

# FORWARD

Lamb Lake Estates Lot Owners Association is incorporated in the State of Indiana as a not for profit corporation.

Owners of lots, tracts and lands in Lamb Lake Estates subdivisions shall hold membership in the Lamb Lake Estates Lot Owners Association and take their titles subject to the By-Laws, Rules and Regulations, Provisions and restrictions promulgated by the Association or its successors.

The use and occupancy of the lots, tracts and lands in the subdivision shall be subject to the authority of the Lamb Lake Estates Lot Owners Association, Incorporated.

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BY-LAWS  
OF  
LAMB LAKE ESTATES LOT OWNERS  
ASSOCIATION, INC

ARTICLE I

**Offices**

The principal office of the Lamb Lake Estates Lot Owners Association, Inc., hereafter referred to as the “Association” shall be the office of:

Lynnette Gray  
Johnson, Gray & MacAbee  
63 East Court Street  
Franklin, Indiana 46131

ARTICLE II

**Members**

Section 1. Membership. Ownership of any lot or lots, tracts or lands, platted or non-platted, in Lamb Lake Estates shall necessitate membership interest in the Association. In the case of ownership of multiple lot or lots, etc., there is only one membership interest.

Section 2. Annual Meetings. The annual meeting of the members shall be held during the month of December of each year, for the purpose of electing Directors and for the transaction of such other business as may come before the meeting. If the election of Directors shall not be held on the day designated herein for any annual meeting of the members, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be done.

Section 3. Special Meetings. Special meetings of the members, for any purpose or purposes, may be called by the President or the Board of Directors and shall be called by the President or the Board of Directors at the request of not less than fifty percent (50%) of all the membership interests of the Association entitled to be voted at the meeting.

Section 4. Place of Meeting. The Board of Directors may designate any place, within the State of Indiana, as the place of meeting for any annual meeting or for any special meeting

called by the Board of Directors. If no designation is made, or if a special meeting is otherwise called, the place of meeting shall be the principal office of the Association.

Section 5. Notice of Meeting. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifteen (15) days before the date of the meeting, either personally or by mail, by or at the direction of the Secretary, or the officer or persons calling the meeting, to each membership interest entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the membership interest at his address as it appears on the membership list of the Association, with postage thereon prepaid.

Section 6. Membership List. The officer having charge of the membership list of the Association shall make a complete list of the members entitled to vote at such meetings, or any adjournment thereof, arranged in alphabetical order, with the address of each and a description of their membership interest, which list shall be kept on file at the registered office of the Association and shall be subject to inspection by any member at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any member during the whole time of the meeting. The membership list shall be prima facie evidence as to who are the members entitled to examine such list and/or to vote at any meeting of members.

Section 7. Quorum. Ten percent (10%) or more membership interests of the Association entitled to be voted, represented in person or by proxy, shall constitute a quorum at a meeting of members. If less than a quorum of the membership interests is represented at a meeting, a majority of the membership interests so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The members present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

Section 8. Manner of Acting. The act of the majority of the membership interests voted at a meeting at which a quorum is present shall be the act of the membership.

Section 9. Proxies. At all meetings of members, a membership interest in good standing may vote by proxy executed in writing by the member or by his duly authorized attorney in fact. Such proxy shall be filed with the Secretary of the Association before or at the time of the meeting.

Section 10. Voting of Membership Interests. Each membership interest in good standing entitled to be voted shall be entitled to two votes upon each matter submitted to a vote at a meeting of members. No membership interest shall be voted unless all dues and assessments levied with respect thereto have been paid.

Section 11. Voting of Membership Interests by Certain Holders. Membership interests standing in the name of a family unit, or legal entity set up to pass ownership on to succeeding

generations, held by an administrator, executor, guardian, conservator or bankruptcy trustee, shall not exceed two votes.

Section 12. Informal Action by Members. Unless otherwise provided by law, any action required to be taken at a meeting of the members, or any other action which may be taken at a meeting of the members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

### ARTICLE III

#### **Board of Directors**

Section 1. General Powers. The business and affairs of the Association shall be managed by its Board of Directors.

Section 2. Number, Tenure and Qualifications. The Directors are to be selected by their own section at the annual meeting as follows:

Section 1, lots 1-37 (one Director);  
Section 1, lots 38-57 and Section 5 (one Director);  
Section 2, lots 1-25 (one Director);  
Section 2, lots 26-50 (one Director);  
Section 4, lots 1-26 (one Director);  
Section 4, lots 27-52 (one Director);  
Section 6 (one Director);  
Section 8 (one Director);  
Section 7 and 9 (one Director);  
Hougham Acres and Section 3 (one director);  
Young's Subdivision and North Shore (one Director);and  
Pitcher Shores (one Director).

As additional lots are platted next to Young's and North Shore, they will be assigned to that Director until 29 membership interests are reached, at which time a new director will be established to represent additional new membership interests. As long as the "LAMBS" and "HOUGHAMS" retain 15 platted lots or platable lots per each family, which are unsold, they shall retain a Director each.

The Directors are to be elected for a two-year term. Elections held in December for the following year are to be as follows:

even numbered sections (2, 4, 6, 8, Hougham Acres-3) for even years; and  
odd numbered sections (1, 5, 7 & 9 Young's-North Shore, Pitcher Shores) for odd  
number years.

Any member, including incumbents, wishing to run for the Board of Directors shall notify the Association Secretary of their intent at least 30 days prior to the annual meeting-

Where a membership interest owns more than one lot, voting will be done in the section where the house is located. If there is no house, then voting shall be done in the lowest numbered section in which the lots are owned. In the case of non-platted lots, voting shall be done in the lowest numbered adjacent section.

Section 3. Regular Meetings. A regular meeting of the Board of Directors shall be held without other notice than this By-law immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide, by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. The person or persons authorized to call special meetings of the Board of Directors may fix the place for holding any special meeting of the Board of Directors called by them.

Section 5. Notice. Notice of any special meeting shall be given at least five (5) days previously thereto by written notice, which shall be delivered personally, or mailed, to each Director at his business address or by telegram. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Any Director may waive notice of any meeting. The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 6. Quorum. A majority of the number of Directors fixed by Article III, Section 2, shall constitute a quorum for the transaction of business at any meeting of the Board of Directors, but if less than such majority is present at a meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

Section 7. Manner of Acting. For conducting normal business, the act of the majority of the Directors present at a meeting when a quorum is present shall be the act of the Board of Directors with the following exceptions:

- (a) Amendments of, additions to or deletions of any of the Rules and Regulations promulgated by the Lamb Lake Estates Lot Owners Association shall require a two-thirds majority vote. Such action must be proposed in writing and final action shall not be taken any sooner than at the next regularly scheduled meeting of the Board of Directors following the meeting at which the proposal was made;
- (b) The matter being considered relates to the recorded Restrictions and Covenants of the Lamb Lake Estates Subdivisions which requires participation by the general membership interests of the Association.

Section 8. Vacancies. Any vacancies occurring in the Board of Directors may be filled by the affirmative vote of the majority of the remaining Directors, unless otherwise provided by law. A Director elected to fill a vacancy shall be elected for the un-expired term of his predecessor in office. Any Directorship to be filled by reason of an increase in the number of Directors shall be filled by election at an annual meeting or at a special meeting of membership interests called for that purpose.

Section 9. Compensation. By resolution of the Board of Directors, the Directors may be paid their expenses, if any, of attendance at each meeting of the Board of Directors, and may be paid a fixed sum for attendance at each meeting of the Board of Directors or a stated salary as Director. No such payment shall preclude any Director from serving the Association in any other capacity and receiving compensation therefor.

Section 10. Presumption of Assent. A Director of the Association who is present at a meeting of the Board of Directors at which action on any Association matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Association immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

Section 11. Executive Committee. A majority of the whole Board of Directors may by resolution designate two (2) or more members of the Association to constitute an executive committee, which committee, to the extent provided in said resolution, shall have and exercise all of the authority of the Board of Directors in the management of the Association.

Section 12. Indemnification of Directors and Officers. Any current or former Director or Officer of the Non-Profit Corporation or Association shall be indemnified and saved harmless to the fullest extent legally permissible under and pursuant to any procedure specified in the Non-Profit Corporation Act of Indiana from time to time against all reasonable expenses (including attorney fees), judgments, fines, and amounts paid in settlement, actually and necessarily incurred by or imposed upon him (and to the extent not covered by such person's own insurance) in connection with the defense of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative to which such person is made a party or is threatened to be made a party by reason of such person's being or having been a director or officer, except in relation to matters as to which such person shall be adjudged in such action liable for fraud, or willful misconduct in the performance of duty. Such right of indemnification shall not be exclusive of any rights to which any such director or officer may be entitled as a matter of law, or which may be lawfully granted to such person; and the indemnification hereby granted by the Association shall be in addition to and not in limitation of any other privilege or power which the Non-Profit Corporation or Association may lawfully exercise with respect to indemnification or reimbursement of Directors and Officers. The term

“Director” or “Officer” as used in this Section shall include the executor, administrator or other personal representative of such Director or Officer.

Section 13. Action Without a Meeting. Any action required by law or by the Articles of the Non-Profit Corporation or Association or these By-Laws to be taken at a Board of Director’s meeting may be taken without a meeting if, prior to such action, a written consent to such action is signed by all the Directors entitled to vote with respect to the subject matter thereof, and shall be filed with the minutes of the proceedings of the Board of Directors. Such consent shall have the same force and effect as a unanimous vote.

## ARTICLE IV

### **Officers**

Section 1. Number. The Officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer, each of whom shall be elected by the Board of Directors. Such other officers and assistant officers as may be deemed necessary may be elected by the Board of Directors or appointed by the President and affirmed by the Board of Directors.

Section 2. Election and Term of Office. The Officers of the Association to be elected by the Board of Directors shall be elected annually by the Board of Directors at the first meeting of the Board of Directors held after each annual meeting of the members. If the election of Officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each Officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal. Any Officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Association would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by vote of the Board of Directors for the un-expired portion of the term.

Section 5. President. The President shall be the principal Executive Officer of the Association and, subject to the control of the Board of Directors, shall in general supervise and control all of the business and affairs of the Association. He shall, when present, preside at all meetings of the members and of the Board of Directors. He may sign, with the Secretary, any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these By-Laws to some other Officer or

agent of the Association, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice-President. In the absence of the President or in the event of his death, inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Section 7. Secretary. The Secretary shall: (a) keep the minutes of the members' and of the Board of Directors' meetings in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; (c) be custodian of the Association records; (d) keep a register of the post office address of each member which shall be furnished to the Secretary by such member; (e) have general charge of the membership list of the Association; and (f) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Section 8. Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety as the Board of Directors shall determine. He shall: (a) have charge and custody of and be responsible for all funds and securities of the Association; (b) receive and give receipts for monies due and payable to the Association from any source whatsoever and deposit all such monies in the name of the Association in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article V of these By-Laws; and (c) in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Section 9. Salaries. The salaries of the Officers shall be fixed from time to time by the Board of Directors and no Officer shall be prevented from receiving such salary by reason of the fact that he is also a Director of the Association.

## ARTICLE V

### **Contracts, Loans, Checks and Deposits**

Section 1. Contracts. The Board of Directors may authorize any office or Officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances.

Section 2. Loans. No loans shall be contracted on behalf of the Association and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3. Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association, shall be signed by such Officer or Officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4. Deposits. All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositories as the Board of Directors may select.

Section 5. Expenditure or commitment of funds for acquisition of capital assets costing in excess of \$10,000.00. On such occasions as the Board of Directors may contemplate purchase of or contract for a capital asset or an improvement of a capital nature where the cost of purchase or contract is \$10,000.00 or more, a notice shall be sent to all membership interests of record. This notice shall provide all members with a resume of the facts and the reason why the expenditure is being contemplated. With the notice there shall be an addressed return card for members to express approval or disapproval of the contemplated action. If 70% or more of the eligible membership interests respond, the majority opinion of those responding shall be binding upon the Board of Directors. In the event replies are not received from 70% of the eligible membership interests, the opinions expressed by those responding will be considered but will not be binding upon the Board of Directors.

The notice is deemed delivered when deposited in the United States mail addressed to members at the address shown on the membership list. For matters to which this section applies, only direct replies from members in good standing which are received within 20 days of the mailing of the notice will be considered.

## ARTICLE VI

### **Fiscal Year**

The fiscal year of the Association shall begin on the first day of January and end on the last day of December of each year.

## ARTICLE VII

### **Waiver of Notice**

Unless otherwise provided by law, whenever any notice is required to be given to any member or Director of the Association under the provisions of these By-Laws or under the provisions of the Articles of Incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## ARTICLE VIII

## **Amendments**

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a unanimous vote of the Board of Directors.

## **ARTICLE IX**

### **Miscellaneous**

All references to “he/him” shall be intended to read as “he or she, him or her” in these By-Laws and the Association’s Rules & Regulations.

All references to the “Board of Directors” heretofore refer to the Board of Directors of the Lamb Lake Estates Lot Owners Association.

## GENERAL

1. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

2. No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or signs used by a builder during the construction, which sign shall be removed upon completion of the construction project or the closing of the sale of the property.

3. No oil drilling, oil development operations, oil refining, quarry or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on any lot.

4. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. Members of Lamb Lake shall comply with Ordinance No. 93-11. An Ordinance Regulating Animal Control In Johnson County, Indiana. Violators whose animals are impounded by Johnson County Animal Control will be subject to all fines and fees according to the ordinance. Copies of the ordinance will be made available to current members, and to new members upon their membership approval by the Board.

5. No member of the Association shall rent any of his lake property to any person or organization, nor shall he use it or permit it to be used for any commercial purpose whatsoever. Where, in the opinion of the Board of Directors, the long term leasing of property is justified by reason of hardship or unusual circumstances, a member may be permitted to lease his lot or lots to such persons and upon such terms as shall be approved, in writing, by the Board of Directors.

6. No member shall permit any guest to use his lot, his registered boats, the lake or any lake facilities unless such guest is accompanied by the member or someone in the member's immediate family, or has current dated written consent of the member to use his lot, boats, the lake or any lake facilities.

7. The primary roadways in the platted sections of land surrounding the lake, which have been accepted by the Board of Directors, shall be maintained as a general expense to the dues paid by all members. Exceptions to this rule may be determined by the Board of Directors.

8. No hunting, trapping, discharge of fire arms or target practice shall be permitted anywhere in Lamb Lake Estates except specific locations may be set aside for such purposes by express authority of the Board of Directors.

9. No herbicides or chemicals of any kind shall be used to control weeds or algae growth in the waters of Lamb Lake or on the land within ten (10) feet of shoreline without the expressed approval from the Board of Directors. **Any fertilizer within 25 feet of the shoreline must be “phosphorus free”.**

10. Open burning of trash, brush and building debris is not permitted. Materials may only be burned in a non-combustible and ventilated container, such as a metal drum with enclosed sides and bottom. **Burning on the ground is illegal.** Members are responsible for the actions of the builders or workmen on their property.

11. **The maximum speed limit** on all of the Association roads around the lake shall be **25 miles per hour.**

12. **LOAD LIMITS ON ROADS:** From December 15 to April 15 of each year, the private roads around the lake are closed to truck traffic with a gross weight in excess of 8 tons. Members are responsible for actions by contractors and workmen who may be employed by them. Special assessments may be levied upon the member to repair any damages caused by violation of this rule. Such assessments may be in addition to forfeiture of the building performance bonds if applicable.

13. The use of motorcycles of any kind is limited to travel only on the established roadways around the lake. Such vehicles which are not registered and properly licensed by the Indiana Bureau of Motor Vehicles are prohibited. Violators are subject to prosecution and/or special assessments for repair of damage as determined by the Board of Directors.

14. The use of All Terrain Vehicles (ATV'S) shall not be allowed on any Lamb Lake Association property, which property shall include, but not be limited to, all roads, dams, beach, ramp area and off shore docking areas without the expressed permission of the Board of Directors.

15. No member may have an automatic dusk to dawn security light illuminating a wide area and visible from the lake without submitting plans and obtaining approval from the Board of Directors. Such approval will not normally be given unless construction of a house has been undertaken on the site where such a light is proposed. All outdoor flood and spot lighting shall be installed and used in such a manner as not to be offensive to other members.

16. No unsightly objects such as inoperative vehicles, utility trailers or construction equipment shall be permitted to remain on any lot. Boats and boat trailers may be kept on members' lots provided they are parked or stored in a reasonable manner. Small watercraft fourteen feet or less in length that can be inverted or stored in a reasonable manner may be kept on the shoreline of a member's lot.

17. In the event that the Lamb Lake Estates Lot Owners Association's liability coverage excludes an activity of the lake, the Board of Directors shall have the authority to limit the activity until such time that liability coverage can be obtained.

18. No pets and/or animals of any kind shall be allowed at the beach, including all beach docks and contiguous land.

# ARCHITECTURAL CONTROL REGULATIONS

1. The Architectural Control Committee Chairman shall be appointed by the President of the Lamb Lake Estates Lot Owners Association. The committee shall consist of 5 members. One member shall be chosen from the Landowners; others shall be members of the Association in good standing.

2. Functions of the Architectural Control Committee include, but are not limited to, review and approval of plans for boat docks and any other shore side structures; review and approval of plans for individual sewage disposal systems and the review and approval of the plans for residence buildings and any other related structures which are permitted on lots in Lamb Lake Estates Subdivisions. Inspections for compliance with approved plans shall also be performed by the Architectural Control Committee.

3. The Architectural Control Committee will meet on a regularly scheduled basis on the first Saturday of each month at 10:00 A.M. during the months of March through October unless a change of date is authorized by the Board of Directors and the membership notified. **(Added 6/07)** During the months of November through February, the committee will meet by appointment with any member, but no house plans or building starts will be approved. The location of the meeting each month can be obtained from any member of the committee. Plans for a house or other structure must be submitted at least two weeks prior to a scheduled meeting of the committee for consideration of approval. Two copies each of the following documents (as applicable) must be furnished.

- a. Elevation and floor plans of the proposed structure.
- b. Plot plan of the lot or lots as described in Rule 6.
- c. Topographical layout of the lot or lots showing impact of finish grade, driveways and proposed buildings on surface drainage. (See Rule 12 regarding preservation and maintenance of surface drainage features.)
- d. Material list and specifications.

4. The following deposits must be made to the Lamb Lake Estates Lot Owners Association prior to final approval of plans to construct a residence:

- a. Fifteen hundred dollars (\$1500.00) building permit fee for the construction of a residence building or major addition as determined by the Architectural Control Committee. This fee is nonrefundable and nontransferable.
- b. Five hundred dollars (\$500.00) for construction of an individual septic system. This amount will be refunded to the member or the builder after proper completion of the system and after an Occupancy Permit is issued by Johnson County.

- c. One thousand dollars (\$1000.00) as a cash performance deposit. This amount will be refunded upon satisfactory completion of the construction in accordance with the approved plans including clean up of the site and finish grading.
- d. Four hundred dollars (\$400.00) deposit for Cable TV damages shall be required. This amount will be refunded upon satisfactory completion of construction with no cable damage as determined by the Architectural Control Committee and managing cable contractor.
- e. Five hundred dollars (\$500.00) for deposit for construction road usage damages shall be required. This amount may be refunded upon satisfactory completion of construction with no road damage. This deposit will be required for all types of construction projects including but not limited to: new home construction, home construction add-ons or remodels, garages, boat houses, docks, major landscaping projects, driveway repairs or paving, or any other process that could involve road damage.

5. It shall be the responsibility of a member submitting plans for approval to notify the members of adjacent property, including those across a road or drive, at least one week in advance of the scheduled meeting of the Architectural Control meeting. This notification shall be by certified mail, return receipt, to insure that interested parties may have an opportunity to attend that meeting when proposed plans are submitted for approval. The member must attend the meeting when plans are submitted. The builder is encouraged to attend also.

6. All plans for proposed construction of any kind shall include a plot plan of the lot or lots showing the location of the residence building, the location of the water well or supply line, the layout of the septic systems and the location of driveways. Information on the location of all existing wells, septic systems and buildings on adjacent lots shall also be provided. The plot plans shall be drawn to a scale of 1 inch equal to no more than 20 feet with contour intervals no more than 5 feet. Sufficient profile and section elevation details to set out completely the total intent of the plans and the impact of finish grading are required.

7. No building shall be erected, placed or altered on any lot until the building plans, specifications and plot plan showing the location of such building have been approved by the Architectural Control Committee, as to quality of workmanship and materials and conformity and harmony of external design with existing structures, and as to location of the building with respect to topography and finished ground elevation. No compensation shall be paid to the members or representatives of the committee. Said committee shall have the right to refuse any such plans or specifications, which are not suitable or desirable, in its opinion, for aesthetic or other reasons. Committee action shall be by a majority action of its members.

8. The approval of plans for any structure or alteration to a structure shall be in writing and signed by both the Architectural Control Committee and the member. If construction is not started within six (6) months from the date of approval, a new application must be made.

9. Construction shall not be undertaken by a member unless he is prepared to complete same without undue delay, excepting reasonable delays due to causes beyond his control such as may result from adverse weather conditions. It is normally expected that construction will be completed, including finish grading, within one year of starting. This provision shall not preclude the construction of a dwelling in more than one stage, providing that each stage of the proposed plans is first approved by the Architectural Control Committee and that the construction thereof is likewise completed without avoidable delay.

10. No individual water supply system or sewage disposal system shall be permitted on any lot unless such system is approved by local authorities and is constructed in accordance with the requirements, standards, and recommendations of the Indiana State Board of Health, and has the approval of the Architectural Control Committee.

11. All plans for proposed construction involving any manmade change of the land surface, including removing vegetation cover, excavating, filling, transporting and grading, shall include an erosion control plan with a drawing of the site in adequate detail to show the site and adjacent areas; all lakes, streams, channels, ditches, wetlands, and other water courses; the location of vegetative cover such as grasses, weeds, brush, trees, and other groundcover; the location of drainage systems and natural drainage patterns; and site elevation, both existing and planned, at contour intervals appropriate to indicate drainage patterns.

12. Members engaging in any construction activity involving land disturbing activity must, at a minimum, comply with IDEM Rule 5 and/or the guidelines set forth in IDEM Rule 5 to prevent erosion during the construction project. IDEM Rule 5 erosion control measures are described in guidance documents such as "Indiana Handbook for Erosion control in Developing Areas," "Erosion Control for the Home Builder," and "Field Office Technical Guide." These documents are available from the Pollution & Erosion Committee and from the State of Indiana, Division of Soil Conservation. Failure to comply with IDEM Rule 5 erosion control measures may result in forfeiture of cash performance deposits outlined in Rule 4. Permanent soil erosion barriers shall be erected on construction sites if deemed necessary by the Architectural Control Committee.

13. No dwelling shall be permitted on any lot unless the ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 900 square feet for a dwelling of more than one story, nor less than 1200 square feet for a one story dwelling. In Section 9, North Shore 1 & 2, and all subsequent sections, the ground floor of all dwellings of more than one story shall not be less than 1200 square feet nor less than 1800 square feet for a one story dwelling.

14. No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building set back lines shown on the recorded plat. No building shall be located nearer than 10 feet to a side yard line. Nothing herein shall prevent an owner of two or more adjoining lots to locate a dwelling thereon within the total confines, subject, however, to the above restrictions. A 5 foot side yard set back shall be required for a garage or an accessory building other than a boat or dock house, not exceeding 18 feet in height and if detached it shall be located at least as far back as the rear of the principal dwelling.

15. No lot shall be used except for residential purposes and no building shall be erected, altered or placed on any lot other than one detached single family dwelling not to exceed two stories in height and a private detached garage.

16. No member shall undertake the construction of a garage or accessory building on his lot or lots until he has undertaken construction of an approved dwelling house thereon.

17. There shall be no exposed exterior concrete block or poured concrete walls in any structure. The exterior of all structures must be masonry, log, or wood material or high quality synthetic imitation of said materials as approved on a case by case basis by the Architectural Control Committee. These materials must be designed especially for landscaping applications, NOT typical concrete block applications. No concrete retaining wall systems will be permitted within 10 feet of the shoreline.

18. Docks, decks, boardwalks, covered docks, boat houses and boat lifts or hoists may be installed by members within the 10' perimeter strip only with the prior approval of the Architectural Control Committee as to design and location and subject to the following restrictions:

- a. Construction or installation of any seawall constructed with an inflexible vertical surface is prohibited.
- b. Construction of a boat house shall not be approved unless all adjoining members and, in the case of a cove, members directly opposite are notified and given opportunity to comment as provided in Architectural Control Committee Rule 5.
- c. Boat houses shall be limited to one story in height.
- d. Boat houses may not include slips for more than two boats.
- e. Boat houses shall not include any provision for habitation.
- f. Design and construction of all boat houses shall harmonize with other structures on the lots which they serve.

19. A boat dock or pier may extend into the lake a maximum distance of 20 feet providing it does not interfere with the access to the lake from other property. Docks, piers or boat houses located on an inlet or cove shall not occupy more than 50% of the width of that inlet or cove in cases where the water frontages of other lots are on that inlet or cove. This limitation includes space used for mooring of boats. All installations shall be subject to the approval of the Architectural Control Committee.

20. The shoreline of the lake and the ten-foot perimeter strip are expected to be protected and to remain in their original condition during and after building of any approved structure. **Debris, leaves, dirt, brush or trees are not to be pushed into the lake under any circumstances.** Any significant alteration of the shoreline must be specifically approved by the Architectural Control Committee or the Pollution & Erosion Committee.

21. Members must obtain prior approval for any land disturbing activity within the ten-foot perimeter strip or which will have impact on the ten-foot perimeter strip, and for any clearing, cutting or disturbing of living trees, shrubs and groundcover on the ten-foot perimeter strip. Such clearing, cutting and disturbing does not include lawn care and maintenance (where lawns are approved), pruning, and other maintenance gardening/forestry activities. Requests associated with construction activity should be submitted to the Architectural Control Committee. When construction is not involved, requests should be submitted to the Pollution & Erosion Committee.

22. Materials treated with creosote or creosote compounds will not be permitted on any new structures constructed within 10 feet of the lake on a horizontal projection. Any time that any structures treated with creosote are repaired or replaced within this 10 foot perimeter area, materials approved by the Architectural Control Committee shall be used. Treated wood products, except those specifically approved by the Board of Directors, should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

23. No fence, wall or shrub planting which obstructs the sight lines at elevations between two and six feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitation shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway pavement. All fences must be approved by the Architectural Control Committee.

24. No screen planting or hedge or any fence more than 36 inches high shall be permitted on side lot lines between the front lot line and the building set back line.

25. Easements for installation and maintenance of utilities and drainage facilities are reserved for use of public utilities for installation of sewers and the sewer mains, poles, ducts, lines and wires and drainage subject at all times to the proper authorities and the easement therein reserved. No permanent or other structures are to be erected or maintained upon said strip of land by members in this subdivision, who take their titles subject to the rights of the public utilities.

26. Tanks for storage of fuel of any kind shall not be installed above ground on any lot unless they are enclosed in a fence or hedge planting approved by the Architectural Control Committee.

27. In the event of damage to Lamb Lake property, members shall be financially responsible for any damages caused by the actions of the builders or workmen associated with work on their property.

# **BOATING, SKIING, SWIMMING**

## **Ownership, Identification, Eligibility**

1. Operation of all boats of any type on Lamb Lake shall be subject to regulations established and promulgated by the Lamb Lake Estates Lot Owners Association, including the establishment of zones in various parts of the lake and restrictions for various classes of boats.

2. All boats placed on Lamb Lake must be the property of a member of the Lamb Lake Estates Lot Owners Association and must be registered as prescribed by that Association. Only members in good standing are permitted to have boats on Lamb Lake.

3. All boats used on Lamb Lake must be properly identified and marked as follows:

- a. A 6-inch by 8-inch rectangular decal as issued by the Association with the logo of the Lamb Lake Estates Lot Owners Association shall be affixed on both sides of each boat in a location that is readily visible under all conditions of operation.
- b. A 2-inch by 2-inch color patch showing the current year shall be affixed to the center of each 6-inch by 8-inch decal to signify that current year dues and assessments have been paid by the member.
- c. The member's name shall be displayed on both sides of each authorized boat, or on both sides of an outboard motor, in letters at least 3 inches high of a single color on a contrasting background to be clearly visible under normal conditions at a distance of 100 feet.

4. Power boats shall be driven by single outboard engines or by a single inboard engine with outboard drive assembly (I/O) or through the hull propeller shaft (excepting battery powered auxiliary motors). All I/O driven and the through the hull propeller shaft inboard engines shall be equipped with functioning marine mufflers not equipped with a bypass device. Powerboats creating excessive noise will not be allowed on the lake.

5. No boat shall be powered in excess of the hull manufacturer's or the Coast Guard rating for the hull.

6. Pontoon type boats are permitted to a maximum length of 28 feet. All other types of single hull craft shall be limited to 21 feet in length and a beam of 8 feet 1 inch. Single hull craft shall be measured from the tip of the bow to the back of the transom, jack plate, integrated engine setback or integrated swim platform. (Grandfathered excepted)

7. Houseboats or craft equipped for living aboard shall not be permitted on Lamb Lake.

8. Boats equipped to discharge sewage or wastewater shall not be permitted on Lamb Lake.

9. No personal watercraft will be permitted on Lamb Lake. Any unit currently on the lake will be grandfathered until they wear out and belong to their original owners.

## **Work Boats**

Work boats or barges not covered by the Association Rules and Regulations, which define recreational water craft authorized to operate on Lamb Lake, may be used on Lamb Lake subject to the following controls and regulations:

1. All projects involving shoreline structures and alteration of the natural contours of the perimeter strip must have prior approval as prescribed in the Rules and Regulations of the Lamb Lake Estates Lot Owners Association.

2. Materials such as rip-rap stone, heavy timbers, lumber etc. may be brought to the water's edge for transport to the project site by water. The designated site is the area west of the boat launch ramp which is owned by the Association. Materials may be delivered to the space between the water and the graveled area used for turning and backing to the launch ramp. The launch ramp may not be used for unloading heavy materials since it was built to handle only the recreational boats authorized to operate on the lake.

3. Only straight trucks, with no more than two axles on the rear, may be used due to limitations of the approach roads. The load limit is 9 tons per trip. Tracked equipment for loading or handling may be used only if equipped with smooth road pads.

4. No alteration of the existing terrain nor placement of any fixed structure by members or contractors hired by members shall be permitted at the designated site. Placement of crushed stone or rock extending into the water to facilitate loading of material directly on to a boat or barge may be permitted. Plans for doing this must be approved in advance by the Board of Directors.

5. Materials such as rip-rap stone may not be stock piled at the designated site and it is expected that the delivery of material and transport by water to the site of each individual authorized project will be conducted simultaneously. Unless a project is interrupted by unavoidable conditions such as inclement weather, no more than 20 tons of rip-rap stone may be left at the delivery site for more than two days. Any exception to this must be approved by the Board of Directors.

6. Members using their own boats which are registered and authorized to operate on Lamb Lake may use the designated site for delivery of materials as described. Work boats or barges owned by members which are not eligible for registration under the Boating Rules and Regulations will be subject to the same rules and controls set forth for contractor owned boats or barges.

7. Contractor owned boats or barges may be placed on Lamb Lake when members are having work done on approved shore side projects and such boats, regardless of size or type, may be used only for working on those projects. Lamb Lake Estates Lot Owners Association, Inc. assumes no responsibility or liability for the operation of a contractor owned work craft permitted on the lake. Members engaging a contractor must assume all liability for the contractor's operation. Members will also be required to post a cash bond of \$500.00 tendered to the Architectural Control Committee at the time of project approval to insure any damage to property caused by a contractor. All or part of this will be refunded at completion of the project.

8. Specific approval of a contractor-owned boat or barge, powered or not powered, must be obtained from the Board of Directors. Details of the proposed method of launching and retrieving, power (if applicable) and the dimensions of the craft must be provided before approval will be granted.

9. The maximum dimensions for a work boat or barge will be 32 feet overall length by 10 feet in width. Self-powered craft will be limited to 120 horsepower. Only outboard powered craft will be considered.

10. An authorized contractor boat or barge may be moored at the project site when it is not in use during the course of the project. If this is impractical or undesirable, another site will be designated by the Board of Directors. Normally no contractor will be permitted to keep a work craft on the lake except on a project basis. Any exceptions to this must be approved by the Board of Directors.

11. Operation of any craft used for work or transport of materials on the lake, which does not fall within the specifications of the Boating Rules and Regulations of the Association, may be suspended or restricted at any time that such operation constitutes a hazard to the normal recreational use of Lamb Lake in the judgment of the Board of Directors.

## **Equipment Requirements**

1. On all powered boats of any type, the engine shall be equipped with a stock factory muffler, underwater exhaust or other devices designed to suppress excessive or unusual noise at all speeds. Exhaust systems shall not be equipped with any cutout system or altered in any manner to reduce efficiency in preventing or reducing noise.

2. All boats of any type operating on Lamb Lake shall be equipped with at least one ring buoy, life jacket or buoyant cushion of a make or type approved by United States Coast Guard Standards for each person aboard. At no time shall any boat be loaded beyond the rated capacity.

3. Any boat operated on Lamb Lake during the period between sunset and sunrise shall be equipped with a light or lights as described in the following rules. All required lights must be in good repair, lighted and displayed during the specified time period.

- a. All powered boats shall be equipped with a bright white light aft visible for a distance of 2 miles or more and so affixed or attached as to throw light all around the horizon.

- b. All powered boats equipped with a motor or engine rated at 15 horsepower or more shall be equipped with a combination light forward and lower than the white light aft, showing green to starboard and red to port visible for a distance of one mile or more and so affixed or attached as to throw light from dead ahead to two points abaft the beam of said respective sides.
- c. Any boat not specifically described in a. and b. must be equipped with a portable lantern or flashlight, not affixed or attached to any part of the boat, and capable of throwing a white light, for a distance of two miles or more, and it shall be the duty of the operator of any boat to display the same in sufficient time to avoid a collision with any other boat when operating on Lamb Lake between sunset and sunrise.

4. Any boat which is so designed or constructed or in such condition as to endanger other persons or property shall not be permitted on Lamb Lake. Boats with defective exhaust systems or boats leaking fuel or lubricating oil are considered a nuisance and must be removed from the lake until the deficiencies are corrected.

5. Power boats with engines installed in closed spaces shall be equipped with proper ventilating devices to remove explosive vapors from such spaces. An approved fire extinguisher shall be carried on such boats when operated on Lamb Lake.

6. All water craft, trailers, motors and related items which have been in another body of water or to a boat repair business must be decontaminated to remove exotic plants and animals which may be harmful to the lake before being placed on Lamb Lake.

7. All boats with gas tanks in an enclosed area must have an approved fire extinguisher carried on such boats when operated on Lamb Lake.

8. No device shall be installed, maintained, or used in any boat: the purpose of which is to increase or enhance wake size.

## **Speed**

1. **The maximum speed at which a motorboat may be operated on Lamb Lake shall be 35 miles per hour.** Operation at this speed is allowed only in designated areas at designated times.

2. **Periods of restricted boating:** At such times when the water level of the lake is elevated due to unusual rainfall and heavy runoff from the watershed, boating shall be restricted to idle speed over the entire lake. The no-wake buoys at the major bays will be covered with the appropriate bags.

3. No boat of any kind shall be operated at greater than idle speed between sunset and 9:00 A.M. and periods of reduced visibility and during high water. **Idle speed is herein defined as a speed which prevents the boat from leaving white water or causing a wake.**

4. Idle speed should be observed over the entire lake when the red light at the swimming beach is on or when high water conditions exist and the no-wake buoys at the major bay entrances are covered with the appropriate bags.

5. Operation of boats on Lamb Lake shall be reasonable and prudent at all times on all areas of the Lake with due regard for the rights and safety of other persons. Speeds shall be no greater than that which permits full control and the capability of bringing the boat to a stop within the assured clear distance ahead considering weather, visibility and density of traffic.

### **Operating Restrictions**

1. No person shall operate a motorboat on Lamb Lake when passing or approaching another boat in such a manner as to create a hazardous wake or wash.

2. No person shall operate a motorboat on Lamb Lake in a circular course around any other boat or around any person(s) in the water.

3. A person less than 15 years of age may not operate a motorboat on Lamb Lake with more than 10 horsepower. A person age 15 years to 18 years may operate a motorboat with up to 75 horsepower. A person age 15 years to 18 years who successfully completes an approved boating safety course, such as those offered by the Coast Guard Auxiliary, may operate a motorboat with up to the maximum horsepower allowed on Lamb Lake provided they have proof of course completion on their person at the time of operation.

4. No person operating a motorboat on Lamb Lake shall permit any occupant to sit or stand on the gunwales or dangle legs over the sides of the boat while that boat is underway.

5. No person shall operate any boat while under the influence of intoxicating drugs or alcohol.

### **Accident Procedures**

1. The operator of any boat involved in or causing an accident or collision resulting in injury to any person or damage to another boat or property shall:

- a. return to the scene of the accident and remain there, giving reasonable assistance to any person injured or requesting help.
- b. fully identify himself, giving his name and address, and the name and address of the owner of the boat.

### **Traffic Rules**

1. The areas marked by anchored buoys as "NO WAKE" zones are to be observed at all times. Beyond these buoys (upstream) all motorboats are limited to idle speed operation.

2. No motorboat or person shall approach or pass within 100 feet of the shoreline of Lamb Lake at speed greater than idle speed. All boats will be at idle speed prior to entering the 100 foot perimeter strip or before entering a designated idle speed area.

3. The following general traffic rules shall be followed by motorboats operating on Lamb Lake:

- a. When two motor boats are approaching each other "head to head", or nearly so, each boat shall bear to the right and pass the other boat on its left side.
- b. When two motor boats are approaching each other obliquely or at right angles, the boat on the right shall have the right of way.
- c. A boat may overtake and pass another boat on either side if the same can be done with safety and within assured clear distance ahead, but the boat overtaken shall have the right of way.
- d. A boat leaving a dock, pier or wharf or the shore shall yield the right of way over all boats approaching the same.
- e. All motorboats operating on Lamb Lake shall generally bear to the shore at the right in a counterclockwise traffic pattern when underway. Excepted are boats operating at idle speed in the "NO WAKE" zones when traffic density and visibility do not present a hazard. In the skiing area, on weekends and holidays between Memorial Day and Labor Day, all boats operating beyond 100 feet of the shoreline shall follow the counterclockwise traffic pattern between the hours of 9:00am and sunset. During all other periods, when traffic density and visibility do not present a hazard, crossing the skiing area at idle speed is allowed. **(Added 09/07)**

4. Horns or whistles are not to be sounded unless a warning signal is necessary to prevent injury or damage to property.

5. A siren is not to be sounded on the lake except by persons specifically authorized by the Board of Directors in the course of patrolling the waters of Lamb Lake.

6. No person shall anchor any boat, raft or floating object in a traveled portion of Lamb Lake so as to prevent, impede, or interfere with the safe passage of other boats through that area of the lake.

7. No boat shall be moored or attached to any buoy or marker or other aid to safe operation which has been placed on the waters of Lamb Lake by authority of the Lamb Lake Estates Lot Owners Association, nor shall any such buoy or marker be moved, tampered with or damaged.

### **Skiing rules and swimming rules**

1. All boats towing person(s) on water skis, aqua-sleds, tubes or similar devices must be occupied by at least one person other than the driver. This person is responsible for full time observation of the objects and the persons being towed. Observers must be at least 11 years of age. The driver must be giving full time attention to the operation of the boat and the surrounding traffic.

2. All boats towing person(s) on water skis, aqua-sleds, tubes or similar devices must be equipped with a signal flag which is to be displayed only when the person being towed has fallen from the device being towed and is down in the water, or when any tow ropes are in the water. This flag must be an international orange colored rectangle 15 inches by 18 inches which is mounted on a long handle. A flag may be purchased from the Secretary of the Association.

3. No boat on Lamb Lake may tow more than two persons behind any water craft.

4. The traffic pattern in the skiing area of Lamb Lake is counterclockwise.

5. Dropping skis: The intentional dropping of one ski for the purpose of continuing on a single ski is limited to the area of the spillway at the west end of the dam. Such a drop shall be made with care at the outer edge of the traffic pattern.

6. Swimming and diving from the beach floating docks may only occur within the enclosed dock area. No swimming or diving may occur from boats tied to or within 20 yards of the exterior dock perimeter excluding any privately owned lots.

### **Authority**

1. The Board of Directors, the Boating Committee or their designees, may from time to time with or without notice, inspect any boat placed on Lamb Lake. If it is found from such inspection that any boat is not eligible for registration, the owner of such boat shall be given notice stating that the boat does not meet the requirements set forth. In any such case, the Board of Directors, the Boating Committee or their designees may take possession of any certificates and identifying decals which may have been issued and suspend operation of that boat on Lamb Lake pending correction of deficiencies.

2. The Board of Directors shall have the authority to carry out and enforce these rules and regulations. This includes, but is not limited to, the following:

- a. Specification of requirements and forms for registration of boats permitted on Lamb Lake.
- b. Issuance of all permits and certificates which may be required for boats on Lamb Lake.
- c. Promulgation and amendment of these boating rules and regulations.
- d. Conduct of inspections of all boats on Lamb Lake.
- e. Establishment of patrols on Lamb Lake to oversee and to enforce these rules and regulations.
- f. Prescription of forms for reporting infractions of rules.

3. The first violation of these rules shall result in the member receiving a warning from the lake patrol officer and/or any member of the Boating Committee. A second violation may result in the member receiving a ticket. Any subsequent violations may result in the member's loss of membership privileges. The procedure for suspension of membership privileges shall be the same as set forth in Violation Section, Rule 3 of the Rules and Regulations. A written record of warnings and tickets issued shall be maintained by the lake patrol officer and Boating Committee. At the conclusion of the calendar year, this written record shall be forwarded to the Association's Secretary for keeping in the Association's permanent files. A copy of said record shall be maintained by the lake patrol officer and Boating Committee.

4. Nothing in this provision prohibits the Board of Directors from seeking enforcement of these rules and regulations to the full extent permitted by the law including injunctive relief.

## FISHING

1. Fishing in Lamb Lake is reserved for the members of Lamb Lake Estates Lot Owners Association and their invited guests. Taking of fish by nets or traps of any sort or by spearing is strictly prohibited. Set lines or a trout line with a maximum of 20 hooks may be used only with the provision that such lines are placed no earlier than sun down and removed prior to 8:00 A.M. the following day. Such lines must be placed so as not to be a hazard or an impediment to navigation.

2. No goldfish, carp or other rough fish minnow may be used as bait in Lamb Lake at any time.

3. The minimum size of fish which may be removed from Lamb Lake, and daily bag limit per person, listed as follows:

- a. Bass: No bass of any size shall be removed from Lamb Lake. **(Changed 04/08)**
- b. Walleye: Twenty (20) inch size limit with a bag limit of two (2) per person per day.
- c. Crappie: Size limit nine (9) inches with a bag limit of twenty-five (25) fish per person per day.
- d. Other: No restrictions.

4. The chairman of the Fish, Water Quality, Weed, and Zebra Mussel Committee shall have the authority to waive the bag and size limit for sanctioned catch-and-release tournaments. A sanctioned catch-and-release tournament is a catch-and-release tournament that has been approved by the chairman of the Fish, Water Quality, Weed, and Zebra Mussel Committee.

# **FISH, WATER QUALITY, WEED AND ZEBRA MUSSEL**

1. Lamb Lake Estates Lot Owners Association and its members are committed to maintaining the high quality of the lake for human use and as habitat for plants, fish, aquatic animals, reptiles, insects and birds. The Association will take every means at its disposal, including its rights under local, state and federal law, and as set forth in these Rules and Regulations, to effectively manage the lake resource and guard against shoreline erosion as well as pollution and surface erosion within the lake's watershed.

2. The Chairman of Fish, Water Quality, Weed, and Zebra Mussel Committee shall be appointed by the President and the committee shall consist of five (5) or more members all of who shall be members in good standing of the Association. The Committee may contract with civil engineers and seek other professional assistance within annual budgetary parameters approved by the Board of Directors in accordance with Article V of the By-Laws of the Association.

3 Functions of the Fish, Water Quality, Weed, and Zebra Mussel Committee include, but are not limited to:

a. Water Quality.

- (1) Periodically sampling and testing of lake water quality with respect to chemical and biological pollutants, and recommending for approval by the Board of Directors maximum lake pollutant standards provided such standards are not less stringent than those set forth by applicable agencies of the State of Indiana.
- (2) The Fish, Water Quality, Weed and Zebra Mussel Committee will test water quality at least twice each year and publish a summary of results in the next Association minutes following receipt of test results. Each such test will involve samplings from not less than six areas of the lake including the beach, Earlham Dam, Indiana Creek, Pitcher Hollow and Blossom Hollow. The water quality at the beach will be tested at least once each month during the swimming season of May through September with results published in the next Association minutes following receipt of test findings.

b. Fish.

- (1) Recommending for approval of the Board of Directors minimum size and maximum possession limits of all game fish and other species deemed appropriate by the Committee.
- (2) Periodically monitoring the vitality of the lake as habitat for fish, fish forage, and other aquatic and aquatic-feeding species including waterfowl, reptiles, insects and other aquatic animals.

(3) Promoting catch & release of all game fish and recommending for approval of the Board of Directors appropriate enforcement measures of lake fishing and hunting rules and regulations.

(4) Recommending for approval of the Board of Directors any fish stocking or management practice and implementing approved plans. The Committee shall have exclusive authority for stocking of fish or other animals.

c. Weeds.

Monitoring aquatic vegetation and recommending for approval of the Board of Directors any necessary measures within these Rules and Regulations to manage growth and distribution of shoreline and bottom-growing vegetation. Aquatic vegetation will be managed to eliminate or control invasive exotic species when possible and to favor native vegetation.

d. Zebra Mussel Prevention.

Promoting education and awareness among lot owners and their guests of the harmful effects of zebra mussels and promoting the use of zebra mussel prevention measures by all lake users and their employees and service providers.

4. Tress, brush and other debris removed from or entering Lamb Lake.

a. Removal from lake or ten foot perimeter strip

No person or entity shall remove or reduce trees, brush or other debris from the ten (10) foot perimeter strip from the shore or from the waters of Lamb Lake without the written approval of the Fish, Water and Weed Committee.

In the event that the Fish, Water Weed Committee deems that removal or reduction of trees, brush and debris naturally falling into the waters of Lamb Lake or onto the ten (10) foot perimeter is necessary, it shall be the responsibility of the lot owner from which the trees, brush and debris originated to remove or reduce those items from the water or the ten (10) foot perimeter strip in accordance with any Lamb Lake Estates Lot Owner's Association, Inc. rules or regulations.

b. Introduction into lake

No person or entity shall place trees, brush or other debris into the waters of Lamb Lake or onto the ten (10) foot perimeter strip from shore without the written approval of the Fish, Water and Weed Committee. In the event that a person or entity places trees, brush or other debris into the waters of Lamb Lake without the written approval of the Fish, Water and Weed Committee, it shall be that person's or entity's responsibility to remove those items from the waters of Lamb Lake and the ten (10) foot perimeter strip from shore.

c. Decision criteria

In determining whether to approve requests by members to remove trees, brush or other debris from the waters of Lamb Lake or the ten (10) foot perimeter strip, or to place such material into the water or ten (10) foot strip, the Fish, Water and Weed Committee shall consider:

- (1) The extent to which any trees, brush or other debris negatively impacts the operation of boats outside the one hundred (100) foot idle zone from the shoreline;
- (2) The extent to which any trees, brush or other debris negatively impacts the ability of a homeowner to reasonably use their existing docks and boatlifts;
- (3) The extent to which any trees, brush or other debris negatively impacts the quality of the water for human and animal drinking;
- (4) The extent to which any trees, brush or other debris negatively impacts the quality of the water for irrigation or other such uses;
- (5) The extent to which any trees, brush or other debris negatively impacts the growth or development of fish and other aquatic wildlife;
- (6) Any other negative impacts not listed above which the Committee deems to be significant at the time of the request.

The above decision criteria are not necessarily listed in order of their significance and all of the decision criteria must be considered by the committee.

## MEMBERSHIP

1. Members as defined by Article II, Section 1 of the By-Laws of the Association shall take their titles subject to the Rules, By-laws, covenants, provisions and restrictions promulgated and adopted by such Association or organization and the use and occupancy of such lots, tracts or lands shall be subject to such Association or organization in authority.

2. The ownership of each lot shall be limited to one individual, one family unit or a legal entity set up to pass ownership on to succeeding generations. The occupancy of each lot shall be limited to the owner or owners, as the case may be, and members of their immediate families, except as expressly approved by the Board of Directors.

A single-family unit is defined as not more than two individuals living together in the same household and any of their dependent children living in that household.

In the case of a legal entity set up to pass ownership on to succeeding generations, membership in the Association and the occupancy of each lot shall be limited to one individual or a single-family unit. The trustee or agent of the legal entity must provide the Association with the name and address of the individual or single-family unit designated to hold membership in the Association. **(Added 07/07)**

3. Applications for membership in the Association shall be accompanied by a membership fee of \$500.00 and presented by the applicant(s) at a regularly scheduled Board of Director's meeting. Each application shall be subject to approval by the Board of Directors. This fee is non-refundable and nontransferable. Within 60 days following the applicant(s) approval for membership, the applicant(s) shall provide a copy of the recorded deed to the lot(s) or contract for deed, where applicable, to the Secretary of the Association. **(Added 07/07)**

4. The Board of Directors shall establish annually the amount of the dues to be levied on each member and payment due dates for the following calendar year and notices shall be mailed to all members. The notice shall include a schedule of payments and payment due dates. A 10% penalty shall be assessed against members who are delinquent in payment of dues and assessments by more than 30 days. An additional 10% penalty will be added if any payment is more than one year in arrears.

The name of any member who has dues more than 90 days in arrears shall be published and lake privileges shall be suspended. A lien shall be placed on the property at this time. The cost of filing the lien and the cost of removal of the lien, including reasonable attorney fees, shall be assessed against the member and must be paid by the member.

Dues are non-refundable but will be prorated for seller, upon sale of property. New members shall pay dues on a pro rata basis by months remaining in a calendar year from the time of title assignment or occupancy, which ever occurs first. Such action prior to the fifteenth of a month shall make that month included in the computation of dues owed.

5. Membership interest in the Association shall be subject to assessment. No assessment for the maintenance of the dam, spillway, roadways or for any other purpose shall be imposed upon members except those that have been duly voted upon and passed by the Board of Directors in accordance with the By-Laws of the Association.

6. The Association shall hold a lien to the extent of any delinquent dues or assessments on the real estate of any member of the Association.

## OFF SHORE DOCKING

1. The Earlham Dam off shore docking area consists of the shoreline between the Frog Pond spillway and Earlham Lake spillway. All matters concerning the Earlham Dam off shore docking area, including dock space assignments adjacent to Earlham Dam are to be governed by the Off Shore Docking Committee. This committee shall consist of at least an off shore member in good standing and a member in good standing who lives adjacent to or within sight of the docks.

2. Annual off shore docking lease fee is to be determined by the Board of Directors. The fee is to be for space for 1 boat.

3. Dock space assignments are to be made by the Off Shore Docking Committee. The dock lease fee is due and payable concurrent with annual dues. Lease fee is non-refundable.

4. Use of docking space is for off shore Lamb Lake Estates members only. Any exceptions are to be approved by the Board of Directors. Exception applications are to be in writing addressed to the chairman of the Off Shore Docking Committee.

5. Only one boat space assignment is allowed per Lamb Lake Estates membership interest.

6. The dock and maintenance of the dock will be funded by lease fees paid by users of the Earlham Dam off shore docking area. Maintenance of the sea wall and adjacent Lamb Lake Estates Lot Owners Association property to include the docking area parking lot will be funded by user lease fees. Maintenance issues will be identified, resolved and approved by the Off Shore Docking Committee. Capital asset additions, replacements, and retirements must be approved by the Board of Directors in advance. **(added 11/06)**

7. Initial spaces are to be offered by the Off Shore Docking Committee to existing dock lessees. This committee will maintain a waiting list that will be used to prioritize dock assignments on a first come, first served basis as docks become available. A waiting list will be published each April in the minutes. Subleasing of docks is prohibited.

8. No trailers or boats are allowed on provided parking area or on any adjacent Association property at any time.

## **POLLUTION & EROSION CONTROL**

1. The Chairman of the Pollution & Erosion Control Committee shall be appointed by the President and the committee shall establish and maintain a schedule for inspection of Association member(s) installed individual, cluster, and other installed septic systems and sewage treatment systems which, if they fail or malfunction, will drain into the lake or could impair lake water quality.

2. The committee will monitor erosion protection for the lake from storm water runoff, other surface discharges, wind erosion, and water erosion.

3. All installed individual septic systems and other sewage treatment systems meeting the definition of Rule 1 will be evaluated at least once each five years in accordance with a rotation schedule developed and monitored by the Pollution & Erosion Committee. Evaluations will be contracted by the member at the member's expense and will be completed by a licensed professional or company approved by the Board of Directors. The evaluation may be conducted via inspection and tank pumping/cleaning, system inspection, or dye testing at the discretion of the member. A copy of the evaluation report shall be sent to the Pollution & Erosion Committee. Any corrective measures required will be undertaken immediately by the member. A report of completion shall be sent to the Pollution & Erosion Committee.

4. All cluster and multiple dwelling septic and sewage treatment systems meeting the definition of Rule 1 and installed after January 1, 2001, shall have written maintenance programs and file inspection and maintenance reports as required by the State of Indiana. Cluster and multiple dwelling treatment systems meeting the definition of Rule 1 and installed prior to January 1, 2001, will submit a report each six months to the Pollution & Erosion Committee summarizing maintenance procedures implemented and any operational difficulty experienced by the system. Reports are due on or before January 30, and July 30.

5. The Pollution & Erosion Committee will inspect Lamb Lake shorelines at least annually and designate all sections of shoreline that require immediate attention to prevent shoreline erosion or to repair the effects of shoreline erosion.

- a. The Pollution & Erosion Committee will notify affected members who shall submit plans for initiating preventative measures to the Architectural Control Committee within ninety (90) days of such notification. Plans may include, but are not limited to application of rip rap or other approved material. Following plan approval, which shall not be unreasonably delayed, members shall have one hundred eighty (180) days to complete the erosion preventative measures and/or shoreline repair measures. The ninety (90) day allowance for plan submission will not include the period of November 1 through March 1 when construction plans are not reviewed due to the Architectural Control Committee not meeting during that time. The one hundred eighty (180) day time allowance for completion will not include the period of December 15 through April 15 during which time Association roads are closed to truck traffic with a gross weight in excess of eight (8) tons. (See General Section, Rule 12).

- b. In the event erosion of the shoreline cannot be controlled by conventional erosion control measures, an appeal may be made to the Board of Directors for an exception to this rule. Exceptions granted by the Board of Directors will be reviewed periodically at the Board's discretion, but not more often than every five years, for situations where remedial measures become cost effective.

## **PROPERTY**

1. No lot shall be subdivided for the purpose of accommodating additional structures or families unless the portions resulting from such subdivision are used to enlarge contiguous lots as originally platted, and the lots thus enlarged are used for single family purposes.

2. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, boat house or other accommodation shall be used on any lot at any time as a residence, either temporarily or permanently.

3. No lot shall be used or maintained as a dumping ground for rubbish, trash or garbage. Waste matter or other materials shall be kept only in sanitary containers, and all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition

4. Membership in the Association shall extend only to those who, being otherwise qualified, own or occupy platted lake front or secondary lots, or unplatted land suitable for development as water front or secondary lots. Tracts of land, whether platted or to be platted, shall be of an area comparable to the area of lots platted in the First Section of Lamb Lake Estates as a minimum.

5. The Lamb Lake Estates Lot Owners Association owns the shoreline and land within a ten foot perimeter strip beginning at the shoreline for all platted sections of Lamb Lake Estates.

- a. This ten foot perimeter strip is controlled by the Association and used to insure compliance with the Association's Rules and Regulations. All members in good standing shall have free access to the lake across such strip only adjacent to their property in the case of members of shore-front lots. Members of secondary lots and non-shore-front lots shall have free access to the lake across such strip only at points designated for that purpose.
- b. Members who own shore-front lots shall be responsible to maintain the strip in its natural state and configuration. Members will take reasonable means to prevent surface and shoreline erosion of the land and banks and to repair damage caused by such erosion.

6. Drainage facilities on individual lots including the side drains along road frontages must be maintained and preserved. Plans for establishing or altering surface drainage features on individual lots are subject to approval prior to implementation. Established drainage features shall not be obstructed at any time.

## VIOLATIONS

1. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages.

2. Members of the Association shall be subject to all zoning and health regulations, as well as all other regulations and laws affecting the use of their property, the lake, and lake facilities, to the same extent as if such regulations and laws were set forth herein. The violation of any such regulations and laws by any person in such family unit, or legal entity passing ownership on to future generations shall apply to the entire family unit, or legal entity and will be subject to the same penalties as are provided for the violation of any other of these rules and regulations. Members of the Association shall be responsible for the conduct and actions of all persons or guests on their property.

3. In the event of violation of these Rules and Regulations, the Board of Directors shall have the authority to indefinitely suspend an individual's membership privileges (including lake privileges). A majority vote of the Board of Directors is required for the suspension of membership privileges. Suspension of membership privileges may occur in the following manner:

- a. The members shall be notified in writing, by certified or registered mail, of the date, time, and place for consideration by the Board of Directors of the suspension of membership privileges. This notification must occur not less than fifteen (15) days before the consideration;
- b. The member shall be furnished within five (5) days after a written request, a written statement of the reasons for the Board's consideration;
- c. A member may file a written request for a hearing within seven (7) days after receipt of the notice of consideration as set forth in section (a) above. Said request for a hearing must be received by the Board of Directors within seven (7) days after receipt of the notice of consideration;
- d. When a request for a hearing is filed, the member shall be given a hearing before the Board of Directors on a date no earlier than five (5) days after the filing of the request and no later than thirty-five (35) days after the filing of the request;
- e. At the hearing, the member is entitled to a full statement of the reasons for the proposed suspension of membership privileges and to be heard, and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension of membership privileges.

## NOTICE

**All of the rules and regulations contained herein shall be enforceable by suspension of membership privileges by a majority vote of the Board of Directors.**