

LAKE SOMERSET PROPERTY OWNERS' ASSOCIATION HANDBOOK FOR MEMBERS

Approved July 11, 2012

The Red Book provides the general outline of the governance of Lake Somerset. The purpose of the LAKE SOMERSET PROPERTY OWNERS' ASSOCIATION (LSPOA) Members' Handbook, which is based on the Red Book, is to provide LSPOA members with pertinent information regarding the Association. It informs members of their responsibilities and what they may expect from the Association.

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Note: Addendums to the Handbook will be published monthly electronically until this book is updated or republished.

CONTACT and GENERAL INFORMATION

LSPOA Business Office

14261 E. Chicago Road, P.O. Box 337
Somerset Center, MI 49282
Phone: 517-252-5069
Email: Treasurer@LSPOABoard.com
For hours see Gazette or web site

Web Site

<http://www.lakesomerset.org>

LSPOA Directors

See web site

All Emergencies call 911.

Somerset Township

Phone: 517-688-9223
Web site: somerstetownship.org

Weather Sirens

Watch or Severe Thunderstorm
One (1) minute continuous blast
Tornado Warning
Three (3) minute wail (up & down)

Note: System is tested the 1st Monday of every month unless a holiday; then it is tested on the 2nd Monday, either at 10 AM or 6 PM.

MEETINGS

Monthly Board Meetings

The monthly Board of Directors meeting is scheduled for every second (2nd) Wednesday of the month except in December (no scheduled meeting). The meetings are held in the Somerset Township Hall at 7:00 PM and are open to the public. If for some reason the meeting is cancelled or changed, every effort will be made to notify the Association membership.

Annual Meeting

The Association membership annual meeting is scheduled to be held on the first (1st) Sunday in October. The time and place of the meeting will be communicated to all members prior to the meeting. Voting for new Board of Directors will be conducted.

Check the LSPOA web site for meeting times and agendas.

Member Participation in a Board Meeting

A member or guest may participate in a Board meeting at the request of the presiding officer.

General audience participation in any Board meeting is **out of order** unless deemed appropriate by the presiding officer. See below for the process to add to a meeting agenda.

Process to Add to a Meeting Agenda

Board Meeting: A member has the right to be heard by the Board by submitting a request in writing to a Director seven (7) days prior to the regular Board meeting at which he or she wishes to be included in the meeting agenda. This request should have reasonable detail of the business to be brought to the meeting. The presiding officer will include the requested business in the meeting agenda.

Annual Meeting: A request for inclusion on the agenda of the Annual meeting must be presented in writing to the Secretary at least forty-five (45) days prior to the meeting date. See Article V in the By-Laws for details.

COMMUNITY COUNCIL

The Community Council at Lake Somerset was formed to assist with communications and relations involving LSPOA members. The mission of the Council is to act as a liaison between Association members and the Association Board of Directors. Concerns and questions may be brought to the Council; these will be conveyed to the Board for review. This Council does not have the authority to act on any issues.

The Council organizes lake events such as a yearly garage sale, the 4th of July boat parade, and the annual Association picnic. Members are encouraged to participate in beautification projects at the lake parks and entrances. Contact a Council member if you are interested.

See the Gazette or LSPOA web site for the Council members and phone numbers.

INFORMATION FOR VOLUNTEERS

Lake Somerset is a lake community whose members continually volunteer their time and efforts to maintain our outstanding lake quality, parks, roads and various support committees created to complete various projects year around. We have a budget for expenses for capital improvements, regularly scheduled maintenance and repairs, and contracts for upkeep; however, in an effort to keep our dues and assessments at a minimum, we also do as much as possible utilizing volunteers. We are always in need of more help. Your contribution of time can be as little or as much as you are interested or able to give. If you or anyone you know is interested in becoming involved in our volunteer community, there are a number of ways to do so:

Contact LSPOA office.

Contact any LSPOA Board Member.

Check the LSPOA Website for updates.

Provide email address to be added to our email notification list.

Attend a monthly board meeting.

LSPOA VOTING POLICY

I. VOTING

- A. Members in good standing owning the equity specified under Article III, Section I, of Red Book, shall be entitled to vote.
- B. Each lot shall be entitled to one (1) vote irrespective of the number of common owners thereof, which vote shall be cast as such common owners agree. Votes may not be split by multiple owners. In case of a dispute, the owner first listed on the deed shall prevail.
- C. Each individual or entity holding an equitable interest in more than one (1) lot shall be permitted to participate in casting a vote for each lot, providing, however, that no individual or entity may cast more than a total of seven (7) votes.
- D. Individuals or entities holding a half lot by deed shall be permitted to vote that half lot.
- E. All ballots are to be submitted in a sealed envelope that must be clearly marked with the member's name, lot number(s), and date on the outside of the envelope; ballots submitted in advance of the meeting require additional information (see relevant sections). All information on outside of envelope will be verified to establish that voter is LSPOA member in good standing. No envelope will be opened for count without complete necessary information as described above; incomplete envelopes will be marked "Void" and retained with other balloting materials.

II. SUBMISSION OF BALLOTS MAY BE ACCOMPLISHED IN ONE OF THREE WAYS.

- A. Submission at meeting: Members in good standing who register at the meeting will be offered a ballot and envelope.
 - 1. Members may vote by marking a ballot, placing it in an envelope with name, lot number(s), and date on the outside, sealing and placing in ballot box.
 - 2. Members may submit (place in ballot box) their previously prepared ballot that is in a sealed and completed envelope with name, lot number(s), and date on outside of envelope.
 - 3. Members may designate another individual to deliver their ballot to the meeting; this ballot must be submitted in a sealed and completed envelope with name, lot number(s), and date on outside of envelope. Additionally, the individual delivering such a ballot must sign his or her name on the outside of the envelope for verification purposes.
 - 4. Any ballot submitted as indicated above will supersede a previously submitted ballot, which will then be voided and retained.
- B. Submission of Ballot at LSPOA office:
 - 1. Members may complete a ballot, place in envelope with member's name, lot number(s), and date, and return it to the LSPOA office prior to meeting. This may be accomplished by mail, in person, or by delivery by another individual. If ballot is delivered in person by anyone other than the member, the individual delivering such a ballot must sign his or her name on the outside of the envelope for verification purposes.
 - 2. Subsequent submitted ballots will supersede earlier ballots. Earlier ballot envelopes will be marked "Void" and retained with other balloting materials.
- C. Submission of Proxy Ballot:
 - 1. Any member who cannot be present at a meeting may vote by proxy, provided, however, that no proxy shall be effective unless received by the Secretary at least ten (10) days prior to a given meeting.
 - 2. All proxy ballot envelopes must be contained in sealed envelopes with the words "proxy ballot", member's name, lot number(s), and the date on the outside of the envelope.

3. In addition, the proxy ballot envelope must state one of the following on the outside of the envelope:
 - a. Designation of an individual who is to vote in the member's stead;
 - b. Specification that the LSPOA President is to cast the member's vote as provided on the ballot; or
 - c. Specification that the member's ballot is "To be opened for quorum only."
4. No proxy ballot envelope will be opened for count without this information on outside of the envelope. If the complete information is not on the outside of the envelope, the envelope will be marked "Void" and retained with other balloting materials.
5. Proxy ballots may be rescinded in person or in writing at any time prior to the commencement of the meeting for which they have been prepared. In the case of multiple owners, only the owner first listed on the deed may rescind the proxy ballot. Rescinded ballots will be marked "Rescinded" and retained with other balloting materials.
6. In the case of a "called" meeting, for any continuance of or for the adjournment of the meeting to a later date, proxy ballots will be valid for said continued or adjourned meeting.
7. If a proxy has indicated an LSPOA President or another individual to vote in a member's stead, the designee must be present to vote prior to the call for End of Balloting at the meeting. If not, the ballot will be marked "Void" and will be retained with other materials.
8. A proxy ballot marked "To be opened for quorum only" will be placed in the ballot box only in the situation where that ballot is necessary in that circumstance.

III. BALLOTS

- A. All ballots will be identical.
- B. Nominations for Board of Directors must be received by Secretary forty-five (45) days prior to the annual meeting of members.
- C. Multiple votes for the same candidate are not allowed. For example, if instructions state, "Vote for no more than three (3)", you may not vote twice for one person and once for another; nor may you vote three times for one person. It is not necessary to vote the maximum number of times in a given category.
- D. Invalid entries in one category will not count but will not invalidate any other category on the ballot.
- E. Members should complete entry for "Number of Lots Owned" on the ballot. Voting preferences will be multiplied by the number of lots indicated. This number will be compared with information on outside of envelope; the number on the outside of the envelope, which has been verified by the Treasurer or designee, is considered the correct number. If member owning multiple lots does not wish all voting for total number of lots to be identical, one ballot per lot must be submitted.

LSPOA POLICIES/RULES

The LSPOA needs to have policies and rules concerning the privileges and conduct of all its members to help guarantee the individual rights of each member. Within this framework, LSPOA policies and rules are not intended to restrict personal freedom but to provide an approach to living on Lake Somerset that makes it possible for all of us to enjoy lake living while retaining or increasing property value within the LSPOA subdivision. To this end, cooperation is needed by every LSPOA property owner.

These policies and rules may be altered, changed, added to or repealed by the Board by a two-thirds majority approval of the total membership of the Board in any regular or special meeting provided:

- The proposed change is presented in a regular Board meeting for review.
- No action is taken by the Board for at least 30 days after the review or until the next regular Board meeting, whichever comes first.
- The general membership is notified of the change electronically (no mailing required) no less than 15 days prior to Board action.

GENERAL RULES

- Only single-family residences may be erected on lots(s) and no part of said residence or structures on said property shall be used, at any time, for commercial or manufacturing business purposes.
- No trailer, motor home, or temporary structure shall be occupied (inhabited) within any subdivision on any lot for any length of time.
- No unsightly containers for the storage of garbage and trash shall be placed on the curb other than on the day of trash pickup. On the day after pickup, any garbage container used shall be moved from the curb side to the place of storage on the owner's lot. Containers used during construction may be allowed if they do not become unsightly.
- Licensed, unlicensed, and/or inoperable vehicles or extraneous material shall not be accumulated, stored, or placed on any subdivision lot.
- The total maximum number of boats, boats on trailers, trailers, or any other item stored on a vacant lot is four (4).
- Parking of motor vehicles on any subdivision lot is limited to passenger cars and pickup trucks and no more than one light delivery commercial vehicle or motor home.
- Burning of trash, leaves and brush is prohibited in the subdivision unless a special burning permit is obtained from the Somerset Fire Department. Wood burning campfires used for the enjoyment of Association members are exempt from this rule providing the fire is contained in a fire ring. It is recommended such fires are not less the 25 feet from the lake shore.
- A brush and leaf disposal area are provided for Association members only. The entrance is from Klann (West) Park and is open on specific days from spring to late fall. The disposal area is not to be used by commercial contractors. Grass clippings are not allowed; the area is for brush and leaves only. Wood must be no more than three inches in diameter.
- The splitting or subdividing of an individual lot may be done only upon written approval of the Board of Directors.
- The original Restrictive Covenants banned signs; however, this restriction is no longer enforced. Commercial, real estate, and similar signs are acceptable but must be professional in

appearance. Signs may not exceed 1008 square inches in size, which is approximately 28" x 36" or 24" x 42".

- No animals other than house pets under leash or other control may be housed or otherwise maintained in the subdivision. House pets may not be bred or raised for resale.
- Barking dogs are unacceptable. Dogs and other pets must be on a leash at all times when not on the owner's property.
- Nuisance action and behavior within LSPOA subdivision is not acceptable and may result in Board action.
- Hunting is not allowed in the Lake Somerset subdivisions. Any exceptions must be approved by the Board.

LAKE QUALITY

- Many factors go into our lake quality, one major consideration is the septic systems throughout our community which unmonitored, could lead to overflow and/or faulty systems leading to seepage into the lake. It is highly recommended that all lake front homes pump their tanks out on a regular basis (typically every three to five year, depending on your usage).
- Fertilizer used on subdivision lots shall not contain phosphate. Phosphate stimulates weed growth in the lake.
- No fertilizer is to be applied within twenty-five (25) feet of the shore line.
- Everyone should assure all trash and other materials from a boat or shoreline does not enter the lake.
- Ashes are high in phosphate, which stimulates weed growth in the lake. Therefore, it is recommended that all fire pits be located at least 25 feet away from the lake and are not built on sand beaches.

TRANSFER OF LAKE PRIVILEGES

- Property owners who are members in good standing may transfer lake privileges to a lessee, tenant, or renter of an improved property upon approval of the Board of Directors. The following must be provided to the Board:
 1. A written statement that the property owner desires to convey his/her membership privileges to the lessee and that the property owner member agrees that during the term of the lease (6 months minimum), only the lessee shall have membership privileges for said improved property.
 2. A copy of the lease, tenant, or rental agreement signed by the property owner and lessee. All rules for watercraft must be followed to allow the purchase of boat stickers. The lessees' name must be on the watercraft registration to purchase the boat sticker.
 3. The Board will provide the property owner and lessee with a document transferring the owner's privileges to the lessee. A copy of this document will be retained by the secretary and so noted on the property record.
- The transfer of property owner member privileges shall be limited to lots that contain a completed single family residential dwelling with formal issuance of a Certificate of Occupancy issued by Somerset Township. Vacant lots shall not qualify for the transfer of such privileges.
- No property owner member shall have the right to transfer his/her voting rights or rights to hold an Association office to any lessee.

FEES AND LIMITS

<u>ITEM</u>	<u>FEE</u>
Yearly dues and assessments per lot Due May 1st each year	\$115 each
Boat sticker (4 boats maximum) Must be paid before boat is launched Limit 3 stickers at \$35 4th sticker	\$35 each \$75
Number of trailers, boats on trailers, etc., on a vacant lot - 4 maximum total	
Building permit fees	
House (w/1.5 car garage & driveway) *	\$250
Garage	\$100
Gazebo	\$ 50
Shed	\$ 50
Porch	\$ 50
House addition	\$125
Deck	\$ 50
Fence	\$ 50
Pool	\$ 50

* If the house permit includes a shed, porch, deck, or pool, the added fees do not apply.

USE OF LAKE

Lake Somerset is a private lake and is intended for the sole use by property owners who are current with their assessment obligations and any special assessments due the Association. In order to use the lake, the following requirements must be met:

WATERCRAFT

Only motorized watercrafts which have a current LSPOA yearly boat sticker will be permitted on the lake. The Lake Association Board of Directors has the right to limit the number of watercraft stickers per property owner regardless of the property owned. The watercraft sticker is issued yearly with payment indicated in FEES AND LIMITS (above) to members in good standing upon proof of watercraft ownership.

- All motorized watercraft are required to have both the subdivision and the lot number clearly visible with placement on the rear transom; all numbers must be three (3") inches in height. It is encouraged that all non-motorized watercraft, swim docks and other flotation devices have the subdivision and lot number placed on them for identification purposes.
- The Association may require a fee for each watercraft sticker and may limit the number of stickers available for each lot.

- Only properly identified watercraft with an official LSPOA sticker may be launched from the Schmidtke Park boat ramp.
- **NOTE:** Watercraft cannot be launched from any of the other LSPOA parks. Any watercraft launched from a lakeside owner's property shall conform to the above regulations.
- Immediately after launching a watercraft at the Schmidtke Park boat ramp, vehicles and trailers are to be moved to the parking lot at the top of the hill. Parking is not permitted on the ramp drive at any time. Security may make one side of the drive down to the launch ramp available upon special situations.
- Pontoon boats may be up to thirty (30) feet in length; all other boats are restricted to a maximum of twenty (20) feet.
- Michigan Water Safety watercraft rules on Lake Somerset are enforced by the Department of Natural Resources and the Hillsdale County Sheriff Marine Patrol in conjunction with the Lake Association Board of Directors.
- Failure to comply with the following can result in fines and penalties:
 - Water speed limit shall conform to Michigan State Water Safety Laws which is 55 MPH for inland lakes.
 - Lake use is restricted to NO WAKE speeds and low noise levels from one (1) hour after sundown to one (1) hour before sunrise.
 - Slow NO WAKE watercraft speeds must be maintained within 100 feet of shorelines, docks, swimming areas, and vessels moored at anchor, and within all areas so marked with NO WAKE buoys. This includes all watercraft and water devices.
 - All watercraft must be operated counterclockwise around Lake Somerset.
 - Any boat or PWC pulling skiers or float devices must adhere to the Michigan boating rules.
 - All motorized watercraft, skiers, or towed float devices must be kept at a minimum distance of one hundred (100) feet away from the shoreline, except during launching or beaching of your water sport activity.
 - Water skiing is not allowed through the lake channels. Speed in all channels is to be maintained at NO WAKE speed.
 - No watercraft is allowed inside the areas at the parks marked off as swim areas.

FISHING

- The State of Michigan fishing rules apply to Lake Somerset and are strictly enforced by the Michigan Department of Natural Resources and/or the Hillsdale County Sheriff Water Patrol Officers. A valid Michigan fishing license is required at Lake Somerset.
- Fishing on Lake Somerset during any season is restricted to members only. Guests may fish only if accompanied at all times by an Association member.
- Ice shanties must conform to Michigan State Law. All ice shanties must be marked with the owner's lot number and the owner's name and address. All violations will be reported to the Department of Natural Resources.

OTHER

- The spraying or adding of pesticides, herbicides, or other chemicals to the Lake Somerset water by individuals is strictly prohibited. Any questions in this regard should be directed to the LSPOA Water Quality Chairman.
- Beach or lake wall construction requires approval of the DEQ Water Resource Division.

LAKE DOCK & SWIM RAFT RULES

- No approval is needed for most dock installations if the dock complies with the rules of LSPOA.
- All docks must have fifteen (15) feet of shoreline available; no second dock is permitted with less than a total of fifty (50) feet of available shoreline.
- The maximum dock length is thirty (30) feet. Docks over twenty (20) feet in length must have night reflectors.
- Docks in channels must not restrict safe navigation.
- No dock may be constructed in a manner that restricts access to other boats or lake navigation.
- No permanent dock may be erected without a permit from Michigan DEQ.
- All contested dock placement or boat docking is to be deferred to the Board for resolution.
- In the case of pie-shaped lots with a restricted shoreline, neighbors can agree on dock placement and no action is required by the Board. If there is a disagreement, the Board will make a binding decision on dock placement.
- The installation of a boatlift shall be considered as part of a dock used to access the boatlift.
- All swimming floats or other recreational floating devices shall be no more than thirty (30) feet from the shoreline (measured from the further edge of device). All devices must have night reflectors. No floating devices are to be placed in narrow channels or in any other location that restricts safe navigation.
- The location of docks and swim devices will be monitored by Board members and Security to identify restrictions of safe lake navigation.
- The Board has the authority to order removal of all docks and swim devices placed contrary to the rules or that restrict safe navigation. The cost of removal will be at the owner's expense. The Board also has the right to remove all unsightly or abandoned docks, boats, rafts and swim devices. The cost will be at the owner's expense.

USE OF THE PARKS

There are five lakefront parks at Lake Somerset:

Schmidtke Park – main park off Shannon Drive
Aeppli (East) Memorial Park – off Brookhurst Court
Klann (West) Park - off Dorchester Drive
North Park – off Crestridge Drive
Island Park

There are six undeveloped parks:

Park A - south of dam
Park A - at end of Parkview Court
Park A - both sides of Grandpoint Drive
Park A - brush/leaf area adjacent to the West Park
Park D - north of dam connecting to Park A on the south.

- Undeveloped park areas are to remain in their natural state. Personal use or alteration of these parks is prohibited. Any tree removal must be approved by the Parks Chairman or appointee.
- Lake Somerset Parks shall only be used by property owners who are current with their assessment obligations and any special assessments due the Association. Nonmembers, if not accompanied by a member, will be asked to leave the park areas.
- Launching of a motorized boat is allowed only at Schmidtke Park boat ramp. After launching a boat, vehicles and trailers are to be moved to the parking lot at the top of the hill as soon after launch as possible. No parking inside the gate at this park without the approval of the guard on duty.
- Schmidtke, Aepli (East), and Klann (West) parks have designated swim areas. Floats are set out to designate recommended swimming areas. Swimming is at swimmer's own risk. Boats must use caution within one hundred (100) feet of these areas.
- Only household pets **on a leash** are permitted in the parks and are absolutely **not allowed** to enter the sand beach areas. Courtesy and respect would dictate that you, as the pet owner, will clean up after your pet if your pet litters the park grounds.
- The LSPOA is not responsible for any vandalism or theft of personal property in the parks or in the parking areas.
- All use of parks and park equipment is at individual's own risk.
- All fires in the parks must be confined to the grills provided. Park hours are 7:00 AM to 10:00 PM.
- Trash containers are placed in the Schmidtke, Aepli (East) and Klann (West) parks for park refuse. Please help keep our parks beautiful by picking up your own trash and any other refuse you may find in your area. The park trash containers are not to be used for the disposal of household or commercial garbage, waste, or rubbish.
- No overnight parking or boat mooring is allowed.
- No overnight tent camping, inhabited motor homes or recreational vehicles will be permitted on LSPOA properties or in parks at any time.
- Park facilities are available on a first come basis.
- The Island is a developed park for picnicking. Campfires are allowed only within the campfire ring on the island park.

BUILDING CONTROL

Any dwelling erected, placed, or altered on any lot in LSPOA subdivisions must be approved, in writing, by the Building Control Committee prior to the start of construction. Fences and permanent pools, above or below ground, also require written approval. Such approval must meet the Requirements for Permit Approval as indicated below. Lot owners must be current with their assessment obligations and any special assessments due the Association as well as pay permit fee charges.

The Building Control Committee (BCC) consists of three members: board elected Chairperson and two appointed LSPOA members in good standing. A minimum of two signatures are required for any permit approval.

PERMIT FEES

Permit requirements and fees are subject to change based on Building Control Committee recommendations and Board approval. The fee schedule for a new house build, house addition, garage,

shed, porch, deck, fence, pool, and gazebo may be found on page 10 or obtained from the Building Control Committee.

REQUIREMENTS FOR PERMIT APPROVAL

1. Three copies of the permit application completed in full. An application can be obtained from the LSPOA office, from a Building Control Committee member, or from the LSPOA web site.
2. Three (3) sets of structure drawings completed and clearly dimensioned.
3. Three (3) copies of Hillsdale County Surveyor Certificates delineating the grid plans showing location for any proposed structure on the lot and the locations of the septic and well systems.
4. A check made payable to LSPOA in the amount of the permit fee.
5. Three (3) sets of Hillsdale County Health Department permits for septic and well systems (required for a new home structure).
6. Signature of the lot owner attesting to the following requirements:
 - a) All building restrictions and setbacks for the specific sub-division are met.
 - b) The exterior of the building and all grading will be completed within six (6) months from the date of the start of construction.
 - c) The final grade elevation, on new and/or existing structures, will be performed in such a manner that the grade will not impact the appearance, lake view on either side of the proposed structure, or adversely affect the adjacent property.
 - d) Only new materials will be used in the construction of the residence. Occupancy of a new dwelling is not allowed until a Certificate of Occupancy is issued by Somerset Township.

NOTE: The preceding exhibits must be submitted to the LSPOA Building Control Committee for approval. If you have received no response from the BCC within fifteen (15) days of the date of submission, contact the BCC Chairman for the status.

OTHER REQUIREMENTS

1. State of Michigan Builders License is required of all contractors who enter into contractual agreements on Lake Somerset Association properties and subdivisions.
2. All assessment obligations and special assessments due the Association must be paid in full before the issuance of the building permit.
3. All garages and storage buildings must conform in appearance to the residence on the lot and be approved by the Building Control Committee.
4. **No structures of any type are allowed on vacant lots.**
5. All new single-family dwellings (houses) are to be compatible with the majority of existing dwellings in that subdivision, as determined by the Building Control Committee.
6. All new buildings must include, at a minimum, a one- and- one-half (1 1/2) car attached garage with a driveway large enough to hold two (2) full sized automobiles as approved by the Building Control Committee.
7. Soil erosion permits are required for all earth excavation work on any lot within five hundred feet (500') of the Lake Somerset shoreline. Permits may be obtained from the Hillsdale County Drain Commission.
8. No dwelling shall be more than two (2) stories or twenty-six (26) feet in height as measured above the finished grade elevation established along the front wall.

FENCES

Our community discourages fences.

- The exceptions are for a children's play area (defined as not exceeding 60% of the area of the back portion, not street side, of a property from the back of house to rear property line) or dog pen (defined as an area not exceeding 300 square feet and located in the rear portion of the property). Either must meet all set-back requirements.
- A grid plan showing the location of the fenced area is required for the permit submission to the Building Control Committee. Steel or wire (chain link/wire mesh or similar) will not be acceptable. Maximum fence height is four (4) feet. Contact the BCC for the approved fence type.
- Exceptions to these provisions must be approved by the Building Control Committee (example - no rear lot area adaptable for a fence).
- A safety fence for a permanent swimming pool will be given special consideration.
- Hedges and fences must be constructed in a manner that will not obstruct visibility of the road and/or waterways.
- A fence permit is non-transferrable to a new owner. In the event of a sale, the new owner will be required to apply for a fence permit through the Building Control Committee.

ABUTTING LOTS

Structures of any type are not allowed on any vacant lot.

If an owner has two or more abutting lots of record, the lots are considered a single parcel provided there is a house on the parcel. The abutting lot without the house is no longer considered a vacant lot. See details in the sections relative to Sheds and Garages.

Abutting lots do not include lots across the road. A member's property line does not extend to the center line of the road in Lake Somerset platted subdivisions.

SHEDS (Storage Buildings)

A storage building with an area of less than two hundred (200) square feet is considered a shed; any storage building larger than that is considered a garage by LSPOA.

- The Township does not require a permit for a shed under 150 square feet, but LSPOA requires a permit for all sheds.
- A shed may be placed on a parcel of abutting lots if all other requirements are met.
- The front and side setbacks for shed placement must be met. In the case of two or more abutting lots, the side setback is based on the width of the total parcel.
- The rear setback may be waived upon the request of the property owner with agreement in writing of owners of the rear abutting property. A shed may be placed no closer than five (5) feet from the property line.
- If the rear abutting property is owned by LSPOA, Board approval must be obtained. In the case where the parcel backs to property not in the Association (such as a farm field), written approval from the property owner is not required.

- A shed may be placed in front of the house as long as it meets the setback requirements, conforms to the residence appearance, and is less than 150 square feet in area. If over 150 square feet, the Township will only approve a storage building in front of a house if the house is on a lake front lot.

GARAGES

The first garage on any home must be at least a one-and-one-half car garage attached to the residence.

- A second garage is allowed on a single lot or on a parcel of abutting lots of record if the garage location meets the subdivision set-back requirements provided the following conditions are met:
 - a) If the house is positioned on both lots, the second garage can be placed anywhere within the set-backs of the total parcel.
 - b) If the house is on one lot and the owner desires to put the second garage on the abutting lot, a portion of the second garage must be on the lot with the house. Setbacks for the total parcel are in effect.
- The garage cannot exceed 26' in height and 900 square feet in size. Utilities allowed are electrical and gas. Utilities not allowed are sewage and water.
- All new construction must have a paved driveway from the garage to the street.
- The garage must conform to the residence appearance and structure.

SWIMMING POOLS

Permanent above ground and in-ground pools require a permit from Building Control Committee and Somerset Township. The pool area must be fenced (Consult BCC for approved fence). An inflatable temporary pool will not require a permit from the Building Control Committee. However, Somerset Township requirements must be met. The property owner is responsible for ensuring all pool safety measures are implemented.

OTHER

- No wood/coal burning outside heating units are allowed.
- No wind generation structures are allowed.
- No pole barn structures are allowed.
- Solar energy grids will be allowed by permit from the Building Control Committee provided the grids are professional in appearance, do not obstruct the view of the lake and meet all building requirements.

ASSOCIATION DRAINAGE EASEMENTS

The Building Control Committee maintains a large lot map on which drainage easements from the plat of record are identified. When a permit is approved, a note will be made on the permit if the property is affected. The purpose is to advise the property owner and the Township that there is a drainage easement on the property. The County Drain Commission has jurisdiction and enforcement responsibility. *Any building permit easement questions should be referred to Somerset Township.*

EASEMENTS

Easements for the installation and maintenance of public utilities or drainage facilities are reserved along and within five (5) feet of all rear, front, and side lot lines in LSPOA subdivisions.

Other easements are hereby reserved to enter upon the premises if necessary to construct, operate and maintain any other public improvements, pipes, poles, wires, etc., whether under or above ground. It shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots not within the five (5) foot easement.

If an owner of two adjoining lots erects a building in the center of two lots so that the building sets on the common lot line, the sideline restrictions mentioned above shall automatically be inoperative as to the line upon which the building is erected.

VARIANCES

The Covenants for all LSPOA subdivisions state the following:

"The intent of the foregoing restrictions is to insure the use of the entire plat for attractive residential purposes, to prevent nuisances, to prevent imperilment of the attractiveness of the property, to maintain the desirability of the community and thereby to secure each property owner the full benefits and enjoyments of his home with no greater restrictions upon the free and undisturbed use of his property than are necessary to insure the same advantages to other owners."

BUILDING CONTROL COMMITTEE PROCESS

- The Building Control Committee will consider variance approval for property line set-backs in order to allow a new home to be constructed or allow an existing home to be modified that is confined by the existing property lines. Other variance requests will be reviewed by the committee with strict adherence to the Covenants.
- A five-foot (5') easement on lot sides must be maintained. No variance is allowed on the lake side set-back.
- If a variance is requested, all abutting lot owners' consents to the variance request must be provided in writing at the time of submission of the permit request. In the case of Meckley's Somerset Heights and Woodbrook subdivisions, the consent approvals are required for all lot owners in a 500-foot radius.
- A two-thirds (2/3) majority of the Building Control Committee is required for rejection or approval.

LSPOA BOARD HEARING PROCESS

In the case of a Building Control Committee rejection of a variance request by an LSPOA member, the property owner may request a review by the Board. The Board will follow a procedure similar to the Somerset Township Zoning Board.

1. The request for review is to be submitted to the Board in writing at a regular monthly Board meeting.
2. The Board will publicize the request by email to LSPOA property owners stating their right to submit written comments or speak at the next regularly-scheduled Board meeting for or against the granting of the variance.

3. At that regularly-scheduled Board meeting, the hearing will be included on the agenda. The Board will consider all input from LSPOA members before making a decision.
 - A two-thirds (2/3) majority of all Board members is required to rescind the Building Control Committee rejection of the variance.
 - No variance may be granted that contravenes the Covenants.

NON-COMPLIANCE WITH THE BUILDING CONTROL RULES

1. A letter will be sent to the property owner advising of the permit requirement and the need to submit a permit with the proper fee within 15 days.
2. Building Control will advise the Township of the non-compliance.
3. If #1 and #2 do not provide results, a letter will be sent by the Board advising the property owner that he/she has 15 days to comply or the owner will no longer be an LSPOA member in good standing; in this case voting and lake rights will be withdrawn and the permit fee will be applied as a lien on the property.
4. If deemed necessary by the Board, legal action will be taken.

LOSS OF LSPOA MEMBERSHIP

LSPOA membership is restricted to Lake Somerset property owners who have paid all dues, assessments, and fees, and are in compliance with the published Restrictive Covenants, By-Laws, Policies and Rules of the Association.

1. The right to membership shall be automatically suspended for nonpayment of dues, assessments, or fees by their due date. Where membership has been suspended for nonpayment of said dues, assessments, and/or fees, the membership shall be reinstated upon payment of said monies plus any penalties and reasonable expenses of collection.
2. The right to membership may also be suspended by action of the Board of Directors for infraction of the published Restrictive Covenants, Bylaws, Policies and Rules of the Association.
3. A lessee violation becomes the responsibility of the property owner and all actions apply to the property owner. The loss of lake boating rights will be applied to the property owner and the lessee. In the case of multiple properties, the suspension applies to all properties.
4. Any dues, assessments or fees not paid on their due date are delinquent and shall, together with penalties and reasonable expenses of collection, become a continuing lien on the property, which shall bind such property in the hands of the owner, his heirs, devisees, personal representatives and assignees. If the dues, assessments and fees are not paid after a thirty (30) day grace period from their due date, a penalty will be applied at a maximum interest rate allowed. In addition, any reasonable expenses of collection, as are authorized by these By-Laws or by action of the Board of Directors, shall be added to the delinquent balance, and the Association may bring an action by law against the owner personally obligated to pay the same and/or to foreclose the lien against the property. In any such action, there shall be added to such dues, assessments, and fees, authorized penalties and reasonable expenses of collection, the cost of preparing and filing the complaint in such action, and in the event that judgment is obtained, such judgment shall include penalties, interest as allowed by the law, reasonable costs of collection, and reasonable attorney fees.

