

Lake Holiday Hide-A-Way
Improvement Corporation, Inc.
3500 Elm Drive
Kingman, IN 47952

Restrictive Covenants
By-Laws
Building and Construction Codes
Laws & Rules

2022

LAKE HOLIDAY HIDE-A-WAY IMPROVEMENT CORPORATION, INC.

COVENANTS and BY-LAWS, 2022

COVENANTS

1. **Know all men by these presents:** Whereas, Lake Holiday Hide-A-Way Improvement Corporation, Inc., hereafter called L.H.H.I.C., an Indiana Corporation, by virtue of the restrictive covenants and reservations governing all the plats of the Lake Holiday Hide-A-Way Subdivision located in Fountain County, Indiana, is the governing body of said subdivision and as such may modify, amend, or terminate said restrictive covenants and reservations after January 1, 2022, subject to the approval of the membership of said Corporation, and, whereas, it is the desire of said Corporation to modify said restrictive covenants and reservations, and whereas, said modifications as hereinafter set forth have been approved by the membership of said corporation at its 2022 annual meeting, effective August 1, 2022 said restrictive covenants are hereby modified as follows, to-wit:
2. To the extent that said restrictive covenants and reservations are not modified herein, they are hereby extended subject to the right to modify, amend or terminate them upon the terms and in the manner provided for in this agreement and under the Articles of Incorporation and By-Laws of said Corporation, if not modified or amended they shall be extended to the next five (5) year period. The Articles of Incorporation and/or By-Laws may not be changed except by a majority vote at an annual meeting or a special called meeting of the membership. The membership must be notified by mail of the upcoming special called meeting and the proposed changes.
3. **The Covenants and Restrictions:** As amended herein shall be deemed to run with the land and shall be binding upon the L.H.H.I.C., all owners of lots or parcels in this real estate, including owners of divided interests therein until January 1, 2027, after which time said Covenants and restrictions shall remain in effect upon approval at the annual meeting of the members of L.H.H.I.C., for successive five (5) year terms, or as provided for in restrictive Covenant #1, and in the manner provided for in this agreement and under the Articles of Incorporation & By-Laws of L.H.H.I.C. at any time allowed by this agreement and said Articles of Incorporation and By-Laws.

By accepting a deed of conveyance or a property contract for a parcel of real estate in this subdivision, the owners and each of them succeed to and agree to accept membership in the L.H.H.I.C. and be subject to the burdens and benefits of improvements in such Corporation as set out herein in the Articles of Incorporation and By-Laws of the L.H.H.I.C. Such membership of the L.H.H.I.C. shall include all owners of parcels of real estate in this subdivision, and all purchasers of real estate in this subdivision on conditional sales contracts or other contracts. Purchasers of lots in this subdivision and all other members of the L.H.H.I.C. covenant and agree to pay annually their prorated share of the cost of constructing and maintaining roads, streets and light system, and cost of providing other reasonable and necessary public services, including maintenance of the lake, the lake bottom, removing silt, maintaining the dam and the spillway and all of the pipes and conduits, drains associated thereto, catch basins and other devices to maintain, preserve and restore the reservoir to general service, not otherwise provided by local government bodies. All deeds or property contract sales must be recorded with L.H.H.I.C. Lake

Office and Fountain County Recorder Office. The home owners and members assessment in this regard shall be paid promptly when the same becomes due and in the event of failure to pay same promptly when due shall constitute a lien upon the lot or lots upon which said assessment is due, and which may be enforced in equity as in the case of any lien foreclosure. In addition to the amount of the delinquent assessments and the interest thereon as hereinafter provided, the Corporation may also recover its cost in enforcing and foreclosing said proceedings to perfect enforce and foreclose said liens.

Such annual assessment shall not exceed in the sum of four hundred and seventy five (\$475.00) dollars for a primary lot and sixty (\$60.00) dollars for a secondary lot, in any one year upon and against the several lots in said subdivisions for the purpose of carrying out the general duties and power of the L.H.H.I.C. as set out herein and in the Articles of Incorporation and By-Laws, including but not limited to the power to defend and enforce restrictions, adequately construct and maintain the lake, spillway, dam, streets, parking places, trees and crosswalks, and to dispose of garbage or rubbish or otherwise properly protect the health, safety and general welfare of the property owners.

(These changes were voted on and amended July 2021.)

If at any time L.H.H.I.C. should consider it necessary to make any expenditure requiring an assessment additional to the assessment above provided, it shall submit in writing to the owners of lots for approval, an outline of the plans for the project contemplated and the estimated amount required. Such project and assessment so stated to be approved shall be approved at a meeting of the lot owners duly called and held in a manner provided by the Articles of Incorporation and By-Laws of said L.H.H.I.C. by 2/3rds majority vote of those present in person or by absentee ballot, and the Corporation shall notify all owners of such tracts of the additional assessment.

The limit of four hundred and seventy five (\$475.00) dollars for a primary lot and sixty (\$60.00) dollars for a secondary lot shall not apply to special made under the provisions of this paragraph. All assessments, either regular or special, made by the Corporation for the purpose herein above enumerated shall be made in the manner and subject to the following procedures, to-wit:

(These changes were voted on and amended July 2007 and July 2021.)

- 3c. **Contract Sales:** All contract sales of lots at Lake Holiday Hide-A-Way Subdivision are required to provide L.H.H.I.C. a copy of the contract sales agreement. The seller continues to guarantee payment of all assessment and liens until the deed is recorded at Fountain County Recorder's Office. L.H.H.I.C. requires both seller and buyer proof of residency (driver's license or other proof of residency). Buyer is required to honor all L.H.H.I.C. Covenants, By-Laws, Building and Construction Codes and the Laws & Rules. Failure to comply with this procedure will result in a one hundred (\$100.00) dollar yearly fee added to the seller's current assessments. Both seller and buyer are required to sign the L.H.H.I.C.'s Contract Sale Form.

(These changes were voted on and amended July 2015.)

4. **Notice of All Assessments:** Notice of all assessments may be given by mail addressed to the last known or usual post office address of the holder of legal title and deposited in the United States mail with postage prepaid, or must be given by posting a brief notice of the assessment upon the lot itself. Service in either of the above methods shall be sufficient.
5. **Every Assessment:** Every assessment shall become due and payable within thirty (30) days after notice is given as hereinabove provided.

6. **Assessments are a Lien on the Property:** The regular assessments shall become due and payable on July 1, each year. A fifty (50%) percent installment may be made in July and December at the property owner's request. If no payment is made in July or December, the account will be charged interest at the rate of one and one-half (1.5%) percent per month as of July installment and shall become a lien on the property, and said lien shall continue in full force and effect until said amount is paid in full. Upon written request, the L.H.H.I.C. Board of Directors may approve arrangements to satisfy delinquent assessments. Any such arrangements must be in writing, approved by the L.H.H.I.C. Board of Directors and if recorded shall be recorded at member's expense.

(This covenant becomes effective July 31, 2016.)

- 6a. **Late Payment Fee:** A late fee of fifty (\$50.00) dollars will be added to lot owner's assessments if payment is not paid in full by the July annual meeting. A charge for each additional collection statement of two (\$2.00) dollars per mailing will be added to lot owners assessments. Hardship waivers of late payment fee will be considered if an economic hardship is noted by letter.

(This covenant becomes effective July 31, 2016.)

- 6b. **If a Property Owner is Unable to Pay Lot Assessments:** If a property owner is unable to pay lot assessments in full by July 1st, due to hardship, a pay agreement for monthly payments may be arranged with L.H.H.I.C. That account will be subject to fifty (\$50.00) dollar late fee and the agreement will accrue interest at one and one half (1.5%) percent monthly and a two (\$2.00) dollar monthly statement fee will be added. If any payments are missed, collection proceedings will start and an additional one hundred fifty (\$150.00) dollar fee will be added for lien processing as well as all collection costs. The arrangements must be made prior to July 1st to be considered. This method of payment does not place the member in good standing and will not be allowed voting privileges or the purchase of stickers for lake and off-road vehicle use.

(This was voted on and amended July 2018.)

- 6c. **Not in Good Standing:** If a member is not in good standing with L.H.H.I.C., their use of the lake facilities will be restricted. This includes use of the lake for the beach, swimming, boating and fishing. Use of the shelters and the roads for golf carts, ATV and other off road vehicles will not be allowed. This is extended to include any guests that may be staying at the member's property. Violators will be sent a violation letter and a twenty five (\$25.00) dollar fee will be assessed for each occurrence following the first notice.

(This was voted on and passed July 2022.)

7. **Subdivision Access:** Lots shall not have curb break or direct access to county roads or adjoining properties. All roadway or other access to the lots including entrance for ingress and egress (Entry and Exit) shall be through the East Gate and the West Gate as contemplated and provided by the various plats thereof as recorded in the Fountain County Recorder's Office. In the event that there is any roadway access to any adjoining property outside or contiguous to the various plats of Lake Holiday Hide-A-Way Subdivision, then such access shall not be through or in any way connected to any road or way as shown on any such plat.

8. **Sale of Corporation Lots:** The sale of Corporation lots that are designated "not for sale" must be brought up at an annual meeting or a special called meeting of the membership, and must carry a 2/3rds majority vote of those present. Before any Corporation lot "not for sale" may be sold, this lot must be posted for thirty (30) days on the outside of the Lake Office building. If highest bid is under fair market value, the L.H.H.I.C. Board of Directors may withdraw the lot(s) from the sale.

(This was voted on and passed July 2004.)

9. **What Makes a Primary Lot?** If you only own one lot, that is a primary lot. When a travel trailer, mobile home, motor home, cottage, home, or a garage is converted to a living quarters it is a primary lot. When a travel trailer, mobile home, cottage or home is tapped into an underground well it is a primary lot. When a home sits on more than one lot, one lot will be a primary lot the other lot(s) will be secondary lots.
(This was voted on and passed July 2004.)
- 9b. **What Makes a Secondary Lot?** Any lot you own that is not considered a primary lot is a secondary lot.
(This was voted on and passed July 2004.)
10. **Travel Trailers:** Travel trailers or other types of residency cannot be used as a secondary residence if there is a permanent home (mobile home, travel trailer, motor home) on the lot(s) being used. Lot owner violating such will be notified by letter, and have **thirty (30)** days to correct issue. Beyond **thirty (30) days** you will be charged a fee of five (\$5.00) dollars a day to assessments.
(These changes were voted on and amended July 2015 and **July 2022.**)
- 10a. **Travel Trailer, motor home, camper, mobile home:** No travel trailer, motor home, camper, mobile home or vehicle may be used as a storage unit. Railroad cars and pods are not allowed. Sheds, garages, and pole barns are acceptable storage facilities.
(This was voted on and passed July 2022.)
11. **When a travel trailer or camper:** When a travel trailer or camper owned by the property owner is situated on **their** property and the said travel trailer or camper is kept in good repair and used in a safe manner, and the property where it is situated is kept clean, mowed, free of junk, and weeds, then the travel trailer or camper may be kept on their property year around. However, if at any time **these** conditions are not followed, or if the travel trailer or camper is not used for twelve (12) months or longer, then it will be considered abandoned, and it will have to be removed from the property at owner's expense. No travel trailer or camper not belonging to property owner may be left full time on properties. **Camping season is from April 1 to November 1. Public restrooms are opened and closed based on weather conditions and may not be available during the month of April and November. Travel trailer and/or camper do not meet the six hundred (600) square feet residency requirements so they must be disconnected from water and septic November thru March.**
(This was voted on and amended July 2016 and **July 2022.**)
12. **Division of Lots:** No lot shall be re-subdivided, except as approved by the L.H.H.I.C. When a lot is a subdivided each parcel will then become a full lot for assessment purposes.
(This was voted on and amended July 2002.)
13. **Lake Holiday Hide-A-Way Improvement Corporation, Inc.:** For the purpose of construction and maintaining roads, traffic control, general planning within roadway areas and all common community services of every kind and nature required or desired within the Lake Holiday Hide-A-Way Subdivision for the general use and benefit of all lot owners, in according a deed for any lot in such premises, agrees to and shall be a member of and be subject to the obligations duly enacted by these restrictive Covenants, By-Laws, Building and Construction Codes and Laws & Rules of L.H.H.I.C.

14. **Remedies for Violations-Invalidations:** For a violation or a breach of any of these reservations and restrictions by any person claiming by, through or under the L.H.H.I.C. or by virtue of any judicial proceedings, shall have the right to proceed by law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. L.H.H.I.C. shall have the right, whenever there shall have been built on any lot any structure which is in violation of these reservations and restrictions exists and summarily abate or remove the same at the expense of the owner, any and such entry abatement or removal shall not be deemed a trespass. The costs of said Corporation or any other person withstanding to enforce such restrictions shall be recoverable by said party against the owner of said lot and shall constitute a lien upon the lot or lots wherein said violation has taken place. The amount of costs recoverable shall include all court costs and attorney's fees incurred in enforcing said restrictions and reservations. The failure promptly to enforce any of the reservations and restrictions shall not bar their enforcement. The invalidation of any one or more of the reservations and restrictions by any court of competent jurisdiction in no way shall affect the other reservations and restrictions, but they shall remain in full force and effect.
15. **Mowing:** Mowing done by L.H.H.I.C. will be billed at fifty (\$50.00) dollars per lot or as determined by the Board of Directors. Once lawn grass exceeds 6 inches or more in height, it will be subject to mowing by L.H.H.I.C.
(This was voted on and amended June 2013.)
16. **Lake Stickers Fees:** Lake Stickers for watercraft, golf carts, off-road vehicles, and all non-licensed vehicles will be ten (\$10.00) dollars.
(This was amended July 2006.)
- 16b. **Failure to Comply:** Failure to comply with displaying membership decals for automobiles and trucks including Lake Stickers for watercraft, golf carts and off road vehicles and all non-licensed vehicles will result in a warning letter sent to the lot owner and after the second notice of violation, a twenty five (\$25.00) dollar fee for each violation will be added monthly to the owner's assessments until owner proves being in compliance. This Covenant applies to the items mentioned located at L.H.H.I.C. Lot owners must comply by the last business day of July of the current year.
(This was voted on and amended July 2015.)
17. **Inspection Committee:** The L.H.H.I.C. Board of Directors shall appoint an Inspection Committee. It shall not be deemed a trespass for this committee to go onto any property to check for any violations or breach of any of our Covenants, By-Laws, Building and Construction Codes and Laws & Rules. Any property owner that is found in violation, shall be sent a certified letter, the property owner will be given ninety (90) days to comply with all violations. If all violations are not fixed in ninety (90) days, the owner of the property will pay a fee of five (\$5.00) dollars a day. This cost will be added to the property owner's annual assessments. It will be the property owners responsibility to inform the Inspection Committee when all violations are fixed.
(This was voted on and passed July 2019.)

18. **Fines for Animal Control:** All pets shall be confined to the owner's property or on a leash and accompanied by the owner. No exceptions. If animals are running loose, barking, or disturbing other property owners, the Animal Control or Fountain County Sheriff Department will be called and Indiana State Law or Fountain County Ordinance relating to such matters will apply and the pet/animal will be subject to removal from L.H.H.I.C. Animal Control will come and pick up any dog/animal who is not in compliance with Indiana State Animal and Pet Law or Fountain County Ordinance. The fees for animal control will be:

Twenty five (\$25.00) dollars first offense; and
Thirty five (\$35.00) dollars second offense.

After the second offense as to any animal, said animal shall not be returned by any person, member or guest to L.H.H.I.C. Fees must be paid at the Lake Office within three days of notice that your animal has been picked up by Animal Control. You must acquire a paid receipt from the Lake Office to show Animal Control that the fee has been paid in full before picking up your animal.

19. **Complaint/Notice to Owner/Assessment Against Property:** When a complaint is made to the President that any building, wall, or other structure is in an insecure or dangerous condition, it shall be their duty to investigate the facts or cause them to be investigated. For such purpose he is authorized to call to their assistance any member of the L.H.H.I.C. Board of Directors, or if necessary to employ one or more experts, and if, in the opinion of the President, the building, wall or structure is insecure or dangerous, they shall notify the owner of the premises to remove such building or other structure, to render the same, secure and safe within a time to be fixed in the notice. Upon the notice being given it shall be the duty of the owner to take immediate action of repair following notice of such condition. The owner will give notice to the L.H.H.I.C. Board of Directors in writing or personal appearance at the following Board Meeting.
20. **Violation/Penalty:** Any person(s), company, or corporation, constructing, building, erecting, locating or relocating any building or structure within the limits, contrary to the provisions of this chapter is guilty of a misdemeanor and upon conviction shall pay a fee not exceeding one hundred (\$100.00) dollars. Each day that a violation shall exist shall constitute a separate offense and is subject to the daily fee herein specified.
21. **Residential Use:** Such lots and each and every one thereof are for single family residential purposes only. No building structure intended for or adapted to business, rental, and/or lease purposes, and no apartment house, lodging house, rooming house, hospital, sanitarium or doctor's office or other multiple family dwelling shall be erected.
22. **Well & Septic System:** Until a sewage treatment plan shall be provided, a septic tank and field drain shall be placed on each lot by the property owner in accordance with the requirement of the Indiana Public Health Department having jurisdiction over the premises. When, and if, a sewage treatment plan and collection system for the service of the premises is provided, it shall be used as the sole means of sewage disposal for such premises. No waste (sewage and/or grey water) shall be allowed or permitted to enter into Lake Holiday Hide-A-Way Subdivision.

23. **Septic System:** All septic systems must comply with Indiana Public Health Department specifications. All septic and/or drains must be approved and permitted by the Fountain & Warren County Public Health Department following state and county specifications. Septic permits are issued by the Fountain & Warren County Public Health Department. Property owners must also visit the Lake Office for a free building permit for your septic and/or drain. Property owners must provide photocopies all septic paperwork at completion for lake records. A legal septic system must be functional on property prior to residency.
(This was voted on and amended July 2022).
24. **No Outside Toilets Permitted:** No porta potties, no construction toilets, no porta toilets, etc., permitted outside or enclosed.
(This was voted on and amended July 1999.)
25. **Wells:** Property owners must visit the Lake Office for a free building permit for your well. Property owners must provide photocopies all well paperwork at completion for lake records. A pressurized well must be in place on property prior to residency.
(This was voted on and amended July 2022).
26. **Type Structure Permitted:** No travel trailer, motor home, tent, shack, barn, temporary building, outbuilding or garage shall be erected on any of the lots in the Lake Holiday Hide-A-Way Subdivision without the approval in writing of L.H.H.I.C. You must comply with L.H.H.I.C. Building and Construction Codes and Specifications #211. No dwelling shall be constructed on any lot or tract purchased under this contract, nor shall any dwelling be moved or maintained thereon with less than six hundred (600) square feet of floor space. No basement shall be occupied until the dwelling is completed. All buildings must be finished on the outside. The dwelling house must be completed on the exterior within twelve (12) months after the commencement of the construction. No tarpaper or asphalt shingle siding shall be used on the exterior walls.
27. **Class A Homes and Cottages:** Class A Homes and Cottages must be single family dwellings with no blocks visible above the foundation and six hundred (600) square feet or more. There must be enough off-street parking for two (2) automobiles. L.H.H.I.C Building and Construction Codes and Specifications #211 must be complied with.
28. **A Mobile Home:** Mobile homes must be no older than ten (10) years, must meet all other requirements set forth for mobile homes. Pictures of a used mobile home must be presented to the permit committee at the time of applying for a permit to bring in said mobile home. This Covenant does not apply to those mobile homes already situated in the L.H.H.I.C. Subdivision, unless a property owner updates to a newer model of mobile home, then at that time the mobile home that is ten (10) years or older, must be moved out of the L.H.H.I.C. Subdivision. If a mobile home is moved onto L.H.H.I.C., then the property owner will pay a fee of five hundred (\$500.00) dollars and the mobile home will have to be removed at owner's expense. Mobile homes must be properly stabilized with concrete runners or pads, concrete blocks, and anchored. Underpinning must be applied so as to be neat in appearance and be completed within six (6) months. Must be six hundred (600) square feet or more in size, there must be enough off street parking for two (2) automobiles. L.H.H.I.C. Building and Construction Codes & Specifications must be complied with.
(This was voted on and passed July 1999.)

29. **Garages:** No garage or other outbuildings shall be placed, erected, or maintained upon any part of such premises except for use in connection with the residence already constructed, under construction, or to be constructed within one (1) year from the time that such garage or other outbuilding is placed or erected upon such property. Nothing herein shall be constructed to prevent the incorporation and construction of a garage as part of a dwelling place. No garage or outbuilding may be larger than 30 ft. x 40 ft. without approval of a majority of the L.H.H.I.C. Board of Directors.
30. **Sheds:** All sheds shall conform to L.H.H.I.C. Building and Construction Codes & Specifications #211 with L.H.H.I.C. Board of Directors approval.
31. **Boat Docks:** No private boat dock or pier shall be built, erected, or maintained by owners of lake front lots without the design and size thereof being specifically approved by the L.H.H.I.C. Building and Construction Codes & Specifications #211.
32. **Utility Easements & Lines:** These are hereby reserved for the purpose of installing and maintaining municipal public utility facilities and for such other purposes incidental to the development of the property the easements shown on the plats of Lake Holiday Hide-A-Way Subdivision as recorded in the public records of Fountain County, Indiana. All claims for damage, if any, arising out of the construction, maintenance and repair of the utilities or an account of temporary or other inconvenience caused thereby against the L.H.H.I.C. or its agents or servants is hereby waived by the lot owners.
33. **Filling in & Removing:** No lot or parcel shall be increased in size by filling in the water it abuts. The elevation of a lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots. No rocks, gravel, or clay shall be excavated or removed from any property for commercial purposes.
34. **Approval of Plans:** All plans for construction of private roads & driveways and all building plans for any building, fence, corral, docks, or any structure to be erected upon any lot, and the proposed location thereof, any building, road, driveway or other structure upon any lot in such premises shall require the approval in writing of the L.H.H.I.C. Board of Directors. Before beginning the construction of any road, driveway, building, fence, wall coping or other structure whatsoever, or remodeling, reconstruction of altering such road, driveway or structure upon any lot the person(s) desiring to erect, construct or modify the same, shall submit to L.H.H.I.C. one (1) complete set of road or driveway plans, set of building plans and specifications for the building, fence, wall coping or other structure, as is applicable, so desired to be erected, constructed or modified. No structure of any kind, elevation, and specifications of which have not received the written approval of L.H.H.I.C. and which does not comply fully with such approved plans and specifications shall be erected, constructed, placed or maintained upon any lot. Approval of such plans and specifications shall be evidenced by written endorsement on such plans and specifications, a copy of which shall be delivered to the owner(s) of the lot upon which the prospective building, road, driveway or other structure is contemplated prior to the beginning of such construction. No changes or deviations in or from such plans and specifications as approved shall be made without the prior written consent of L.H.H.I.C. and shall not be responsible for any structural defects in such plans or specifications. L.H.H.I.C. may waive the setback provisions upon petition to said Corporation.

Note: The previous steps are not required for action to be taken. If costs and/or fees are levied, they must be paid within sixty (60) days to prevent any further legal action.

35. **Animals:** No animal, birds, or fowl shall be kept or maintained on any part of the property, except dogs, cats and pet birds which may be kept thereon in reasonable numbers as pets for the pleasure and use of the occupants and not for any commercial use or purpose. All pets shall be confined to the owner's property or on a leash and accompanied by the owner. No exceptions! If animals are running loose, or are barking and disturbing other property owners, then the Animal Control or Fountain County Sheriff's Department will be called and Indiana state laws and Fountain County Ordinances will apply, and the pet/animal will be subject to removal from L.H.H.I.C.
36. **Hunting, Trapping, Target Shooting:** L.H.H.I.C. allows no hunting, trapping or target shooting, except for L.H.H.I.C. Board of Directors approval for animal control.
(This was voted on and amended July 2003.)
37. **Nuisances & Environmental Rules:** No lot shall be used in whole or part for the storage of rubbish of any character whatsoever, nor for the storage of any property or things that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye, nor shall any substance, thing, or material be kept upon any lot that will omit foul or obnoxious odors, or will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding property.
- 37b. **Lot Maintenance Owners Responsibility:** Fallen trees, dead trees, weeds, seedlings removed in a timely manner and healthy shrubs kept trimmed. Yards have to be free of junk (such as metal, unused patio, appliances, concrete blocks, unstacked firewood, tires and clutter). Violators will be notified in writing and have thirty (30) days to correct the issue. If the issue is not corrected after thirty (30) days, a reminder will be sent. Seven (7) days after the reminder is sent, the property owner will be charged five (\$5.00) dollars a day.
(This was voted on and passed July 2019.)
38. **Anyone Under the Age of 18:** Must be on the property where they are residing or on the property of the property owner who has issued the individual a visitor's pass, no later than 11 p.m. It will be the responsibility of the property owner to be sure their children and/or guests under the age of 18 are on their property by the given curfew time.
(This was voted on and amended July 1999.)
39. **Quiet Time:** No loud music, talking, parties or vehicles between 11 p.m. and 7 a.m. The noise level must be kept at a level so it does not disturb the adjoining neighbors. Weekends (Friday and Saturday) and Holidays the time will be 12 midnight to 7 a.m.
(This was voted on and amended July 1999.)
40. **Non Operational Motor Vehicle:** Any motor vehicle that is not operational or does not have current year's license plate, or insured, that is parked on property for ninety (90) days or longer, will be condemned by virtue vested in by the L.H.H.I.C. Board of Directors and removed from property at the owner's expense. No vehicle parts, junk, tires, etc. may be stored on property. If a vehicle is being restored or repaired, this vehicle is to be parked in a carport or garage.
(This was voted on and amended July 1999.)
41. **All manufactured Vehicles:** All manufactured vehicles must be kept in original running order (no stripping of vehicles). All vehicles must be plated and insured as per State and County Laws.
(This was voted on and amended July 1999.)

42. **Vandalism:** Anyone defacing or vandalizing Corporation property will be prosecuted to the full extent of the law. Those defacing or vandalizing Corporation property or a members property will be turned over to the Fountain County Sheriff Department and charges will be filed by the Corporation and/or the property owner violated.
(This was voted on and passed July 1999.)
43. **Signs:** No billboards or advertising signs of any character shall be erected, placed or maintained on any lot except as herein expressly permitted. A name and address sign shall be permitted. "For Sale" signs shall be no larger than 24 in. x 36 in. The rules concerning signs do not apply to Corporation signs.
(This was voted on and amended July 1999.)
44. **Speed Limit:** The speed limit in Lake Holiday Hide-A-Way Subdivision is 15 miles per hour. You must obey all posted signs.
45. **Trespassers:** Trespassing into Lake Holiday Hide-A-Way Subdivision will be subject to prosecution as provided by law.
(This was voted on and passed July 2003.)
46. **Trespassers on any private property:** Trespassers on any private property inside Lake Holiday Hide-A-Way Subdivision will be subject to prosecution as provided by law.
47. **Littering:** Littering inside Lake Holiday Hide-A-Way Subdivision shall be subject to fees as provided by law. This includes any property owned by L.H.H.I.C. and/or privately owned property.
48. **Disturbing the Peace:** Disturbing the peace of property owners should be the concern of all property owners.
49. **Violators of Posted Curfews:** Violators of posted curfews may be prosecuted as provided by law.
50. **Parking Ordinance:** There will be no parking in areas posted (No Parking Area), on the dam, approaches to the dam, or in private driveways of other property owners. Also, there will be no blocking of roadways. Violators will be prosecuted as provided by law.
51. **Trash and Garbage:** All trash and garbage is to be disposed in the designated trash areas (dumpsters only). No outside generated trash is allowed. Trash areas are not to be used for dumping of yard waste (leaves, soil, grass clippings, rocks, sod, etc.), discarded furniture, mattresses or other household items and appliances, scrap metal, tires, automotive parts, lawn mowers, garden equipment, construction and/or remodeling debris (siding, roofing, flooring, insulation, plumbing, electrical, concrete), etc. Violators of this ordinance will be assessed twenty five (\$25.00) dollars fee for the first occurrence then one hundred (\$100.00) dollars fee per each additional occurrence.
(This was voted on and amended July 2022).
52. **Property Owners Who Dispose of Garbage:** Property owners who dispose of garbage and other trash on neighboring farms and property surrounding the Lake Holiday Hide-A-Way Subdivision may be subject to penalties of County and State laws.

53. **Polluting of the Lake:** There will be no polluting of the lake by improperly installed septic systems, grey water, or by the dumping of trash (bottles, cans, etc.). Violators will be prosecuted to the limits provided by Indiana and Fountain County law.
54. **Fireworks:** There will be no fireworks allowed except by official sanction, or property owner's supervision. Property owner will be responsible for all liabilities.
55. **Swimming in Undesignated Area:** The Lake Holiday Hide-A-Way Improvement Corporation, Inc. will not be responsible for swimming in undesignated areas.
56. **All Off Road Vehicles:** All off road vehicles must comply with the Fountain County Off Road Vehicle Ordinance. You will need to register your Off Road Vehicle with the Indiana Bureau of Motor Vehicles. Information pertaining to Off Road Vehicles may be directed to the Fountain County Sheriff Department and/or our local DNR Law Enforcement District.
(This was voted on and amended July 2002 and **July 2022 due to a law change.**)
57. **Setback Lines:** No structure shall be located on any lot nearer to the front or side street property line than on the set back provided in the plats of five (5) feet on sides or adjacent property and fifty (50) feet off the center of the street. All structures shall be slightly, of neat construction, and of a character to enhance the value of the property.
(This was voted on and amended July 2018.)
58. **Fences...Type:** Fences are to be used to retain pets or children, and they must not block the view of your neighbor. Maximum 4' high limit. Privacy fences only permitted where a home swimming pool is used, 6' high limit. All fences must have board approval. All fences must be see-through. Note: It is L.H.H.I.C. goal to enhance the beauty of the lake and its property owners.
59. **The Laws & Rules:** The Laws & Rules governing the Lake Holiday Hide-A-Way Subdivision are attached to these restrictive Covenants.

Building Codes and Restrictions

CLASS A. Homes or cottages are a permanent structure, including garages and sheds and must comply with class E and L.H.H.I.C. Building and Construction Codes and Specifications. It must be a single family dwelling with no blocks visible above the foundation; must be six hundred (600) square feet or more; and off street parking for two (2) automobiles. L.H.H.I.C. Building and Construction Codes and Specifications complied with.

CLASS B. Mobile Homes are semi-permanent and must comply with Class E and L.H.H.I.C. Building and Construction Codes and Specifications before moving onto lot. They must be properly stabilized with concrete runners, concrete blocks and anchored. The underpinning must be neat in appearance; must be six hundred (600) square feet or more, with off street parking for two (2) automobiles. Class E and L.H.H.I.C. Building and Construction Codes and Specifications complied with.

CLASS C. To be governed by Covenant 26.

CLASS D. Boat docks, for anchoring and landing boats. Must be safely and neatly constructed and not be an obstruction to other habits and built according to L.H.H.I.C. Building and Construction Codes and Specifications.

CLASS E. Wells and septic systems must be approved before installation by L.H.H.I.C. Board of Directors by obtaining a building permit. All well and septic systems must comply with Indiana Public Health Department specifications. Property owners must also visit the Lake Office to deliver photocopies of all well and/or septic paperwork at completion for lake records. See Covenant 22, 23, and 25.

PERMITS: There will be two (2) types of permits issued:
(1) Permanent permits - For Classes A, B, D, and E.
(2) Temporary Permits - For Class C Only.

INSPECTIONS: Inspections will be performed by three (3) property owners appointed by the L.H.H.I.C. Board of Directors. Violation will be enforced as per Covenant 14. When building permits are issued, an Inspection will be made at the owner's request or within one (1) year at the maximum.

Note: All Covenant changes that were made by the members at the July 2022 annual meeting are in bold print.

BY-LAWS

ARTICLE I – Name and Objectives

1. **The Name:** The name of the corporation shall be known as the Lake Holiday Hide-A-Way Improvement Corporation, Inc. hereafter called the “Corporation”.
2. **The Objectives of the Corporation Shall Be:** To formulate and enforce rules and regulations respecting the use of the public facilities available to the owners of lots in Lake Holiday Hide-A-Way Subdivision, including the lake, beaches, parking lots, crosswalks, roadways, easements, and shelter houses:
 - to enforce the restrictive Covenants regulating the lots in Lake Holiday Hide-A-Way Subdivision in Fountain county, Indiana, by any method available under the law or in equity;
 - to approve the plans for all construction on lots in Lake Holiday Hide-A-Way Subdivision as provided in the restrictive Covenants regulating such subdivisions;
 - to provide public services to the owners of the lots in Lake Holiday Hide-A-Way Subdivision including, but not limited to, constructing and maintaining roads, street lighting systems, sewers and water systems, fire protection, police protection and garbage collection;
 - to pay Corporate expenses;
 - to acquire real estate and to hold, improve and develop the same and to cause to be erected on any lands held by the Corporation buildings or any other structures with their appportionments and to convey, transfer or otherwise dispose of any lands or interests in lands or buildings or other structures at any time owned or held by the Corporation;
 - to establish, equip, maintain, and operate recreational and social facilities for the members of the Corporation and their families and to sponsor such recreational functions (sponsored by the Lake Auxiliary as approved by the Board of Directors) as are desired by the members of the Corporation as to not interfere with the members peaceful enjoyment of their land and generally to provide for the mutual assistance, enjoyment, entertainment and improvement for all the members.

ARTICLE II – Membership

1. **Members of the Corporation:** Members of the Corporation shall consist of all persons or groups of persons who either own or are purchasing under conditional sales contract, lots in the Lake Holiday Hide-A-Way Subdivision.
2. **Mill Creek:** Mill Creek Development Corporation, Inc. shall not be a member of the Corporation.
3. **Each Member:** Each member shall have one vote at the meeting of the members, and each member must be 18 years old or older to vote.
4. **No Member:** No member whose dues or assessments are not fully paid may vote or participate in a meeting of the members.
5. **Only Owners of Primary Lots May Vote:** There can be no more than two people who can vote per primary lot. If there are more than two people on a deed or sales contract, the Lake Office must be informed which two people will vote.

(Passed July 2006.)

6. **All Assessments:** Assessments must be paid in full at least seven (7) days before any election. (This will give the election committee time to ensure that everyone is legal to vote.)
(Passed July 2006.)
7. **Members Shall Comply:** Members shall comply with #211 of Building and Construction Codes of Lake Holiday Hide-A-Way Improvement Corporation, Inc. as well as having a permit approved by the Board of Directors or its assigned committee.

ARTICLE III – Government

1. **General Management:** The General Management of the affairs of the Corporation shall be vested in the Board of Directors consisting of a President, Vice-President, Secretary, Treasurer and three (3) Trustees, selected from the Board of Directors as provided in number 5 Article V of these By-Laws.
2. **The Office Clerk:** The Office Clerk shall be the official record keeper of all corporate records except those duties otherwise assigned to the Recording Secretary or the Treasurer. The Office Clerk shall handle all office duties and correspondence and other duties as directed by the Lake President.

(This was voted on January 1, 1993 and amended July 2004.)

ARTICLE IV – Duties of Officers

1. **The President:** The President shall preside at all meetings of the Corporation and of the Board of Directors and shall appoint and or remove such committees as they or the Board of Directors shall consider expedient or necessary. Any and all appointments shall be with the approval of the Board of Directors. The President shall be a full time resident of the subdivision. (Full-time being at least seven (7) months out of the year.)
(This was adopted September 12, 2002.)
2. **The Vice-President:** The Vice-President shall act in the place of the President in the event of the Presidents absence, inability or refusal to act, and shall exercise such other duties as may be required by the Board. The Vice-President shall be a full-time resident of the subdivision. (Full time being at least seven (7) months out of the year.)
(This was voted on and amended July 2004.)
3. **The Recording Secretary:** The Recording Secretary shall be the official record keeper of the Board of Directors, except the financial records. They shall keep a record of the actions taken at each meeting, including motions, resolutions, and other matters of interest to the Corporation. A permanent record shall be kept and each set of minutes, after having been approved, bear the signature of the President and the recording Secretary. The Secretary shall call the roll of Directors at the meetings in appropriate order. They shall receive communications to the Corporation and dispose of them appropriately, bringing them to the attention of the appropriate officer before the meeting. They shall keep a file of all correspondence and incoming communications. In the absence of the President and Vice-President, the Secretary shall have the power to appoint an acting chair person.
4. **The Treasurer:** The Treasurer shall be the custodian of all financial records. They shall supervise the monies received, all bills paid authorized by the Corporation, shall examine records of expenditures, the deposits of all monies in the name of the Corporation. They shall supervise an index of all bills for which checks have been issued and see all stubs and vouchers for all the bills that have been paid. No bills will be paid other than by check or credit/debit cards which are to be

in the possession of and in the name of the President, Vice-President or Treasurer. All checks shall bear two (2) signatures of the following officers: President, Vice-President, Treasurer or Treasurer pro-tem. This and the Lake Office are subject to inspection by the trustees.

(This was adopted September 12, 1992 and amended July 2017.)

5. **The Trustees:** The Trustees shall be responsible for the safe keeping and good condition of all the Associations property, funds and books, the Treasurer's Office and records, and the Lake Office and records are subject to inspection by the Trustees. The Trustees are to inspect and sign all disbursement vouchers. The Trustees shall insure that the President, Vice-President and the Treasurer are bonded and that all their records are properly kept. To this end, the trustees shall meet monthly to examine the books and records of all the officers handling money and submit a quarterly report to the Board of Directors and make one available to its membership. The trustees shall be the custodian over the Corporation assets, and the Board of Trustees shall act in case of an emergency covering an area set by the Board of Directors not to exceed one thousand (\$1,000.00) dollars per incident, without Board approval.

(Amended July 2006.)

6. **All Officers Handling Funds:** All Officers handling funds and other property shall be bonded according to the requirements specified by the Board of Directors and/or whatever the law may require.
7. **The President and the Secretary:** The President, Secretary or the Treasurer shall, on being so directed by the Board, sign all leases, contracts, or instruments in writing. Trustees are to inspect and sign all disbursement vouchers.

(Adopted September 12, 1992.)

8. **It Shall Be The Duty:** It shall be the Duty of the Board of Directors and the Board of Trustees to execute the restrictive covenants and reservations as approved by the membership.

(Adopted July 10, 1999.)

ARTICLE V – Election of Directors and Officers

1. **Election of Directors:** The directors of the Corporation shall be elected at the annual meeting. Each active member in good standing shall be entitled to one (1) vote for each director vacancy to be elected and the candidates receiving the majority of the votes cast shall be elected.

(This was amended October 12, 1999.)

2. **Member in Good Standing:** No Member shall be recognized on the floor of the annual meeting or a regular meeting unless they are a member in good standing with the Corporation. Good standing being that all assessments and Corporation charges on that person's account being paid in full for the current year and that member must bear an assigned Corporation name tag.

(This was amended October 12, 1999.)

3. **Nominee Must be in Good Standing:** Nominee must be in good standing with the Corporation. Early nominations for the Board of Directors will be announced in the May membership letter. Nominees for the vacancies on the Board of Directors will be made and voted on at the annual meeting.

(This was voted on and amended July 2007 and July 2022.)

4. **Terms of Directors:** The directors shall be elected for a three (3) year term. The Directors will number thirteen (13). Upon the expiration of the term of each Director, new Directors shall be elected for a full three (3) year term.

(Adopted October 12, 1999.)

5. **Election of Officers:** The Board of Directors shall elect from their number a President, Vice-President, Recording Secretary, Treasurer, and three (3) Trustees. The meeting of the Board of Directors to elect Officers shall be held within one (1) month following the annual meeting of members. Officers elected shall hold office until new Officers are elected. When a person runs for the Board and is elected, they must serve one (1) year on the Board before being elected to execute the office of President, Vice-President, Recording Secretary, Treasurer, or Trustee whether previously being on the Board unless they are re-elected from one term to another consecutive or appointed from one term to another.

(Adopted March 14, 1994.)

6. **Election Commission:** The Election Commission shall be appointed by the Board of Directors and shall certify and post the results of the election. All election records and ballots shall be preserved for three (3) years in the office. Members of the Commission will serve a three (3) year term. Replacements will be appointed by the Board of Directors to finish term of the member they are replacing. The commission will consist of seven (7) property owners: one (1) Chairman (elected by commission members), four (4) committee persons and two (2) alternates. The Board of Directors will determine the duties of the commission. Election Commission will be appointed no later than the January Board Meeting. All rules of the Election Commission must be approved by the Board of Directors. NOTE: Chairperson of this Committee shall act as Marshall over election(s). All Election Commission members must be Lake Holiday Hide-A-Way Subdivision members in good standing as of December 31st of the previous calendar year.

(Adopted October 12, 1999.)

7. **Protesting Election of Board Members:** Election of any Board Member may be protested by any member filing such protest with the Lake Office (Office Clerk) within thirty (30) days after the election is certified by the Election Commission. Such protest shall be accompanied with a cashier's check or certified check payable to Lake Holiday Hide-A-Way Improvement Corporation, Inc. in the amount of one hundred (\$100.00) dollars and written assurance to pay for any additional cost incurred in any recount of votes for any such Director.

(Adopted October 12, 1999.)

8. **Vacancies in Office:** If a vacancy occurs among the Officers or any of the Board of Directors, the vacancy may be filled for the un-expired term by the Board of Directors.

9. **Requirements of Being a Member of the Board of Directors:** Any Board Member who is absent at three (3) consecutive meetings or fifty (50%) percent of the meetings called without being excused by the Board of Directors, will be subject to suspension from the Board, it will be by majority vote.

10. **Only one:** One (1) Board Member of an immediate family, i.e., blood relative or spouse shall be allowed to serve as a Board Member at any time.

ARTICLE VI – Recall of Officers

1. **Petition for Recall of Officers:** A petition for recall of an Officer of the Board may be performed by any four (4) members.
 - Shall be in writing and signed by the same.
 - Shall contain the description of the offense(s) and the approximate dates thereof.
 - Shall be filed with the Secretary of the Board, provided however, that a petition directed against the Secretary shall be filed with the President of the Board of Directors.
2. **Reading of the Petition:** The petition for recall will be read by the Officer with whom it is filed at the next regular meeting. Discussion of the petition to be limited to the accused Officer stating their own side of the charges.
3. **Voting on the Petition:** The vote on a petition for recall shall be by secret ballot at the regular meeting next after the reading of the petition. A yes vote of two-thirds (2/3) of the active members of the Board is required for recall.
4. **Result of Recall:** An affirmative vote on a petition removes the Officer from the Board.
(Amended July 2004.)

ARTICLE VII – Meetings

1. **Annual Meetings of Members:** The annual meeting of members of the Corporation shall be held on the second Saturday in July of each year. Notice of the time and place of holding the annual meeting shall be mailed to each member at least ten (10) days previous thereto.
2. **Special Meetings of Members:** Special meetings of members may be called by the President at any time on his own initiative or by the Vice-President or Secretary upon request signed by five (5%) percent of the members to such Officer in writing. Notice of the meeting shall be mailed and such special meeting shall consider only such business as is specified in the notice.
3. **Quorum for Member' Meetings:** At all meetings of the members, five (5%) percent of members in good standing shall constitute a Quorum.
4. **Lack of Quorum for Members' Meetings:** If a quorum is not present, the presiding Officer may adjourn the meeting to a day and hour fixed by them.
5. **Quorum for Board Members:** A majority of the active Board of Directors shall constitute a Quorum.
6. **Meeting of the Board:** Meetings of the Board of Directors shall occur on the 2nd Saturday in January, the 2nd Saturday in April, the 3rd Saturday in July, and the 2nd Saturday in October. Other meetings of the Board of Directors may be called by the President on his own initiative whenever in his judgment it is deemed necessary, or by the Secretary upon their request of any three (3) members of the Board of Directors. Five (5) days' notice of such meetings shall be sent to all Directors and shall be deemed sufficient note of such meetings.
7. **Order of Business:** At all annual meetings of the Corporation the order of business shall be as follows: (A) Reading of the minutes of the prior meeting for information and approval; (B) Report of Officers; (C) Reports of Committees; (D) Nominations of Directors; (E) Unfinished Business; (F) New Business; and (G) Election of Directors.

ARTICLE VIII – Management

1. **Management of Corporation:** The Board of Directors shall have general charge and management of the affairs, funds, and property of the Corporation. The Board shall have full power and it shall be the Board's duty to: Carry out purposes of the Corporation according to its Articles of Incorporation and By-Laws and to determine whether the conduct of any member is detrimental to the welfare of the Corporation, and to fix the penalty for such misconduct or any violation of the By-Laws and/or Laws & Rules.
2. **Rule Making:** The Board of Directors may make rules for the conduct of members and the use of the Corporation property, and define and limit the fishing, boating, and swimming privilege of the members and their guests, not inconsistent, however, with anything set forth in these By-Laws.
3. **All Laws & Rules:** All Laws & Rules including the watercraft rules are subject to the same penalties as off-road vehicles, governing Lake Holiday Hide-A-Way Subdivision and must be complied with by all property owners and their guest. All members and their guests will be subject to the penalties of these By-Laws and Laws & Rules.
4. **These Restrictive Covenants:** These restrictive Covenants or By-Laws can only be changed by the majority vote of at the annual meeting, or a special meeting called according to the By-Laws and restrictive Covenants of the Lake Holiday Hide-A-Way Improvement Corporation, Inc.

ARTICLE IX – Assessments

1. **Regular Assessments:** The members of the Corporation shall pay annually their pro-rate share of the cost of construction and maintaining the roads, streets, lake, dam, spillway, beaches, lighting system, equipment, and etc. The cost of providing other reasonable and necessary public services, including, but not limited to, fire protection, police protection, and garbage collections. The annual installment for such purposes shall be determined by the Board of Directors and shall not exceed the sum of four hundred and seventy five (\$475.00) dollars for a primary lot and sixty (\$60.00) dollars for a secondary lot.

(This was voted on and amended July 2007 and July 2021.)

2. **Special Assessments:** In the event the Board of Directors shall consider it necessary to make any expenditure requiring an assessment in addition to the regular assessments as stated provided, such Board project, the estimated amount required for the completion of same. The total assessment required to be approved by two-thirds (2/3) majority vote of those present and voting at such meeting of the members.

ARTICLE X – Compensation and Indemnification

3. **A Board member:** A Board member or spouse shall receive no wages from the Corporation. Any director may be reimbursed for actual expenses incurred in the performance of their duties.

(This was amended July 2004.)

4. **Indemnification of Officers:** Indemnification of Officers and Directors of the Corporation shall not be subject to any personal liabilities in connection with the performance of their Corporate duties. Every Director or Officer shall be indemnified by this Corporation against all expenses and liabilities including counsel fees (reasonably incurred or imposed upon them) in connection with any controversy to which they may be made a party or in which they may become involved, by reason of them being or having been a Director or Officer of this Corporation, whether or not they are an Director or Officer at the time such expenses are incurred, unless the Director or Officer involved is adjudged guilty of negligence or misconduct in the performance of their duties in

connection with the subject of such controversy, provided, that in the event of a voluntary settlement of any such controversy by the Officer or Director involved the indemnification provided herein shall apply. Only when the Board of Directors approves such settlement and any reimbursement to such involved Director or Officer as being in the best interest of the Corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director or Officer may be entitled.

(This was voted on and passed July 9, 2005.)

ARTICLE XI – Order

The parliamentary rules contained in Robert’s Rules of Order revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these By-Laws, or such special rules of order as may be adopted by the Board.

ARTICLE XII – Revoked July 2017

Note: All By-Laws changes that were made by the members at the July 2022 annual meeting are in bold print.

LAKE HOLIDAY HIDE-A-WAY IMPROVEMENT CORPORATION, INC.

BUILDING AND CONSTRUCTION CODES

BUILDING PROVISIONS, 2022

#211 ALL BUILDING PERMITS: STRUCTURES, SEPTIC SYSTEMS AND WELLS MUST BE DRAWN ON A PRINT OR SKETCH TO SHOW WHERE EACH ITEM IS LOCATED/WILL BE LOCATED. AMPLE ROOM MUST BE AVAILABLE BEFORE ANY PERMIT WILL BE ISSUED. ALL PERMITS ARE TO BE POSTED AND VISIBLE TO THE PUBLIC.

SECTIONS:

- .010 Requirements...Specifications
- .020 Building Permit
- .030 Foundation Walls...Specifications
- .040 Board Lumber
- .050 Support Beam Piers
- .060 Concrete Footing...Foundations...All Foundations
- .070 Studs & Plates
- .080 Floor Joists...Specifications
- .090 Floor Joists...Size & Spacing...Span
- .100 Footing...Minimum Requirements
- .110 Walls...Specifications
- .120 Headers...Maximum Span
- .130 Roofing
- .140 Dwelling...Area Requirements
- .150 Ceiling Joists...Size & Spacing...Span
- .160 Rafters...Size & Spacing...Span
- .170 Access Opening To Attic...Vents Required
- .180 Electric Wiring Standards
- .190 Gas Burning Appliances...Flues
- .200 Gas Heating Appliances...Vents
- .210 Plumbing...Compliance with State Codes
- .230 Building Inspector
- .240 Action to Abate Violations
- .250 Penalty...Fines
- .260 Appeal Procedure
- .1020 Storage and Utility Sheds
- .1030 Garages Foundations
- .1030a Pole Frame Buildings
- .1040 Decks...Floats...Bulwark

.010 Requirements...Specifications: Any and all buildings constructed, enlarged, relocated or moved into Lake Holiday Hide-A-Way Subdivision property shall meet the requirements and specifications of this Building & Construction Codes as set forth in this chapter.

.020 Building Permit: No person, company or corporation shall erect or cause to be erected within the Lake Holiday Hide-A-Way Subdivision limits any buildings or structures of any kind or enlarge or add to the outside dimensions of, or relocate or move in any building or structure without first having

obtained a permit. Permits shall be issued by the Building Permit Committee and signed by one committee member and one additional board member.

.030 Foundation Walls...Specifications: All foundation walls should be provided with one 8 inch by 16 inch grilled vent forever 50 linear feet of wall where there is space beneath the floor with a minimum of two such vents in any foundation. An access door not less than 16 inch by 18 inch should be made in the foundation. Also an opening 16 inch by 18 inch should be left in the cross walls where there is space below the floor provided no such access opening is provided elsewhere.

.040 Board Lumber: Board lumber for subflooring, sheathing and similar uses may be #3 or better, for fir, spruce, cypress, hemlock, redwood, cedar, tamarack and southern yellow pine or pine, or minimum 3/4 inch thick CD or better plywood or equivalent. Dimensions for floor joists, ceiling joists, girders, beams, rafters and headers must be #2 or better for fir, yellow pine, hemlock and spruce.

.050 Support Beam Piers: Piers to support beams carrying main bearing walls may be 8 inch by 8 inch solid masonry or 8 inch by 16 inch hollow building stone, spaced not less than 8 inch on center.

.060 Concrete Footing...Foundations...All Foundations: All footings shall be poured concrete on not less than 4 1/2 bag mix and all surface work or any trowel surface not less than 5 1/2 bag mix. Where excavation is made for basements or for clearance under floors the foundations including cross walls for one story and two story buildings, shall be 8 inch wide poured concrete or 8 inch wide masonry, but 6 inch thick foundation walls may be used in garages or out buildings. All foundation walls shall be reinforced with not less than 2 - 3/8 inch steel bars around the entire wall. Minimum requirements for foundations for one story and two story brick veneer or stone buildings shall be 12 inch wide poured concrete or 16 inch wide masonry or 10 inch wide poured concrete. Double formed foundations walls may be used in brick veneer or stone garage or outbuildings. All foundation walls shall be reinforced with not less than 3 - 3/8 inch steel bars around entire wall. All concrete foundations must be doveled to footing with 8 inch steel pins, spaced not more than 6 inch on center and 4 inch deep in the footing at the time the footing is poured, unless footings and foundations are poured integral. Basement walls must be reinforced vertically with 3/8 inch rebar spaced every 12 inch and well tied where they cross.

.070 Studs & Plates: Studs and plates may be utility grade or better. Used or second hand lumber may be used if same is sound and provided its use does not reduce the strength of the structure or mar the appearance of the finished building.

.080 Floor Joists...Specifications: All floor joists must rest 4 inch over foundation walls and 3 inch over cross wall of girders, except flush beams may be used with metal hangers or ribbons. All joists must be cross-bridged with a maximum size of bridging 1 inch by 3 inch or metal bridging double nailed at each end. Where the subfloor is not used, fire stops must be put in throughout on all floors.

.090 Floor Joists...Size & Spacing...Span: The maximum span for floor joists of various sizes and spacing shall be as follows:

Size	Spacing	Span
2 inch x 8 inch	16 inch	12 feet
2 inch x 10 inch	16 inch	12 feet
2 inch x 12 inch	16 inch	12 feet

.100 Footing ...Minimum Requirements:

- a. In all dwellings there shall be a minimum 2 feet clearance from the bottom of the floor joists to the ground unless a poured floor is planned.
- b. Minimum requirements for footings for one-story wood frame buildings, except garages and small out building, shall be no less than 20 inch wide for 12 inch concrete block or 16 inch wide for 8 inch concrete blocks. Thickness of footing shall be not less than 8 inch in depth. The bottom of the footing shall be no less than 36 inch below finished grade.
- c. The minimum requirements for footings for one story brick veneer, stone or building rock shall protrude 5 inch on both sides of stem wall, and be at least 10 inch thick. The bottom of the footing shall be no less than 36 inch below the finished grade.
- d. The minimum requirements for footings for two story brick veneer, stone, or building rock, shall be 12 inch deep by 24 inch wide, the bottom of footing shall be no less than 36 inch below the finished grade.
- e. Footings for all one story and two story buildings shall be no less than 2 1/2 inch rebar which shall be equally spaced 4 inch from the bottom.
- f. The minimum requirement for footings for garages, small outbuildings, porches and terraces, shall be 8 inch deep by 12 inch wide. Bottom of footing shall be no less than 18 inch below the finished grade.
- g. The minimum requirements for footings for piers shall be 24 inch by 10 inch deep. The bottom of the footing shall be no less than 36 inch below the natural grade.
- h. The minimum requirements for footings for brick flues shall be 36 inch by 36 inch for two story buildings, all 10 inch deep, the bottom of the footing is to be at least 12 inch below the natural grade. All stem walls on footings and plate and construction placed on stem walls shall be nearly as practicable centered on the footings or stem wall. For fireplaces, the footings are to be no less than 6 inch wider and longer than finished existing fireplace wall. Thickness of footing is to be no less than 36 inch below the finished grade.
- i. **Mobile home footings requirements:** Runners shall be the minimum width of 24 inch and 6 inch deep with 4 1/2 inch rebar 4 inch apart. Minimum stabilizer requirement 9 inch diameter hole 36 inch deep in center and 8 feet apart on center overall length of mobile home beams. Pads shall be the minimum of 24 inch square 6 inch depth with a 9 inch diameter hole 36 inch deep in center of each pad. Pads 8 feet apart on center overall length of mobile home beams. Mobile home footing requirements - material: Concrete shall be used according with these Building and Construction Codes. Section .060 all footings shall be poured concrete of no less than 4 1/2 bag mix. The forms for said runners or pads must be inspected before concrete may be poured.

.110 Walls...Specifications: All outside walls and load bearing walls in frame buildings shall contain no less than 2 inch by 4 inch studs with a maximum spacing of studs 16 inch on center and no splicing of same shall be allowed. Studs 2 inch by 4 inch may be used in non-bearing walls garage and out buildings with a maximum spacing of studs on center (except where trussed wood is used). Non-bearing wall may be constructed of studding no less than 2 inch by 4 inch. All studs must rest on at least a single plate at the bottom end and be double plated at the top. The plates to be of the same dimension as the studs. All openings must be double headed with double framing on each side of the opening. Doubles extending from underside of the header to the bottom plate except where opening exists on non-bearing walls. Corner posts shall not be less than 3 - 3 inch by 4 inch set to receive interior wall finish.

.120 Headers...Maximum Span:

- a. The maximum span of headers for usual loading conditions shall be as follows:

	Size		Span	
	2 - 2 inch x 4 inch	On edge	3 feet 6 inch	
	2 - 2 inch x 6 inch	On edge	4 feet 6 inch	
	2 - 2 inch x 8 inch	On edge	6 feet	
	2 - 2 inch x 10 inch	On edge	7 feet 6 inch	

b. Headers shall be specifically designed where subjected to unusual loads or to span larger openings.

.130 Roofing: Sheathing boards for the roof shall be 7/16th minimum and only width may be used if well nailed. Boards shall be laid solid for composition roofing and composition shingles and spaced no more than 2 1/2 inch for wood shingles. Any standard and commonly used material may be used as permanent covering for roof and exterior walls.

.140 Dwelling...Area Requirements: No permit shall be granted to build a residence of less than 600 square feet of living space.

.150 Ceiling Joists...Size & Spacing...Span:

a. The maximum spans for ceiling joists of various sizes and spacing shall be as follows:

Size	Spacing	Span
2 inch x 6 inch	12 inch	17 feet 10 inch
2 inch x 6 inch	16 inch	16 feet 5 inch
2 inch x 8 inch	12 inch	23 feet 10 inch
2 inch x 8 inch	16 inch	21 feet 10 inch
2 inch x 8 inch	24 inch	18 feet 11 inch

b. The above specified spans apply only where attic storage is not provided. Where attic storage is to be specified, the spans as set forth in the minimum specifications of the Federal Housing Administration shall apply and they are adopted as part of the ordinance modified in this chapter and made a part of this chapter reference.

.160 Rafters...Size & Spacing...Span: Rafters shall not be less than 2 inch by 6 inch and spaced no more than 24 inches on center and wherever possible, rafters must be nailed to the outer end of the ceiling joists and will fasten to top plate. Where rafter length is greater than 18 feet purl in plates must be installed as near center of the span as possible and such purl in plates must be supported by 2 inch by 4 inch braces and not over 6 feet on center and such brace must rest on a load bearing wall or partition. No valley or hip rafter may be less than 2 inch by 8 inch.

.170 Access Openings to Attic...Vent Required: An access opening at least 16 inch by 18 inch shall be provided to all attics. Attic vents are required by the number and size determined by roof style and area contained in the attic space at the rate of one square inch of vent for each square foot of attic area.

.180 Electric Wiring Standards: The material used in electric wiring must comply with Standard Underwriters Laboratories, Inc. specifications. The minimum size of wire shall be #12. Each building or residence must have at least three (3) circuits and provisions must be made for at least one additional circuit to be installed in the future. Electric ranges, heaters and water heaters must have special wiring. There must be at least two (2) outlets in each room used as living space and also in the

utility room, exclusive of those for lighting. In all instances, all workmanship, material and manner of installation must meet the approval of the company or corporation furnishing electric service to the buildings within the area. In all instances requiring special wiring and installation the national electrical code, standard of the National Board of Fire Underwriters for Electric Wiring and Apparatus pamphlet #70 shall be used. It is recommended to have electrical power lines buried under ground from power source across property line to dwelling.

.190 Gas Burning Appliances...Flues: Any gas burning appliances shall be vented either by brick or masonry flues, transit, or metal flue. Where brick flues are built, they shall be installed as the flue is laid. The liner shall extend 1 foot below the lowest vent and project at least 4 inch above the top of the flue. The top of the flue shall have cement cap or wash from the liner to the outer edge of the brick. Brick or masonry flues shall rest on footings and all wood construction or inflammable material shall clear said flue by at least 2 inch. In no instance shall a flue rest on a wood framing.

.200 Gas Heating Appliances...Vents: Each gas furnace or gas heating appliance shall have a separate vent. The size of the vent to be no less than the vent outlet or connection on the appliance used. Gas water heaters and gas cooking appliances may be vented into one transit or metal flue stack providing the cross section area of the stack used in 75% of or greater than the combined cross section area of the vent outlets on the appliances. In all instances gas installations must meet the requirements of the Gas Company or corporation furnishing the gas to the building or residence. In no instance shall gas pipes be allowed to run horizontally or vertically within a wall or underneath a concrete slab or floor. Copper gas tubing may be used underneath a concrete slab or floor provided the same is enclosed within a conduit or duct vented to the outside. All vent stacks of transit or metal flue shall be installed no less than 1 inch from any combustible material. Masonry or brick flues must be used for vents in all residences where solid or liquid fuels are used.

.210 Plumbing...Compliance with State Codes: Where plumbing is installed in any building or structure where existing plumbing is changed or repaired such shall comply with State codes as to materials, workmanship and manner of installation.

.230 Building Inspector: It shall be the duty of the Building Inspector to enforce the provisions of this chapter. The Lake President, with the consent of the Board of Directors, shall select a person(s) to act as Building Inspector for L.H.H.I.C. Any person(s) representing L.H.H.I.C. as Building Inspector(s) shall have access to any building or properties at any reasonable time when acting in their capacity of Building Inspector during the period of construction or alterations thereon. Any requirements of this code may be condemned by such Building Inspector and further work by traction ordered and caused to cease until all conditions not in compliance with this Building and Construction Codes have been corrected.

.240 Actions to Abate Violations: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of this chapter, the Building Inspector, in addition to other remedies, may institute any proper action or proceedings in the name of L.H.H.I.C. to prevent the occupancy of the building, business or use in or about the premises.

.250 Penalties...Fine: Any person, firm or Corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall upon conviction be fined no more than one hundred (\$100.00) dollars for each offense. Each day that a violation shall exist shall constitute a separate offense and is subject to the daily fee herein specified.

.260 Appeal Procedure: Any person, Corporation or company who deems itself aggrieved or adversely affected by the provisions of this chapter, or any section of this chapter may seek relief thereof by filing a statement setting forth the manner in which the person or Corporation considers itself to have been so aggrieved or adversely affected. This statement shall be reviewed by the Board of Directors.

.1020 Storage and Utility Sheds: The maximum size of a building that shall be considered a storage shed shall be only one (1) story high, unless approved by the Board of Directors. A storage shed floor may be constructed of wood with treated wood runners, or to be 4 inch of poured concrete. Sheds shall conform to these Building and Construction Codes if constructed on premises.

Commercially manufactured sheds are allowed. A building permit must be obtained from the Building Permit Committee and the Board of Directors before being brought onto Lake Holiday Hide-A-Way Subdivision premises. The minimum size of 8 feet by 8 feet and a maximum size of 14 feet by 32 feet is allowed. **No storage shed may be used as a living quarters. These are intended to be for storage.**

.1030 Garages Foundations: Any of the following plans:

- a. 4 corner pillars of concrete 12 inch diameter buried 18 inch below ground surface. Anchor bolts or straps for securing mounted at least 4 inch in the concrete.
- b. Concrete slab of 6 inch thickness for garage (or more) with anchor bolts or straps set in the concrete to secure the building plate use 1- 1/2 by 6 inch bolt for every 6 feet of building plate length.
- c. Building Directive:
 1. Must be framed with 2 inch by 4 inch or better studs and rafters spaced not more than 24 inch apart.
 2. Must be squared and leveled in structure, mounted fastened by tie downs or bolted to the foundation, protecting it from destruction or movement during high winds.
 3. Must be painted for protections and an attractive appearance.
 4. Must be built of good material. Not decayed or junky substance.
 5. The building must be approved by the Board of Directors before building.

.1030a Pole Frame Buildings: Structure not to exceed 30 feet by 40 feet without the permission of the entire Board of Directors.

- **Construction:** Must be constructed of 6 inch by 6 inch beams or greater, posts of treated lumber spaced no more than 10 feet apart.
- **Roof:** Must be of asphalt, fiberglass, or wood shingles, or steel with baked enamel finish.
- **Siding:** May be wood, vinyl, aluminum or steel with baked enamel finish.
- **Flooring:** Concrete floors may be 4 inch or 6 inch depending on what is being stored and must be installed within one (1) year of completion. A treated lumber wood floor may be installed if heavy equipment or automobiles are not stored.
- The lot owner is responsible for complying with Article #.230 Building Inspectors of this chapter.

.1040 Decks...Floats...Bulwark:

Decks

1. Decks or piers are limited to 4 feet out from the water's edge. Post or pilings must be driven, screwed or concreted into the bottom at least 36 inch or more. The supporting structure must be constructed of less than 2 inch x 6 inch material with post no less than 4 inch spaced no more than 4 feet 6 inch apart.

2. If the deck is no larger than 4 feet 6 inch then use the Building and Construction Codes Section .120 for the span specifications.
3. The posts, piling and deck structure must be kept repaired, reserved, sealed or painted to maintain an attractive shoreline.

Floats

1. Floats other than channel markings may not be in the lake unless constructed by and approved by Building Permit Committee and Board of Directors.
2. Floats must be anchored by cable or chain with enough slack to account for surge of flood water with anchors heavy enough to hold the float firmly on station.
3. Floats may not be stationed farther than 30 feet out from owner's property.
4. Floats must not be made of barrels having formally been used for any ingredient hazardous to the environment such as pesticides, herbicides, etc. NO STEEL DRUMS OR BARRELS MAY BE USED. #4 Plastic barrels only can be used.
5. Floats must be approved by the Building Permit Committee and the Board of Director and will be inspected when necessary.

Bulwarks

1. Bulwarks intended to protect from erosion may be of stone, railroad ties, landscaping timber or any other firm holding material and must be constructed or arranged in a pleasing acceptable manner and firm enough to withstand the action of wind and water.

THE FOLLOWING ARE LAWS & RULES GOVERNING LAKE HOLIDAY HIDE-A-WAY IMPROVEMENT CORPORATION, INC.

Security: The L.H.H.I.C. Board of Directors authorized the security person or persons, to be responsible to enforce the following Laws & Rules of the Lake as the Road Rules and Water Rules.

Members Responsibility: Members are responsible for the conduct and action of their family and guest while they are in the Lake Holiday Hide-A-Way Subdivision and will be held financially and judicially responsible for them.

Membership Decals for Vehicles: Members of Lake Holiday Hide-A-Way Subdivision must obtain membership decals from the Lake Office for their automobiles and trucks. These decals must be:

- Placed in the lower corner of the driver's side of the windshield.
- Removed from the vehicle should the vehicle should be sold or traded.
- Turned into the Lake Office before a new one may be assigned for a different vehicle.

These decals will be issued only for vehicle owned or co-owned by members. Snowmobiles are not allowed to be used on the lake in Lake Holiday Hide-A-Way Subdivision. Go carts or track vehicles such as large dragsters, Derby cars, or any other type of land vehicle that could be unsafe or could cause damage to the roads or property are not allowed to be used in Lake Holiday Hide-A-Way Subdivision.

Lake Stickers for Watercraft, Golf Carts, Off-Road Vehicles, and Non-Licensed Vehicles: Members of Lake Holiday Hide-A-Way must obtain Lake Stickers from the Lake Office for their watercraft, golf carts, off-road vehicles, and all non-licensed vehicles.

- Lake stickers will be issued only for members owned watercraft or vehicle.
- Lake stickers will only be used be issued to members whose assessments and fees are paid to date.
- A lake sticker must be obtained for each watercraft, golf cart, etc. that is to be used in Lake Holiday Hide-A-Way Subdivision.
- Proof of ownership or co-ownership and liability insurance are required.
- A responsibility affidavit must be signed by the member.
- Lake stickers are effective for the Lake Holiday Hide-A-Way Subdivision fiscal year, which is from the first of July until the last of June.
- The lake sticker must be displayed so that it is easily visible to a person outside the vehicle or watercraft. Watercraft stickers should be on the Starboard, or right side.
- Jet Skis are not allowed to be used in Lake Holiday Hide-A-Way Subdivision.

Visitor Passes: Visitor passes for any guest of a member must be obtained through the Lake Office. These passes are valid until such time as:

- The member sells their property.
- The visitor pass has expired.
- The member wishes to have the pass revoked.
- The guest pass is revoked by the Board of Directors because of serious violations of our Laws & Rules by the guest who was issued the pass.

ROAD RULES FOR LAKE HOLIDAY HIDE-A-WAY IMPROVEMENT CORPORATION, INC.

Security: The L.H.H.I.C. Board of Directors authorizes the security person or persons, to be responsible to enforce the Laws & Rules of the Lake as well as the Road Rules and Water Rules.

Road Rules: Speed limit of 15 mph must be observed at all times. NO EXCEPTIONS! All street and road signs must be obeyed.

All Motor Vehicles: Must be insured and have the current year legal license plate.

All Drivers: Of motor vehicles must have a legal valid driver's license.

No Night Driving: Unless vehicle is equipped with head and tail lights.

No Trespassing: And no driving through ditches.

No Throwing Gravel: Or spinning circles in or on the lake roads.

Must Obey All Posted Signs

No Drive: All drivers 14 years of age and over will be allowed to operate a golf cart or ORV. A driver under the age of 14 may operate a golf cart, or ORV, if accompanied by a licensed driver (age 16 years or older). You are solely responsible for this driver, damages, fees, etc., incurred by said drivers. Hours of usage will not be limited, but noise level will be enforced after 12 a.m. (midnight) and before 7 a.m. An 11 p.m. curfew for all minors will be enforced. This privilege may be revoked if a problem arises from person operating said vehicle.

If Operating After Dusk: All under aged drivers must be accompanied by a licensed driver. All vehicles must have lights on the front and rear. Emergency lighting can be used under certain conditions. Property owner vehicles only – NO EXCEPTIONS!

Seating Capacity: Seating on the vehicle will determine how many passengers will be carried. All passengers must be seated.

All Off Road Vehicles: All off road vehicles must comply with the Fountain County Off Road Vehicle Ordinance. You will need to register your Off Road Vehicle with the Indiana Bureau of Motor Vehicles. Information pertaining to Off Road Vehicles may be directed to the Fountain County Sheriff Department and/or our local DNR Law Enforcement District.

**WATERCRAFT & SKIING FOR LAKE HOLIDAY
HIDE-A-WAY IMPROVEMENT CORPORATION, INC.**

Security: The L.H.H.I.C. Board of Directors authorizes the security person(s) to be responsible to enforce the following Laws & Rules of the lake as well as the Road Rules and Water Rules.

Coast Guard: Watercraft is to be operated under Coast Guard rules for safety purposes.

Age Limit: The age limit for operating motorized watercraft according to Coast Guard rules is age 16.

Skiing/Tubing Hours: Skiing/tubing on the lake shall be from 10 a.m. until 6 p.m.

Idle Speed: Idle speed only before 10 a.m. and after 6 p.m. by all watercraft.

Life Preserver: There must be a life preserver for each person in the watercraft.

Non-motorized Watercraft: All non-motorized watercraft should not be operated in the skiing lanes during skiing times. They must stay in the areas not permitted for fast boating.

Swimming Area: No watercraft is allowed in the designated swimming areas.

Swimmers: All swimmers are restricted to within the designated swimming areas and within thirty (30) feet of the shore of their property. Watercraft is not allowed to be near or dock to the platforms at the beaches. The platforms are for the swimmers. Swimming across the lake or to the island is prohibited. There will be **NO** swimming from L.H.H.I.C. beaches between **SUNSET AND 7:00 a.m.**

Coves and No Wake Areas: Watercraft operating in coves and/or areas marked “no wake area” will be operated at idle speed. When lake level is more than 18 inches above or below normal, the whole lake is on idle speed.

Consequences/Violations: In addition to the consequences/violations of watercraft rules that are already stated the following could be added. Those who continue to violate the Water Rules will relinquish their watercraft rights for one (1) year.

Maximum Speed: 20 MPH maximum speed for watercraft except while pulling skiers/tubers at a safe speed.

The Towing Watercraft: The towing watercraft for skiing/tubing must have two (2) people - one (1) person viewing the skier and one (1) person operating the watercraft. Only one (1) skier per watercraft in the water at a time. Watercraft must follow a counter clockwise rotation. All ski ropes must be pulled aboard as soon as possible.

Watercraft And Skiers: Must stay to the right and as near center as possible while skiing in the narrow end of the lake and 50 feet from the shoreline (Indiana State Law) when in the wide areas of the lake.

No Circling Island: Motorized watercraft is not to circle the island at the south end of the lake, except at no wake speed.

Off Road Stickers: Watercraft stickers must be displayed so that it is easily visible to a person outside the watercraft and should be placed on the starboard (right side).

Jet Skis are NOT allowed.