

CONSTRUCTION RULES AND REGULATIONS

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The CWC hereby adopts the CWC CONSTRUCTION CODE MANUAL, as amended from time to time by the Board, and deems same to be part of the Rules and Regulations for Lake Cherokee.

I. DEFINITIONS:

As used in these Rules and Regulations, the following words mean and are defined as indicated:

Leaseholder.....a person who is holding a valid lease from Cherokee Water Company on one or more of the lots.

Lot.....one of the lots shown by maps of CWC Property. Exact determination of the location of lot lines and lot corners and the exact distance of lot lines between the corners cannot be determined by reference to these maps; therefore, the final determination of the location of each lot is the authority of the Board of Directors. The word “share lot” as used in these Rules and Regulations is an unimproved lot on Lake Cherokee which is held for the purpose of allowing leaseholders access to CWC facilities.

Board of Directors..Board of Directors of Cherokee Water Company.

Lake Cherokee.....any property owned by Cherokee Water Company.

CWC.....The Cherokee Water Company

Shareholder.....A person whose name appears on at least one share of stock of the Cherokee Water Company.

II. ENFORCEMENT OF RULES AND REGULATIONS

A. Lake Patrolmen, under the direction of the Lake Manager, are charged with the duty of enforcing these Rules and Regulations. They are authorized to issue a Notice of Violation and to confiscate the Privilege Card from any person violating these Rules and Regulations.

B. CWC reserves the right for its employees, representatives, or any other person duly authorized by it, to go upon any leased lot for the purpose of enforcing these Rules and Regulations or stop and question the operator of any vehicle or watercraft on Cherokee Lake.

III. HOUSES, MOBILE HOMES, PIERS, BOAT HOUSES AND OTHER BUILDINGS

- A. No more than one single-family dwelling shall be permitted on a CWC Lot without permission of the Board of Directors. Permission may be granted to utilize structures not normally designed for residential use, such as a shop or storage building, to be used as a temporary domicile while a primary residence is under construction, such occupancy not to exceed twelve months.
- B. The leaseholder must secure a permit before constructing any structure; making any repairs, renovations and/or improvements to any existing structure, other than interior remodeling; placing any structure of any description; or making site modifications, except for landscaping and yard maintenance, on any lot on CWC property. To apply for a building permit, the applicant must provide the following with a permit request:
1. A scaled site plan showing foot print of structure with all measurements including set backs;
 2. A scaled floor plan of structure with all measurements.
 3. A scaled elevation of structure with all measurements.
- C. No permits will be issued on any share lot that has not been surveyed. For surveying procedures, see Section B (4): SURVEYS AND ESTABLISHMENT OF LOT LINES. Work must be commenced within ninety (90) days from the date on which the permit is issued. For a residential structure, all exterior construction must be completed within twelve (12) months from issuance of the permit. Up to sixty (60) days may be added to compensate for verifiable rain days during the permit period. For all other non-residential structures, all work must be complete within six (6) months from issuance of the permit. Failure to comply with the above timeline requirements may result in fines of one thousand dollars (\$1,000.00) per month. Any work which commences without the issuance of an appropriate permit may be immediately stopped by the Lake Manager or his designated representatives.
- D. With the exception of piers and boat houses, no structure shall be located nearer than seventy-five (75) feet to the nearest water at spillway level of Lake Cherokee; also structures shall be built at least six (6) feet from property line of adjacent leaseholders. Unenclosed decks, porches or patios are considered part of the structure for the six (6) foot side setback purposes. Side setback distances are measured from the side lot line to the nearest structural protrusion. This includes roof eaves, air conditioner pads, carport roof supports, or foundation slabs and footings. No structural element will be allowed to protrude into or over the six (6) foot side setback zone. Exceptions may be made by the Board of Directors to accommodate small lots, oddly shaped lots or unusual topography. No concrete slab or pier and beam construction shall be poured until all set back requirements have been approved by a representative of CWC. Survey flags shall be placed by surveyor or the person requesting permit in order that set back requirements can be verified. No structure shall be built which exceeds forty feet (40') in overall height, measured from the primary foundation floor level to the tallest part of the structure. No structure may be located within 50 feet of the lake road without permission of the Board of Directors.
- E. No boathouse or pier shall be built beyond fifty (50) feet from water's edge at spillway level of Lake Cherokee or within or into a six (6) foot setback from the projection of the side lot lines into the lake for a reasonable distance, without specific approval of the Board of Directors and after notice to adjacent leaseholders.

- F. The leaseholder of any lot accessible by water is required to affix the lot number to the boathouse, pier, sign post or other suitable structure which can be clearly seen and read from a watercraft. All lot numbers shall be at least 4" in height and be of a color to contrast with the background upon which they are posted. Failure to conform to this rule by the leaseholder will result in the CWC placing such a sign upon the lot at the leaseholder's expense.
- G. No pier and boathouse shall be constructed in such a manner as to completely enclose a part of the lake preventing access by boat from the open lake.
- H. No boathouse shall be constructed having a height in excess of eighteen feet (18') measured from the spillway water level to the top of the boathouse roof, and no boathouse shall be constructed which is more than one (1) story in height. This means that a boathouse may have a deck on top, but the deck may not be enclosed and may not have a roof over it.
- I. This article pertains to the installation of electrical wiring and equipment in the areas comprising piers, docks and boathouses. These standards shall be applied for new construction, and for the reconstruction or rewiring of such existing facilities.
 - 1. The wiring method shall be of a type identified and accepted for use in wet locations. All wiring below seven feet from the floor of the pier, dock or boathouse shall be contained in PVC or rigid conduit. All wiring shall be properly sized to the breakers.
 - 2. All wiring shall be protected by UL approved GFI devices. The only exception to this provision is circuits specifically identified to serve appliances.
 - 3. The electrical service for piers, docks and boathouses must be separately grounded, and must include grounding for boxes, cabinets, and all other metal enclosures; metal frames of utilization equipment; and grounding terminals of grounding type receptacles.
 - 4. The circuit(s) providing power to piers, docks and boathouses must have a remote disconnect capability, either located in the main dwelling structure breaker box or in a separate lockable box near the main dwelling.
- J. No mobile home or pre-fabricated home may be placed on any lot or any CWC property. A temporary mobile home may be placed on a lot for a maximum of 12 months provided a building permit has been issued by CWC for the building of a permanent, complying dwelling. Only buildings constructed on site will be permitted.
- K. No travel trailers, recreational vehicles, motor homes or portable buildings may be used for residential occupancy while located upon a shareholder's lot unless a conventional home is situated upon the lot and is used for the shareholder's principal dwelling. Further, the travel trailer, recreational vehicle, motor home or portable building may not be occupied for more than five days within any sixty (60) day period of time; may not be connected to any permanent utility or waste treatment facility; and must have adequate holding capacity for the storage of sewage and gray water during the time that it is located on the lot. No black water or gray water may be disposed of on any CWC property.
- L. CWC will require stockholders to furnish proof that adequate surface area remains to accommodate their sewer system when making an addition to their house or constructing a new house. A copy of the County permit will be required.

- M. Utility Lines: All utility lines, including but not limited to: water, electric, gas, sewer, cable TV and telephone, that are installed near or under CWC roads or ditches will be at a depth of 36", will be encased in a steel pipe under the road and extending 3' on either side of a road and/or ditch. All lines are to be bored under the road at the 36" depth, and will be visibly marked with a permanent stake on both sides of right-of-way and at the furthest side of discharge with weatherproof tags and letters with the date and lot numbers. A drawing showing the location of the line will be filed with the CWC Office.
 - N. Mailboxes: Mailboxes must be 18" off of the roadway.
 - O. Driveways: All driveway entrances must be constructed at the same elevation as the existing roadway and shall be constructed with approved under-drain to carry the flow of water in drainage ditches. No drainage ditch can be blocked.
 - P. Drainage: Before any construction can commence on land or lake which requires digging, the shareholder is responsible to call 1-800=DIG TESS or 1-800-344-8377 or 1-800-245-4545 for the location of any underground utilities. Also the shareholder is responsible for contacting the water utility company supplying water to the location and natural gas company. Shareholders are required to furnish the confirmation number from the entities contacted on the permit application form.
 - Q. The boundary on any leased lot only extends to the water's edge at spillway level. However, usage of the lake bottom for construction of piers and boathouses extends no more than fifty (50) feet from the shore unless specifically accepted by the Board of Directors. Construction of piers and boathouses must remain within the property lines as they extend fifty (50) feet into the Lake and must not intersect adjoining property lines unless such intersection is specifically approved by adjacent leaseholders or the Board of Directors grants an exception. Adjacent leaseholders shall be notified and given an opportunity to comment prior to any exception being given or granted. If an exception is granted by the Board of Directors, its decision shall be final.
 - R. Fences may be constructed along the boundary lines separating leaseholders' lots. Fences will not exceed four feet in height at the water's edge at spillway level, and must remain at four feet toward the road for at least 75' at which point it may be 6' in height provided it does not impede the view of the Lake by adjacent leaseholders. At that point, the fence height may be raised. Electric fences are prohibited.
 - S. Shareholders are not allowed to construct any new personal boat ramps. Existing private ramps are classified as previously approved non-conforming uses and are allowed to continue in existence and in use.
- IV. REMOVING TOP SOIL, AND FILL DIRT AND RESPONSIBILITY FOR DRAINAGE:
- A. A leaseholder must secure a permit from CWC before adding or removing any gravel, topsoil or fill dirt to or from CWC property. Shareholder will be required to install approved erosion and sediment control measures.
 - B. A leaseholder will be solely responsible for all drainage problems on a leased lot including the cost of engineering, design and necessary remediation, unless such drainage problem has been created solely by CWC.
 - C. A leaseholder may not expand lot surface area by encroaching into the lake by the use of retaining walls or other devices without the approval of the Board of Directors.
- V. EXCAVATING BELOW SPILLWAY LEVEL:
- A. A leaseholder must secure a permit from CWC before excavating below spillway level on lake lots or any other CWC property.

VI. CHANGING NATURAL DRAINAGE:

- A. No terrain shall be changed on any lot that will disturb the natural drainage so as to adversely affect adjoining lots or the property of CWC, without securing a permit from the CWC office. A drainage application request is required before a permit is issued. The drainage request is available at the office and has to be completed before a CWC permit is issued. Before a permit is issued for the changing of the natural terrain of any CWC lot, for any purposes, the shareholder shall provide a detailed description and drawing for the work to be accomplished on a form to be provided by CWC. The quantity of fill material to be added and the elevation increase of the lot shall be indicated on the form. Any increase in volume of run off water created due to the changing of the natural terrain that would flow onto another lot shall be prevented by the installation of appropriate retaining devices. The shareholder who is changing the natural terrain of the lot shall provide the adjoining shareholders with a copy of the proposed plan and shall obtain their signature of approval before the permit is issued.

VII. REMOVING TIMBER AND PULPWOOD:

- A. Removal or cutting of trees shall be limited to the extent necessary for clearing the foundation site for construction or to the extent reasonably calculated to improve the appearance of the lot.
- B. A leaseholder must secure a permit from CWC before cutting trees from any CWC property.
1. All trees that are requested to be removed shall be clearly marked with a bright colored ribbon. Access to the property by CWC personnel shall be provided for inspection of the trees requested to be removed.
 2. Trees requested to be removed by permit for new construction will only be issued in conjunction with the obtainment of the construction permit.
 3. Trees that are damaged or diseased or those that could cause damage to property or that could cause injury to persons may be removed by obtaining a permit from the CWC.
 4. Trees cannot be removed from a property line unless they are so described in article #3. Trees on property lines may be removed by mutual consent of adjacent shareholders and approved by CWC.
 5. No permit shall be issued for tree removal purposes if one has been granted for said Lake Cherokee Lot within the five (5) year period immediately prior to the date on which application for a permit is made. For landscaping purposes, no more than twenty percent (20%) of those trees having a diameter of ten inches (10") or greater, thirty inches (30") from the ground shall be removed from any Lake Cherokee Lot. Trees smaller than ten inches (10") in diameter, thirty inches (30") from the ground, may be removed without restriction. The Board of Directors may at its discretion, for good cause, grant a variance from these requirements.
 6. Any tree removed from CWC property without securing a permit will result in a fine being issued to the shareholder in the amount of \$250.00 per tree.

VIII. SEPTIC TANKS, GREASE TRAPS AND FIELD LINES, SURFACE IRRIGATION AND AEROBIC SYSTEMS:

- A. Disposal of household wastewater must comply with the Rules and Regulations of TCEQ (Texas Commission on Environmental Quality) or designated governmental authority and the CWC.

- B. A permit is required by CWC before the construction or repair of any wastewater disposal system.
- C. A lot survey is required before any work can be done or before a permit will be issued. Tanks, lines, etc. will need to be drawn on the survey at the time of the permit.
- D. No disposal of household wastewater on any lot through any system is permitted nearer than 75' to the spillway level of Lake Cherokee. An exception to this rule is provided for aerobic waste disposal systems and future technologies, which are allowed as designed and permitted by State laws and regulations.
- E. Disposal of household waste water on top of the ground is permitted only if the surface waste water system has been installed in accordance with the permitting provision of the TCEQ and a maintenance agreement is maintained with an approved maintenance company for service and repairs to the surface application system if required by the permitting entity.
- F. The above will also apply to emitter type systems.
- G. By Special Permit authorized by the CWC Board of Directors, unleased available land owned by CWC may be used for disposal of wastewater as referred to in E and F above. Use of such land will be on a first come-first served basis. No trees may be removed to accommodate the system and efforts should be made to maintain an unused appearance.
- H. CWC requires leaseholders who request to make an addition to their house, or construct a new house, furnish proof that adequate surface area remains to accommodate their sewer system, governed by CWC Rules and Regulations.
- I. Requirements for Surface Irrigation Systems – Any leaseholder desiring to construct, operate and/or maintain an On-Site Sewage Facility utilizing surface irrigation as a disposal method must first file with CWC (a) a copy of the Permit issued by the Texas Commission on Environmental Quality for said On-Site Sewage Facility; (b) a copy of the current signed Maintenance Contract and (c) a certified copy of an Affidavit duly recorded in the county clerk's office of the county where the property on which the Surface Application System is to be installed verifying that the leaseholder's share of stock in CWC and lease agreement covering his Lake Cherokee Lot will not be transferred to a new owner without first advising the new owner that the property contains a Surface Application System for waste water disposal; that the leaseholder will transfer the permit to operate such Surface Application System to the new owner. Any such surface irrigation systems will at all times be maintained and operated in accordance with the rules, regulations and requirements of the CWC.