, broken boards, broken structure supports, dry rot and overall appearance. Any of the above will require the notification of the owner who will then have one hundred-twenty (120) days to make repairs.
- 5) --**BOAT HOUSE BUILDING PLAN**
 - (a) Maximum overall length of boat house, twenty-five (25) feet from 880 feet high water mark.
 - (b) Maximum width of boathouse – fourteen (14) feet.
 - (c) Maximum height overall – twelve (12) feet above high water mark.
 - (d) Boathouses must be centered on respective lots if possible, otherwise no closer than ten (10) feet from property lines.
 - (e) Gabled roof only, no flat roofs.
 - (f) Only residential-type materials may be used on roofs.

A License Agreement for Construction and Maintenance of Boat House and Boat House specification diagrams are to be attached to the “Building Permit Application, DOCKS/BOAT HOUSE” form.
