

Requested By: Jax 05/17/2004

2

20000002759  
Filed for Record in  
BROWN COUNTY, IN  
SANDY CAIN  
On 07-06-2000 At 09:26 am.  
MISC 151.00  
OR Book 27 Page 1285 - 1298

**BROWN COUNTY COURT CAUSE #4213 Approved August 3, 1972**

WHEREAS, the Cordry Sweetwater Conservancy District has succeeded Sweetwater Lake, Inc., as Park and Lake Management, and

WHEREAS, rules and regulations together with penalties for violation thereof are necessary for the orderly use and enjoyment of the property in the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Cordry Sweetwater Conservancy District hereby adopt the following rules and regulations for Park and Lake Management.

**RESOLUTION NO. 1989-6 of the Board of Directors of Cordry Sweetwater Conservancy District, Effective November 2, 1989.**

The Board of Directors of the Cordry Sweetwater Conservancy District shall have exclusive jurisdiction and control of all parks, lakes, roads and the use and regulation thereof within the CSCD.

Any violation of the Cordry Sweetwater Conservancy District Rules and Regulations hereby adopted and clarified by the CSCD Board of Directors acting as Park and Lake Management may result in a civil suit being filed to enjoin the use of the District facilities and, in addition, prosecution will include the recovery of all Cordry Sweetwater Conservancy District's attorney fees and all other costs of enforcement, correction and court action.

All violations pertaining to State Statutes or County Ordinances shall be prosecuted in criminal court.

Any person who destroys property belonging to said Conservancy District shall be prosecuted civilly and/or criminally if the destruction is deemed willful and shall be responsible to the Conservancy District for the fair market value of the property damaged or destroyed. Failure to make a settlement of damages within 30 days of notification will be grounds for the CSCD Board to file suit in small claims court.

Instrument Book Page  
20000002759 OR 27 1285

Requested By: xxx 05/17/2004

3

**RESOLUTION NO. 1999-8 of the Board of Directors of Cordry Sweetwater Conservancy District, Effective November 11, 1999.**

**BE IT RESOLVED THAT:**

The disposal of any materials, such as, but not limited to, leaves, trees, grass clippings, yard waste, refuse, solid waste, or materials chemical in nature, into either Cordry or Sweetwater Lake is prohibited. No freeholder shall take any action regarding soil erosion, which results in soil and debris being deposited into Cordry or Sweetwater Lake or onto any other property. During construction of any kind, a buffer zone of retaining materials, either natural or artificial, shall be erected along the shoreline, at least 10 feet wide.

A fine of \$500.00 plus cost to repair damage, payable to the Cordry Sweetwater Conservancy District, shall be imposed for any violation of this section.

Alterations of the shoreline ARE NOT permitted. Any dredging of the lakebeds of either Cordry or Sweetwater Lake shall be coordinated only by the Cordry Sweetwater Conservancy District with permits from the authorized agencies and contracts.

The lakebeds of Cordry and Sweetwater Lakes are the property of the Cordry Sweetwater Conservancy District and any improvement located upon said lake beds shall be considered an encroachment and be subject to removal for any violation of approved standards.

2

Instrument      Book Page  
200000002759 OR      27 1286

Requested By: xxx 05/17/2004

4

### DEPARTMENT OF WATERWORKS

The Cordry Sweetwater Conservancy District is the owner and operator of a water supply system including mains, pumps, filters, tanks and fire hydrants. No private or semi-private water supply system for domestic use may be located or provide service within the District boundaries.

Requirements for water service connection along with current charges and regulations pertaining to the water system are available at the Conservancy District office at 7388 Cordry Drive.

### TRANSFER OF REAL ESTATE

#### RESOLUTION NO. 1989-6:

All transfers of real estate in said Conservancy District shall be filed in the office of the Cordry Sweetwater Conservancy District and shall include the name and address of the party purchasing real estate within the District and the date of transfer. All warranty deeds must contain the following statements, "Conveyance accepted for the purpose of Conservancy Assessments this \_\_\_\_\_ day of \_\_\_\_\_, 19. All Assessments paid at date \_\_\_\_\_, Financial Clerk, Cordry Sweetwater Conservancy District." All deeds must bear the signature of the Financial Clerk of the District and the date of acceptance prior to recording with the County Recorder.

#### RESOLUTION NO. 1994-1:

Freeholders of the Cordry Sweetwater Conservancy District selling a lot on Contract shall automatically relinquish ALL lake privileges of that lot to the Contract Buyer. HOWEVER, freeholders owning multiple lots in the District may sell a lot(s) on Contract and retain lake privileges on remaining lot(s) owned. A copy of the contract must be provided to the CSCD office in order for the buyer to obtain lake privileges.

3

Instrument	Book	Page
200000002759 OR	27	1287

Requested By: xxx 05/17/2004

**RESOLUTION NO. 1999-7 of the Board of Directors of Cordry Sweetwater Conservancy District, Effective November 11, 1999.**

5

**ROADS**

All roads, drives and right-of-ways that are owned by the Cordry Sweetwater Conservancy District, are maintained by the District. Obstruction of natural or created drainage along roads and drives shall not be permitted. Any new cuts into either roads or drives shall require a permit and must be in compliance with the construction specifications. The Conservancy District will have control of the location of the new cut. Any replacement of gravel or repairs to roads and drives damaged by the contractors shall be the responsibility of the lot owner.

The speed limit shall be twenty-five (25) MPH within the Conservancy District, fifteen (15) MPH on all side drives, unless otherwise posted. The Conservancy District shall post speed, directional and information signs.

No person shall operate or permit another person to operate a motor vehicle on Conservancy owned roads, drives and right-of-ways in violation of Indiana State law.

Deputy Sheriffs, appointed by the Sheriff of Brown County and paid by the Cordry Sweetwater Conservancy District, shall enforce the laws of the State of Indiana, the ordinances of the County of Brown and the rules, regulations and amendments of the Conservancy District regarding the use of land, roads, lakes and parks.

All applicable laws of the State of Indiana pertaining to the operation of motor vehicles and other traffic on said roads, drives and right-of-ways shall be enforced within the Conservancy District.

No parking shall be permitted on roads, drives or right-of-ways except for emergency vehicles or vehicles being used for Conservancy District business.

There shall be no parking or storing of vehicles and/or trailers on the dams or boat ramps at any time.

There shall be no storing of vehicles, watercraft and/or trailers on property owned by the Conservancy District.

4

**Instrument      Book Page**  
200000002759 OR      27 1288

6

**OFF ROAD VEHICLES AND SNOWMOBILES**

The use of off-road vehicles or snowmobiles are regulated within the Cordry Sweetwater Conservancy District as follows:

All off-roads vehicles and snowmobiles shall be registered in accordance with Indiana State law.

Only off- road vehicles and snowmobiles owned by Cordry Sweetwater freeholders shall be registered with the Conservancy office, to operate ~~within the~~ Conservancy District. Decals shall be issued to said vehicles, in the same manner as watercraft decals, designated with the number seven (7) and must be attached to the front and rear of the vehicle so as to be clearly visible for identification purposes. Proof of ownership must be provided to obtain the Decals.

A Hold Harmless Agreement signed by the freeholder and any guests over the age of eighteen (18), must be completed and filed with the Conservancy office to operate off-roads vehicles and snowmobiles within the Conservancy District.

All operators under the age of eighteen (18), must be accompanied by a parent or legal guardian, ~~and~~ a Hold Harmless Agreement must be signed by a parent or legal guardian.

Only the area designated by the Conservancy District Board of Directors shall be allowed for off-road vehicles and snowmobile Use. The designated area will be marked by a highly visible sign Stating "Ride At Your Own Risk - Permit Required" and barriers as necessary.

No off-road vehicles and snowmobiles shall be permitted on the Nature Trails.

All off-roads vehicles must be hauled or walked to the designated use area.

Hours for off-road vehicles and snowmobile use are 10:00 A.M. until 7:00 P.M.

All operators and passengers must wear a helmet.

5

Instrument      Book Page  
20000002759 OR      27 1289

Requested By: xxx 05/17/2004

7

**FIREARMS**

No hunting or the use of firearms within the boundaries of the Cordry Sweetwater Conservancy District shall be permitted. The use of pellet and B.B. guns, and bow and arrows are prohibited.

All lake trapping or fowl round-ups shall be the sole authority of the Conservancy District, with approval from the Board of Directors.

The State laws governing fireworks shall be enforced.

**LEASH LAW**

All dogs must display rabies shot tags and owners identification tags. The owner of a dog, which has been reported to show malicious or nuisance tendencies shall be reported to Brown County Animal Control. All county leash laws apply within the Conservancy District.

**CAMPING PERMITS**

Camping shall be permitted on private property only if the freeholder has available State approved sanitary facilities.

Camping permits shall be obtained from the Conservancy office. Permits will be issued for weekends or for other short periods of time, not to exceed 72 hours in any seven (7) day period and an annual vacation period not to exceed two (2) weeks providing the freeholder is in the residence for the applicable period of time.

At the end of the permit period, all camping equipment, trailers, campers, tents, etc., and all debris must be removed from the premises. Violation of any camping permit shall be cause for refusal of future permits.

6

Instrument	Book	Page
200000002759	OR	27 1290

9

USE OF THE LAKES

All Indiana Title 14 Boating Laws and Indiana Fishing Regulations are hereby adopted by the Cordry Sweetwater Conservancy District, unless a more stringent regulation is in effect through the final plan or resolutions to the rules and regulations of the District. All shall be enforced, including the following exceptions and/or additions.

A freeholder may register only one (1) watercraft from each classification with the exception of classification No. 5 (up to 3), but may have no more than three (3) watercraft per freehold.

A freehold is:

- 1. one (1) or more persons holding identical title to one (1) or more tracts of land.
- 2. one (1) or more adjacent tracts of land owned by One (1) person or in identical title

No more than three (3) watercraft per freehold, including not more than one (1) speed boat, will be permitted on the water at any one time.

WATERCRAFT CLASSIFICATION CODE

- 1. Power or Speed Boats \_\_\_\_\_ no longer than 19 ft.  
Any watercraft, other than a Pontoon Boat, with an engine over 30 horsepower
- 2. Pontoon Boats \_\_\_\_\_ no longer than 28 ft.
- 3. Fishing Boats \_\_\_\_\_ no longer than 19 ft.  
A fishing boat with a motor of more than 30 horsepower purchased and continuously registered with the Conservancy office before March 31, 1990 will be registered as a fishing boat. Fishing boats with motors greater than 30 horsepower, purchased and registered after March 31, 1990, will be classified as a power/speed boat.

7

<b>Instrument</b>	<b>Book Page</b>
200000002759 OR	27 1291

Requested By: xxx 05/17/2004

9

4. Personal Watercraft ~~—————~~ Jet Ski, Wave Runner, or other similar watercraft must be equipped with an operable device, commonly known as a "kill switch", designed to stop all mechanized functions when the operator is no longer in complete control of the watercraft.

Personal watercraft are prohibited, with the exception of those purchased and registered with the Conservancy office before January 1, 1994. Valid Decals may be renewed for personal watercraft until 1) it is sold or traded 2) ownership is transferred in any manner (e.g. estate, will or operation of law) 3) it becomes inoperable 4) freeholder fails to maintain a current Decal. Decals will not be issued for replacement of personal watercraft.

5. Paddle Boats, Canoes, Rowboats or Windsurfing Watercraft ~~—————~~ non-motorized;

Proof of purchase on non-motorized watercraft will be the Affidavit.

6. Sailboat ~~—————~~ no longer than 17 ft.

With mast, no matter what size motor

No Houseboats of any size will be permitted.

No Airboats, Hovercraft or similar watercraft will be permitted.

No watercraft of any size with sleeping quarters, galleys, toilets or cabins will be permitted.

All watercraft shall have their lot numbers and letters in block lettering, at least three (3) inches in height, vertical, plain and the color should be in contrast with the watercraft's hull color. (Any border outline or shadowing must be disregarded in determining the height or color contrast). These numbers and letters should be on both sides of the watercraft located next to the Conservancy District Identification Decal, which all watercraft must have. The Identification Decal must be placed on each side of the watercraft, for which it was issued, above the waterline, so as to be clearly visible. The Decal is issued by the Conservancy District to lot owners, 18 years of age or older, for watercraft owned only by lot owners, 18 years of age or older. **Without this Decal, the watercraft will not be allowed on either lake.** To obtain the Decal, a freeholder must complete an affidavit of ownership in the Conservancy office; it must be notarized and must be accompanied by proof of ownership, which is the title or current registration for that watercraft. The Decal is the property of the Cordry Sweetwater Conservancy District. A fee will be charged to lease the Decal.

8

Instrument	Book	Page
200000002759 OR	27	1292



Requested By: xxx 05/17/2004

10

The Decal can be revoked by the Conservancy District's authorized personnel or the Board of Directors, due to violations of the Conservancy District's boating rules and regulations, State laws or tampering with Decals. A maximum of three (3) written warning tickets for violations in a boating season, shall lead to revocation. Violation of any state laws or tampering with Decals, shall lead to immediate revocation. A freeholder, whose boating privileges have been revoked by removal of Decals from one or more of said freeholder's watercraft, is prohibited from operating any watercraft on Cordry or Sweetwater Lakes until the Decal is reinstated. The Cordry Sweetwater Conservancy District Board of Directors will review the revocation within 14 days. The freeholder must appear at a hearing before the Security Commission at their next regularly scheduled meeting or a called Special meeting, which will be immediately followed by a Special meeting of the Conservancy District Board of Directors, to show why the Decal should or should not be reinstated. The Conservancy District Board shall hear the recommendation of the Security Commission and may impose any or all, but not limited to the following:

1. Revocation of said Decal up to one (1) year.
2. Limited use of said watercraft.
3. Probationary period, not to exceed one (1) year.
4. Replacement of the Decal, up to twice the current fee, which shall be payable the first time the freeholder purchases the Decal for said watercraft after privileges have been reinstated.
5. Prosecution by means of Civil or Criminal Court.

The Board of Directors shall file, in writing, a report of the entire incident, their findings and what was imposed. It will be kept on file, in the Conservancy Office, for a period of four (4) years.

Personal watercraft must be inspected by a Deputy, each year that Decals are renewed. The Decals must be affixed to personal watercraft at the time of inspection. The title must be presented at the time of inspection.

In the event a freeholder sells property owned within the Conservancy District, any watercraft Decals assigned to that freehold are to be turned into the Conservancy Office. If a watercraft is sold with the freehold, it is the responsibility of the seller and buyer to turn in the current Decals and have new Decals issued to the new freeholder. No personal watercraft will be issued Decals, if sold with a freehold, since transfer of ownership is not permitted.

9

Instrument      Book Page  
200000002759 OR      27 1293

Requested By: xxx 05/17/2004

11

Every person operating any watercraft, shall do so in a careful and prudent manner, having due regard for the rights, safety and property of others, the conditions and hazards, actual or potential then existing, including weather, density of traffic and possible injury to any person or property.

No person may operate any watercraft at more than five (5) miles per hour, except between 10:00 A.M. and one (1) hour before sunset. All skiing, ski sledding, tubing, knee-boarding or similar devices, shall cease one (1) hour before sunset. Flashing red lights at each dam will signal the time for the five (5) miles per hour speed limit. There is a maximum speed of forty (40) miles per hour on all watercraft operating on Cordry and Sweetwater Lakes on Saturdays, Sundays and holidays..

Sailboats, under sail; windsurfing watercraft; canoes, paddleboats and all other types of non-motorized watercraft can not operate in the ski area on Cordry and Sweetwater Lakes during ski hours.

Unnecessary sounding of a whistle or horn on any watercraft is prohibited unless used solely as a warning signal to persons or watercraft in immediate danger.

No person shall operate any watercraft while under the influence of intoxicating liquor or narcotic drugs.

10

Instrument                      Book Page  
200000002759 OR              27 1294

Requested By: xxx 05/17/2004

12

Every person operating any watercraft shall observe the following traffic rules, in addition to Indiana Boating "Rules of the Road":

1. In all coves, bays and waters designed as idle or "no Wake" zones, persons shall operate all watercraft at the slowest possible speed, not exceeding five (5) miles per hour, so as to maintain steerage whereby the wake or wash created by the watercraft is minimal.
2. Any watercraft leaving a dock, pier or the shore shall have the right-of-way over all boats or watercraft approaching same.
3. All watercraft traffic shall follow a counter-clockwise pattern. When leaving a bay or cove, turn right and enter the pattern before crossing the line of traffic.
4. NO watercraft shall be moored or anchored in any place or in any fashion that impedes the normal flow of traffic or presents a danger to persons or property.
5. No watercraft shall be moored or anchored to a buoy.
6. No watercraft shall be moored or anchored in the ski area during ski hours on either lake.

Any watercraft with a motor running under headway, shall remain at all times, at least fifty (50) feet away from all swimming beaches. Use extreme caution and stay a safe distance in the idle zones.

All watercraft traveling at least ten (10) miles per hour, shall remain at least fifty (50) feet away from the shoreline and one (100) hundred feet from the dam and spillway.

All operators of any motorized watercraft must have a valid drivers license.

No person operating any watercraft shall permit any occupant to sit or stand on the gunwales or on seat backs, and no person operating any watercraft shall permit any occupant to sit or stand on the boats bow decking, except for the purposes of anchoring, mooring, casting off, or other necessary purposes. No dangling of legs and feet in water while watercraft is in motion.

//

Instrument      Book Page  
200000002759 OR      27 1255

3

The freeholder is responsible for all persons operating the watercraft owned by the freeholder. It is the responsibility of the freeholder to inform their guests of all Conservancy and State boating, swimming, beach and fishing rules and regulations observed on Cordry and Sweetwater Lakes.

All signs posted by Cordry Sweetwater Conservancy District regarding speed, fishing, swimming or pertaining to the use of the lakes shall be observed and followed by all persons using Cordry and Sweetwater lakes.

Only owners of lots within the Cordry Sweetwater Conservancy District and their authorized guests may use Cordry and Sweetwater Lakes. The use of either lake is restricted to watercraft owned by the freeholder only. Cordry Sweetwater Conservancy District Identification passes (beach pass) are issued by the Conservancy office and are required to fish from Conservancy owned property, use any Conservancy owned parks or wildlife areas or launching and beach facilities.

An owner of a waterfront property on either Cordry Lake or Sweetwater Lake shall have the right of access to or from either lake for that lot owner's use only and watercraft registered to that lot.

Watercraft, not registered to that lot, shall not be stored overnight on Cordry Lake or Sweetwater Lake.

An owner of an off shore lot within the Cordry Sweetwater Conservancy District, not abutting either lake, shall have the right of access to or from either lake only through access points near the dam of each lake. Off shore lot owners shall not store any watercraft overnight on Cordry Lake or Sweetwater Lake.

Fishing with live minnows of species such as goldfish, carp or other predatory minnows is strictly prohibited.

No live minnows of any species may be released in the lakes.

All fish stocking will be done by the Cordry Sweetwater Conservancy District with Board approval.

Indiana State Conservation Laws pertaining to specie, season, size, bag, limit, etc. shall be strictly adhered to, unless otherwise posted by the Cordry Sweetwater Conservancy District

**NOTE: Power loading can destroy the boat ramp!**  
Boat ramps can be badly damaged by boaters who power their watercraft onto their boat trailers. The strong current created by the propeller causes severe erosion and washout at the end of the ramp. Winching your watercraft onto the trailer can prevent this.

Instrument 200000002759 OR Book Page 27 1296

14

## **RULES FOR SKIING, TUBING, KNEEBOARDING, WAKEBOARDING AND OTHER TOWING DEVICES**

No watercraft shall be operated towing a skier, or person on any other device, unless the watercraft is occupied by the watercraft operator and at least one other person, who is competent and is giving their entire attention to watching the object and person being towed. The person operating the watercraft, shall be giving their entire attention to operation of the watercraft.

A plain red flag, no less than twelve (12) inches by twelve (12) inches of flat flexible material, must be displayed at all times by a passenger observer when a person or object is down in the water. The flag must be displayed in a fashion to be visible 360 degrees around the watercraft.

No watercraft shall pull more than two (2) skiers or two (2) objects or devices at one time. Single and double tubes manufactured for boating purposes, are approved for use on both lakes, but NO objects or inflatable devices shall carry more than two (2) persons at any one time on either Cordry or Sweetwater Lakes.

Personal watercraft shall not tow any object. All personal watercraft shall be driven in the counter-clock-wise pattern such as required of all other watercraft. Personal watercraft shall not follow within one hundred (100) feet of any boat, skier or towed object.

Pulling of ski kites or similar devices are not permitted.

Ski areas are the innermost portions of Cordry and Sweetwater Lakes as defined by the Conservancy idle or "no wake" buoys.

## **SWIMMING RULES**

There shall be no swimming, floating on rafts, manufactured water towing tubes, life preservers or other devices in the designated ski area, which is defined by the buoys. The exception being downed skiers and water sled occupants, waiting to be picked up by their watercraft.

Swimmers shall remain within thirty (30) feet of the shoreline, except in prescribed beach area or within fifteen (15) feet of any watercraft moored in an idle or "no wake" zone.

13

Instrument                      Book Page  
200000002759 OR              27 1297

Requested By: xxx 05/17/2004

15

## BEACH RULES

Beach rules shall be observed as posted.

A valid Cordry Sweetwater Conservancy District Identification Card (Beach Pass) is required for all freeholders and guests to use the beach and park areas. The first ID Card is free. There shall be a charge to replace it. The beach pass must be presented to the beach attendant upon arrival or upon request of an authorized Conservancy District employee. For more than 10 guests, an approved Special Use Permit must be obtained from the Conservancy office prior to the event.

No vehicles, boats or trailers are permitted within the beach area.

No watercraft shall be allowed within the boundaries of the beach swimming area at any time.

No fishing shall be permitted within the boundaries of the beach swimming area at any time.

Beach passes are a privilege; Violations of beach rules shall be handled in a like manner as Watercraft Decal revocation, with the freeholder appearing at a hearing before the Security Commission and the Cordry Sweetwater Conservancy District Board of Directors, which may impose any or all, but not limited to the following:

1. Forfeiture of the freeholder's beach pass
2. Probationary period
3. Prosecution by means of Civil or Criminal Court

## SCUBA DIVING

Certified Scuba divers shall obey Indiana State regulations; they shall be permitted to dive in idle zones, during idle hours only.

Night divers must have underwater lights.

Any other diving activity requires a Special Use Permit obtained from the Conservancy office.

14  
Instrument      Book Page  
200000002759 OR      27 1298

Requested By: xxx 05/17/2004

16

200000002760  
Filed for Record in  
BROWN COUNTY, IN  
SANDY CAIN  
On 07-06-2000 At 09:26 am.  
MISC 33.00  
OR Book 27 Page 1299 - 1311  
Cordry Sweetwater Conservancy

RESOLUTION NO. 2000-5 of the Board of Directors of Cordry Sweetwater Conservancy District, Effective April 13, 2000.

WHEREAS, pursuant to Indiana Code Section 14, the Indiana Conservancy Act, the Board of Directors of the Cordry Sweetwater Conservancy District has the authority to make regulations for the administration of the affairs of the District.

NOW THEREFORE BE IT RESOLVED that the following Form #999 is hereby passed and adopted by the Board of Directors as the Sanitation and Building Requirements for the Cordry Sweetwater Conservancy District.

This Form is revised from time to time, to reflect changes to State, County and Conservancy District requirements to obtain Improvement Location and Sewage Disposal Permits. A current and complete list of regulations and requirements for Building Codes, Lots and Dwellings and Property Maintenance is available at the Conservancy District office at 8377 Cordry Drive.

There is presently existing created by the Cordry Sweetwater Conservancy District Board of Directors, a Building Control Commission consisting of five (5) persons, one member from the CSCD Board of Directors appointed by the Board Chairperson, one member from the Cordry Sweetwater Lot Owners Association Board of Directors, approved by the CSCD Board, one member designated as the Building Monitor and two lot owners, at large, with qualifications in the building and/or watershed protection fields.

All plans and specifications for construction of a dwelling or out building or improvements and additions to existing structures must be submitted to and approved by the Building Control Commission, before applying for Brown County permits. The Building Control Commission shall inspect periodically, any structure under construction to insure conformity to plans submitted and approved.

NOTE: Minor repairs such as replacing rotten material and supports without changing shape or size may be performed without a permit.

The procedures for the enforcement of said rules and regulations shall be as follows:

- (A.) Upon observing the infraction of any of the rules and regulations of the Cordry Sweetwater Conservancy District, set by this resolution, the Building Control Committee shall notify the Board of Directors.
- (B.) The individual responsible for the infraction shall be notified by certified mail to correct the infraction within Thirty (30) days. A copy of the rules and regulations shall be included.
- (C.) Upon refusal to correct the infraction by the individual, the Conservancy District Board of Directors proceed to petition the Court for a rule to show cause as to why said Individual should not be punished for said violation.
- (D.) Said rule to show cause shall be served upon the individual and order that he appear in Court to answer said rule to show cause.

Each and every lot, plet and parcels in the Cordry Sweetwater Conservancy District shall be subject to the following rules and regulations.

Instrument Book Page  
200000002760 OR 27 1299

Requested By: xxx 05172004

17

LOTS AND DWELLINGS

All lots, plots and parcels within the Conservancy District shall be known and designated as residential real estate. Real estate cannot be converted to forest or wildlife refuge to avoid taxes. No hotel building, boarding house, mercantile building or factory building or building of any kind for commercial use shall be erected or maintained within the boundaries of the Conservancy District.

No business, trade or commercial enterprise shall be conducted or advertised within the boundaries of the Conservancy District.

No tents, camp trailers or mobile trailers of any kind shall be permanently placed on any lot, plot or parcel within the boundaries of the Conservancy District, except by application and approval of the Park and Lake Management for camping purposes.

No lot, plot or parcel may be further subdivided by the owner to create an additional lot. No freeholder may make adjustments of adjoining property lines without the written permission of the CSCD Board of Directors. Such adjustments must be in accordance with Brown County Planning and Zoning Ordinance and regulations of the Conservancy District. All freeholds involved in the adjustments must marry their section to their adjoining lots by a new deed and record it in the office of the Recorder of Brown County, Indiana. A copy of this deed shall be given to the Conservancy District office.

All ingress and egress shall be through the official entrances for the Conservancy District and no freeholder may provide ingress and egress across their property to property not within the Conservancy District boundaries.



Requested By: xxx 05/17/2004

18

### PROPERTY MAINTENANCE

No noxious, unlawful, (as provided by the Statutes of the State of Indiana, ordinances of the County of Brown, or provisions of this resolution) or other offensive activities shall be carried out on any lot, plot or parcel within the Cordry Sweetwater Conservancy District, nor shall any person, owner, or guest do anything on any lot, plot or parcel on any lake or road within the Conservancy District which may be or become an annoyance or nuisance to the orderly enjoyment of the inhabitants of the District.

No fur animals, wild animals, farm animals or fowl shall be kept or permitted on any freehold within the Conservancy District.

No domestic animals shall be kept for the purpose of conducting commercial activities. No domestic animal shall be permitted to cause a nuisance to any freeholder within the Conservancy District.

Dogs shall be restrained at all times by a leash under the control of the owner or by confinement to the owner's property.

All improved and unimproved property within the District shall be maintained in a sightly manner as follows: Any building or other structure, which is in such a dilapidated condition that it is unfit for human habitation or use shall be, considered a property nuisance. Each freeholder shall be responsible for the repair, maintenance or removal of any deteriorated structure or the abatement of any health and/or safety hazard existing on their property.

A person may not do any of the following:

- (1) Discharge, emit, cause, allow or threaten to discharge, emit, cause or allow any contaminant or solid waste including any noxious odor into the environment or a public or private owned works, that would cause pollution that violates the Conservancy District rules and regulations regarding illegal and open dumping.
- (2) Dump, cause or allow the open dumping of garbage or any other solid waste upon the land except through the use of a sanitary landfill or a licensed trash hauler.
- (3) Accumulate any inoperable cars, trucks, boats or motorcycles for a period in excess of thirty (30) days after notification by the Conservancy District to the property owner via certified letter, that item(s) must be removed.
- (4) Burn any items other than paper, paper products, cardboard, untreated lumber, wood leaves, and/or brush. Open burning of any of the listed items must be contained and policed in an effort to prevent an uncontrolled burn. Burning must be completed during daylight hours only. Campfires are excluded from daylight only burning.

For purposes of this rule, solid waste is defined as, but not limited to, construction/demolition waste, (bricks, concrete, stone, glass, wallboard, lumber, roofing materials, wiring, plumbing fixtures, insulation) garbage, hazardous chemicals, hazardous household products, hazardous materials, household waste, rubbish, ashes, street cleanings, dead animals, offal waste from landscaping projects, scrap metals and plastics.

Requested By: xxx 05172004

19

## Building and Sanitary System Requirements

The purpose of Conservancy approval is to comply with Indiana and Brown County building rules and regulations while insuring the integrity of the Cordry Sweetwater Conservancy District (CSCD), maintaining property values and preserving the aesthetic value of our area. For this reason, some District requirements are more stringent than State and County codes. Requirements may be amended from time to time. Brown County requirements are indicated with \*.

### Permits and Approval

A. Conservancy approvals and Brown County permits are required for but not limited to the following:

1. Septic absorption system
2. Septic repairs
3. Any structure, construction, or improvement to property or dwelling
4. Any access to Conservancy roads or drives
5. Swimming pools

NOTE: except those repairs made to existing structures without changing shape or size  
NOTE: Construction must not begin until approved by the Conservancy District and permits are issued by the Conservancy and the Brown County Building and Health Departments and are prominently displayed at the roadside of the property.

### B. Duration of Permits

- \* 1. All permits are valid for one year
  - \* a.) Construction must begin within one (1) year of the date of the permit
  - \* b.) Construction not completed within one (1) year, a new permit application must be submitted and approved
  - \* c.) A new permit must be obtained with change of ownership.

### C. Site Improvement Plan Required Documents

1. A copy of your recorded warranty deed showing proof of ownership and a copy of latest tax receipt marked paid. All married lots must appear on the same deed with clause to state "Subject to the covenants and restrictions that the above described lots shall not be separately conveyed to any future Grantee; this covenant is to run with the land and shall be binding on the purchaser and all future owners of said real estate."
2. Duplicate Conservancy plot layouts showing location of all structures and septic absorption systems. All building and septic plans must be to scale and must show the following:
  - a.) Locations and dimensions of property lines showing length, width and acreage or square footage
  - b.) Location and names of roads adjacent to your property
  - c.) Location of proposed structure and the distance from the side, front and rear property lines
  - d.) Location of existing structures
  - e.) Location of driveways, private roads and parking spaces
  - f.) Location and dimensions of septic systems and the water lines entering your house and all underground utility cables
3. A duplicate set of construction plans showing all dimensions and area in square feet, side front, and rear elevations. The property owner must sign prints prior to approval.
4. Both sets of plans are to be initialed by the Conservancy Building Monitor. One set of the plans will be submitted to Brown County for application for permit.
5. A stake survey report by a certified surveyor is required for dwellings, garages, and/or septic is required. For accessory buildings, docks, etc., older surveys will be accepted providing the property lines are known and clearly defined. If property lines are not well defined, a new survey will be required.
6. An approved erosion and sediment control plan.

D. Assessments - Any road assessment owed by the property owner must be paid prior to permit approval.

Instrument      Book Page  
200000002760 OR      27 1302

20

## Erosion and Sediment Control Requirements and Specifications

All land disturbing activities (grading, filling, stockpiling, clear-cutting or excavating), excluding regular maintenance, within the boundaries and jurisdiction of the CSCD are applicable. Requirements and specifications should meet or exceed those outlined in "Indiana Handbook for Erosion Control in Developing Areas". Emphasis will be placed on minimizing off-site sedimentation.

1. Submit an Erosion and Sediment Control Plan along with a Site Improvement Plan to the Building Control Commission. *Notes: Projects 5 acres and larger must file a Notice of Intent Letter to Indiana Department of Environmental Management as per 327 IAC 15-5-7 (Rule 5).*
2. Plan will be reviewed and approved by the Building Control Commission. The applicant will be notified in the event of any necessary changes within two (2) weeks.
3. Once the Erosion and Sediment Control Plan has been approved, a permit will be issued as part of the Site Improvement Plan by the Building Control Commission, the Brown County Planning Commission and Brown County Health Department. *No person shall begin land disturbing activity without first receiving a permit.*

### Plan Content – (less than 5 acres)

An Erosion and Sediment Control Plan must include:

- A. Description and location of the specific measures that the applicant proposes to employ to minimize soil erosion and the migration of soil off of the site.
- B. Sequence of construction, including each land disturbing activity and the installation of erosion control measures.
- C. Provisions for maintenance of the erosion control measures.
- D. Drawing including site layout, dimensions of land disturbing activities and location of erosion control measures.

### Plan Content – (more than 5 acres)

Erosion and Sediment Control Plan must contain the required elements as listed in 327 IAC 15-5-7 (Rule 5)

### Enforcement

In the event of non-compliance, the Building Control Commission shall notify the permit holder. The Building Control Commission shall notify proper authorities for enforcement action.

- a. Fines, fees and penalties for non-compliance will be assessed

The Building Control Commission shall post stop work order if:

- A. Any land disturbing activity regulated under this rule is being conducted without a permit.
- B. The Erosion and Sediment Control Plan is not being implemented in good faith.
- C. The conditions of the permit are not being met.

21

**Sanitary Systems**

The design, construction, installation, location, maintenance, operation and size of the residential sewage system shall comply with the provisions of the Indiana State Board of Health Rule 410-IAC 6-8.1 and Brown County Ordinance #1994-6-6-1.

*Some of the basic septic absorption system requirements are as follows. Refer to the legal documents listed above for complete criteria.*

- \* 1. There shall be no construction of any kind covering any portion of residential sewage disposal system  
*Note: State regulations prohibit driveways and parking areas over septic fields.*
- \* 2. The use of holding tanks for new construction shall not be permitted.
- \* 3. Where alterations or septic repairs of an existing system are planned or required, the owner must first obtain a written permit from the Brown County Health Department for such changes.
- \* 4. The septic system must be installed, inspected and approved by the Brown County Health Department prior to the start of dwelling construction.
- \* 5. A soil survey, specifying slope, limiting factors and evaluation is required and must be approved by the Brown County Health Department. Indiana State Board of Health approved personnel or a state-approved firm, which performs soil analysis for evaluation, shall conduct this evaluation.
- \* 6. Subsurface absorption fields shall not be constructed in areas where the land surface slopes greater than fifteen percent (15%). Elevated mound system maximum slope of six percent (6%)
- \* 7. Subsurface absorption fields shall not be constructed in soils rated severe by the Soil Conservation Service or in soils which a seasonal high ground water, bed rock or limiting layer exists within two feet (2ft) of the proposed trench bottom; unless the limitation is not present as shown by field investigation or can be overcome. No absorption field lateral shall be installed in unstable ground such as unconsolidated fill. Alternative methods of overcoming limitations may include, where approved; shallow trenches, alternating fields, artificial drainage, flood dosing, pressure distribution and elevated sand mound systems. When an alternative method is used to overcome a limitation, the proposed trench bottom shall be at least 24 inches (24") above the limiting layer.
- \* 8. The Conservancy District follows Brown County Ordinance # 1-72 and Brown County Health Department - Annex A in regards to size of septic fields - see attached information.
- \* 9. Minimum distance in feet to system

	Septic Tank	Absorption Field
Lake (property line)	50	50
Stream, ditch, ravine or drainage tile	25	25
Dwelling or other structure	10	50
Side lot lines	5	5
Front lot lines	5	5
Water lines under pressure, including existing water lines of adjacent property	10	10
Dwelling elevated above absorption field	10	10
Dwelling absorption field above dwelling	10	50

Lift stations carry the same requirements as septic tanks.

- 0. No shack, or out houses to include pit, mechanical, electrical or chemical toilets shall be permanently erected or emptied on any lot, plot, or parcel within the boundaries of the Cordry Sweetwater Conservancy District.
- 11. No cars, trucks, tractors, backhoes, or any other heavy vehicle shall be driven over any subsurface, or mound absorption fields at anytime, before or after construction.

22

### Building Requirements

1. Lot shall be no smaller than originally platted.
  2. A stake survey is required for new dwellings.
  3. When adding any structure, both the locations of the structure and the septic field (new and existing) must be staked on the property. The burden of proof lies with the property owner.
  4. If there is an existing septic system, Brown County Health Department approval of the existing system is required when applying for any permit except for docks, decks, sheds, fences and detached garages.
  5. When issuing approval and determining the size of the septic field, a garage under or attached to the house will be included in the square footage requirement.
  6. All erosion barriers must be in place prior to construction.
  7. Total replacement of a structure (footings and slab remaining) requires the Conservancy inspection and Brown County permit(s). If not replaced on the same foundation and with the same square footage and number of bedrooms (or bedroom equivalents) structure will be considered as new dwelling.
  - \* 8. An accessory building (shed, deck, garage, etc.) may not be erected prior to the completion of the dwelling. Exception: single plane dock not to exceed three-hundred square feet (300 sq. ft)
  9. Any new cuts into drives or roads must have Conservancy District approval. The Conservancy District shall determine the location of the new cut and may require a metal culvert.
  10. Any modular, prefabricated, or "off-site" fabrication home must carry certification under HUD 93-383, 88 STAT 633; 42 USC 5401.
  11. All new dwelling plans must include adequate parking spaces for a minimum of two vehicles.
- Variances – may be granted if no conforming alternative is available.*

### Structures and Set back Requirements

#### A. Dwellings:

1. Minimum Square Footage Requirements:
  - a. All one-story structures shall have a minimum first floor area of not less than one thousand (1000) square feet.
  - b. All one and one-half story structures shall have a minimum first floor area of seven hundred and twenty (720) square feet and a total of both floors of one thousand (1000) square feet. However, the entire upper floor of said structure shall be finished and livable.
  - c. All Tri-level and Bi-level structure shall have a minimum first floor area of one thousand (1000) square feet not including the lower level of the structure.
  - d. All two-story structures shall have a minimum first floor area of seven hundred and twenty (720) square feet and a total of both floors of not less than one thousand (1000) square feet. However, the entire upper level of said structure shall be finished and livable.
  - e. All structure not mentioned by the above descriptions shall not have a total living area of less than one thousand (1000) square feet.
  - f. Construction must be completed prior to occupancy, and construction of said residential structure must be complete within one (1) year of its beginning.
  - g. Minimum width of a structure is 20 ft.
2. Minimum setback to the front building line including decks, porches, etc. constructed between the house and the road lot line:
  - a.) At side drives: thirty-five feet (35ft) from property line at the edge of the road or fifty feet (50ft) from the center of the road, whichever is greater
  - \* b.) At main roads. (i.e., Centerlake Drive, Cordry Drive, Sweetwater Drive, Sunset Drive) fifty feet (50ft) from property line at edge of road or sixty-five feet (65ft) from center of road, whichever is greater.
- \* 3. Minimum setback from side lot lines are as follows: one side- ten feet (10ft), other side- fifteen feet (15ft)

Instrument      Book Page  
200000002760 OR      27 1305

Requested By: xxx 05/17/2004

23

- \* 4. Minimum setback from rear property line - twenty-five feet (25ft)
  - \* 5. Maximum height restriction to highest ridge of structure above ground at finished floor on roadside of property line - twenty-five feet (25ft)
  - \* 6. Maximum area of lot covered by dwelling and all accessory buildings including garages - thirty percent (30%).
  - 7. Location of all fuel supply tanks shall conform to NFPA 58 Table 3-2.2.2, under the jurisdiction of the Brown County area Plan Committee/Building Department. Minimum horizontal distance from any structure, property line or line of buildings:
    - 125-500 gallon tanks -10 feet
    - 501-1200 gallon tanks -25 feet
- D. Accessory Building (including garages and carports) Maximum square footage of all out buildings shall not exceed the total square footage of the dwelling.
- 1. Minimum setback from road lot line are as follows: side drives - twenty feet (20ft), main drives - thirty-five feet (35ft)
  - 2. Minimum setback from side lot line - six feet (6ft)
  - 3. Minimum setback from rear property line - twenty-five feet (25ft)
  - 4. No habitable space.
- C. Decks, open (no roof or sides)
- 1. Minimum distance from side property line - six feet (6ft)
  - 2. Minimum setback from road property line - same as dwellings
    - b.) At side drives: thirty-five feet (35ft) from property line at the edge of the road or fifty feet (50ft) from the center of the road, whichever is greater
    - b.) At main roads (i.e., Centerlake Drive, Cordry Drive, Sweetwater Drive, Sunset Drive) fifty feet (50ft) from property line at edge of road or sixty-five feet (65ft) from center of road, whichever is greater.
  - 3. Minimum setback from rear property line - twenty-five feet (25ft)
- D. Boathouse/Dock/Boatlift- Boathouse shall mean a roofed structure with open or closed sides, which is constructed to provide primary access through an open entrance to the lake. Said structure use is to provide for the protection and storage of marine equipment including but not limited to watercraft and accessory items.
- 1. Maximum distance from the property line into the lake - twenty feet (20ft) - (watercraft and dock combination no more than 28 ft. out from the shoreline.)
  - 2. Maximum distance from the property line into the lake in coves of one hundred twelve feet (112ft) or less in width - twenty-five (25%) of cove width at normal pool stage of lake (watercraft and dock combination)
  - 3. Fifteen (15 ft) feet of unobstructed water must remain in the center of the cove
  - 4. Minimum setback from side lot line - five feet (5ft)
  - 5. A storage facility of no more than 24 cubic feet is permitted.
  - 6. Maximum height of boathouse decks and structures all-inclusive - fourteen feet (14ft) above water level at normal pool stage.
  - 7. A boathouse may be constructed in an excavated area so long as the removed soil is properly retained, and providing such site alteration will not reduce the required separation distance between the sanitary system and the lake.
  - 8. A lot with no dwelling shall be allowed to construct only a single plane dock not to exceed three hundred square feet (300 sq. ft) with no storage.
- E. Fencing ( no permit required subject to the following criteria)
- 1. Maximum of three (3) feet, six (6) inches in height for all fencing
  - 2. Fencing must be of a decorative nature
  - 3. Fencing must not obstruct reasonable view, light or air to any lot owner
  - 4. Minimum setback from rear property line - twenty-five feet (25ft)
  - 5. Dog pens must meet minimum setback requirements and variance guidelines
  - 6. No kennels allowed (for 5 or more)

Requested By: xxx 05/17/2004

24

F. Swimming Pools -- same as accessory buildings

1. Minimum setback from road lot line are as follows: side drives - twenty feet (20ft), main drives - thirty-five feet (35ft)
2. Minimum setback from side lot line - six feet (6ft)
3. Minimum setback from rear property line - twenty-five feet (25ft)
4. All state and county laws apply.
5. As specified by State Code, below or in ground pools require fencing
6. As specified by State Code, above ground pools over thirty (30) inches deep require a handrail.

25

## Tree and Landscape Regulations

### Section 1 - Purpose and Goals - It is the purpose and intent of this regulation to:

- A. Promote and enhance the beauty of the CSCD through tree preservation and landscaping.
- B. Insofar as practical, safeguard the ecological environment of the CSCD by dissuading the unnecessary clearing and disturbing of land and natural vegetation that exists.
- C. Promote planting of trees and shrubbery on public and private land.

### Section 2 - Definitions

- A. Caliper - the caliper is the diameter measurement of the trunk taken 6 inches above ground level
- B. Diameter Breast Height (DBH) - the diameter of a tree in inches at 4 1/2 feet above the average ground level, and is applicable to trees irreplaceable height.
- C. Exempt Tree - any tree on the exempt tree list maintained and provided by the CSCD.
- D. Person - person shall be defined as any individual, corporation, business or any other entity, whether private or governmental, including the CSCD.
- E. Public Property - all property owned by the CSCD and all property included in the right-of-way as defined by the CSCD.
- F. Replacement Tree - a replacement tree shall be a tree two inches (2") in caliper or greater which is not an exempt tree. Further, replacement tree shall conform at mature size with the planting space, taking into consideration buildings, sidewalks, curbs and overhead and underground utilities.
- G. Tree - a woody, perennial plant, ordinarily with one main stem or trunk, which develops many branches, and which ordinarily grows to a height of ten feet or more with a diameter in excess of 6 inches at a height of five feet.

### Section 3 - Tree Removal

- A. No person shall remove a tree from public property except by the consent of the CSCD or its designated agents.
- B. No person shall remove any non-exempt tree of ten inches (10") DBH or greater from unimproved private properties unless said removal is part of an approved construction development plan.
- C. A person must have removal completed within 30 days of notice, and need not replace a tree if it cannot be saved and if any of the following conditions are present:
  - 1. the tree causes a safety hazard to pedestrians or vehicular traffic
  - 2. the tree causes safety hazard to a building
  - 3. the tree is diseased or weakened causing safety hazards to the public
  - 4. the tree or any portion of the tree is in the lake

### Section 4 - Tree Preservation

- A. General Provisions
  - 1. The requirement of this section shall apply to all projects that require a site plan review.
  - 2. Landscape plans, when such are required, shall specify the planned impact of improvements and development (overhead lines, roadways, berms, parking areas, etc.) upon the property.



Requested By: xxx 05/17/2004

26

Section 5 – Enforcement

The provisions of this regulation shall be enforced in accordance with the CSCD Rules and Regulations.

Exempt Tree List –

- Ailanthus Altissima – (Tree of Heaven)
- American Elm – (except disease-resistant varieties)
- Black Locust
- Black Pine
- Box Elder
- Choke Cherry
- Cottonwood
- Mulberry
- Osage Orange – (Hedge Apple)
- Silver Maple
- Sumac
- Willow

27

### VARIANCE GUIDELINES

1. No variances will be approved if other solutions are available.
2. The lake must not be endangered.
3. All work must be within the property boundaries, and meet County and State regulations.
4. There must be no health hazard.
5. Other areas of consideration maybe but not limited to view, ecological impact, design compatibility.

### VARIANCE PROCEDURES

1. Pick up Conditional Use Application form and Building Rules from the CSCD office.
2. Fill out Conditional Use Application form after reading Building Rules and *return* it to CSCD office with plot plan showing location of septic field and location of proposed variance with accurate measurements (four corners must be staked on property). A copy of your recorded warranty deed showing proof of ownership and a copy of latest tax receipt marked paid.
3. Form will be dated, stamped and logged in CSCD computer and will then be given to the Building Control Commission by the Building Monitor for review.
4. A site visit within seven (7) days by the Building Control Commission will be scheduled to qualify and advise to the necessity of a variance.
5. Petitioner must provide, to the Building Control Commission, proof of notification to all property owners within a 300 ft. radius of the property line. Notice shall be given at least two weeks prior to the hearing and must include a fair description of the proposed variance and the time and date of the hearing.
6. After consideration by the Building Control Commission a written recommendation will be submitted five days prior to the hearing date to the CSCD Board of Directors for their review. On the specified hearing date, notified property owners shall have the opportunity to state their objections. At that time, the CSCD Board of Directors will approve or deny the request for variance.
7. If approved, the petitioner must obtain a permit from the Brown County Plan Committee prior to construction.
8. The Building Control Commission will make a follow-up visit for verification of compliance.

Requested By: xxx 05/17/2004

2806  
28

## SIGNS

Only the following types of signs may be posted in the Conservancy District:

1. Real Estate "For Sale" Signs: Real estate "For Sale" and "For Sale by Owner" signs are limited to one (1) sign on the lake side of the property and one (1) sign on the road side. Signs may not exceed 1,600 square inches and may not be more than 66 inches above grade level. They must be removed within 3 days after the house is sold.
2. Events and/or Sales: Temporary signs for sales, open houses, functions, etc... including directional signs, may be posted for periods not to exceed 72 hours. Signs will be limited to one (1) on the property and one (1) directional sign on each drive or access road leading to the property from Cordry Dr., Sweetwater Dr. or Sunset Dr. No sign is to exceed 1,600 square inches or more than 50 inches above grade level.
3. Home Construction Improvement Signs: One (1) sign identifying the general contractor may be posted on the property while work is in progress. The sign may not exceed 1,600 square inches nor be greater than 50 inches above grade level. The sign must be removed within 3 days after construction is completed. NOTE: No business, trade or commercial enterprise shall be advertised within the boundaries of the Conservancy District if no construction is in progress on that property.
4. Political Signs: Temporary political signs may be posted only on a freehold owned by the freeholder. Signs may not exceed 8 square feet and may not be erected more than 30 days prior to Election Day and must be removed within 3 days after Election Day. No signs are permitted on Conservancy property, right-of-ways or poles or posts. However, candidates running in this jurisdiction may post one (1) sign on the road right-of-way at each of the three entrances to the area, subject to size and duration list herein.
5. Permanent Signs: Signs containing only the name of principal occupant of a dwelling or the generic name of the dwelling, no larger than 12 inches by 24 inches posted on the property and on a common standard at the beginning of the drive are permitted. Scattered signs on individual standards at the beginning of a drive are not permitted. All other permanent signs must be approved by the CSCD Board of Directors.