

# **LAKE TOMAHAWK PROPERTY OWNERS' ASSOCIATION**

## **RULES & REGULATIONS**

**Revised 02/15/2022**

Use of the Lake and all Lake Tomahawk property shall be in compliance with the Rules and Regulations of the Lake Tomahawk Property Owners Association.

Violation of these Rules and Regulations may result in fines assessed in accordance with a fine schedule adopted by the Board of Trustees.

Article 1: ASSOCIATION MEMBERSHIP

1. All Lake Tomahawk property owners are members of the Lake Tomahawk Property Owners' Association. Members whose dues, assessments, fines, ( if applicable ) are current will be considered active members of the Association.
2. Active members, together with their immediate family and guests, are entitled to use of the Association facilities. Active members are entitled to one vote in Association elections and to voice their opinions at Association meetings.
3. Membership dues of \$30.00 and assessments are payable each year on April 1<sup>st</sup>. A 10% per annum penalty will be assessed on delinquent accounts and membership privileges suspended if dues are not current.
4. Billing for dues owed will be mailed by January 15<sup>th</sup>.
5. Deeded lots must be recorded in the Columbiana County Auditor's office before membership approval.
6. The Annual Meeting as specified in the Articles of Incorporation is to be held at Tomahawk Lake subdivision, Columbiana County, Ohio on a date, time and location as determined by the Board of Trustees.
7. When a member owns multiple lots, any and all lots that are occupied by a dwelling will each be considered as a single billable lot and billed to the owner at the rate presently required for single lots. When any single dwelling encompasses more than one lot, only the first lot will be billed at the single lot rate and the additional lots will be billed at the multiple lot rate.
8. LTPOA will assess 10% annually to all delinquent accounts and will add the cost to file a lien against the delinquent owner to the account every time a lien is filed against that owner. 12/20/05
9. For billing purposes, the Columbiana County Auditor's website shall be the source of information for owners of record, except where the owner is a Trustee of the property or holding a land contract. The buyer must file a copy of the contract in the office. 9/18/07

#### Article 2: MEMBERSHIP CARDS AND IDENTIFICATION STICKERS/ HANGERS

1. Active members will annually receive membership cards and Lake Tomahawk identification stickers/ hangers.
2. Membership cards are not transferable. Membership cards may only be used by those whose names appear on them.
3. Active members will either carry a current membership card or display a membership sticker/ hanger when on LTPOA property.
4. A membership sticker/ hanger is to be affixed to the rear-view mirror of each member's car so as to be clearly visible to security. Additional stickers/ hangers are available from the office.
5. Stickers/ hangers and passes are valid only until 3/31 after the previous year's membership.

#### Article 3: ASSOCIATION GUESTS

1. Each member will be issued six guest cards per year.
2. Members are responsible for the actions of their guests. Guests must either possess a guest card or be accompanied by a member.
3. Guests will be admitted only with a pass unless prior arrangement has been made with the office or security.

4. Guests are not permitted to bring guests.
5. The property owner's name must be on the guest card.
6. No guest is allowed to put any watercraft into the lake.

#### Article 4: BEACH

##### A. Swimming at the Beach

1. Swimming at the beach is permitted only within the designated area.
2. When lifeguards are present, they are provided for your protection and for the enforcement of published rules and regulations. The Association is not responsible for accidents, injuries, or loss of personal property while swimming. 11/15/05
3. Children under 12 years of age are not permitted to swim without parental supervision.
4. Unnecessary roughness is not permitted on the beach.
5. No fires or fireworks are permitted on the beach.
6. No glass bottles or alcoholic beverages are permitted on the water side of the fence at the beach. Do not picnic on the beach.
7. Wear modest attire, ours is a family beach.
8. Lifeguards have the right to set limitations on children, if parents will not.
9. Lifeguard orders must be obeyed. When the lifeguard blows three blasts on a whistle, everyone must leave the water.
10. No-wake buoys are to be from the corner of the playground to lot #540, no drop off within 50' of the swimming area.
11. Golf carts are not permitted on the waterside of the fence at the beach.

##### B. Swimming from Waterfront Lots

No swimming will be permitted more than twenty (20) feet from shore.

#### Article 5: BOATS AND PERSONAL WATERCRAFT

##### A. Registration

1. All boats on Lake Tomahawk must be registered with the Association and display a registration sticker.
2. Prior to launching, all boats must meet Coast Guard requirements; fire extinguishers, life preservers, running lights.
3. Upon presentation of the title and proof of insurance, boat stickers can be purchased annually by active members. Registration stickers are to be clearly displayed above the water line on the RIGHT STERN of each boat.
4. Three-inch numbers indicating the owner's lot are to be displayed above the water line on BOTH SIDES OF THE STERN of each boat.
5. Except for pontoon boats, no additional boats over 21 feet will be permitted on the Lake.
6. Effective September 20, 2011, there will be a limit of four (4) stickers that can be purchased per property owner in good standing for watercraft over 5 h.p. 11/15/11

##### B. Operations

1. All boat operators are to observe the safe boating practices contained in the Watercraft Laws of Ohio.
2. Driving a boat while under the influence of alcohol is prohibited. Reckless or

- dangerous operation of a boat is prohibited.
3. Speed is to be governed by prevailing conditions. The no wake zone is to be observed in all coves and non-skiing areas.
  4. Each boat must contain one life preserver for each passenger. Children under 10 years of age must wear a life preserver when in a boat.
  5. Boats are not to carry passengers in excess of the number specified by the manufacturer.
  6. Non-powered boats, sailboats and other watercraft, have the right of way over powered craft. Boats towing skiers have the right of way over other power craft. The wake of your boat must not interfere with swimmers, non-powered boats or fishermen.
  7. All boats on the lake after sunset must display navigation lights to include a green bow light to starboard and a red bow light at port. They must also display a white light at the stern that is visible 360 degrees around the horizon. Non-powered watercraft and watercraft at anchor must display a white light visible for 360 degrees around the horizon.
  8. All watercraft must not exceed a speed of 6 mph from sunset to sunrise.
  9. All boating will be in a counterclockwise direction.
  10. No unoccupied boat shall be moored more than 15 feet from shore.
  11. No rule is a substitute for good judgment. Violators of the established rules will be asked to remove their boats from the lake.
  12. No tying of boats to the fence at the beach.
  13. A 30 minute launch to test a new boat for property owners only.
  14. No boating in a 30' perimeter of a swimming area. (buoys and ropes)
  15. All watercraft owners will receive a copy of the ORC watercraft rules and must abide by them.

### C. Dock Rental

All of the following regulations must be met by May 1<sup>st</sup> of every year for dock slip. If not met by May 1<sup>st</sup> at midnight dock will become forfeit to the next person on the list.

1. Must be a member of the LTPOA in good standing.
2. Boat must have a current year sticker purchased at lease signing.
3. Proof of insurance on boat and insurance to include property damage must be provided.
4. Dock rental agreement must be signed and filed with the lake office
5. Signed rules and regulations must be filed with the lake office
6. Dock rental fee must be paid in full.

### **No Subletting of Dock Slips**

There is no subletting of dock spaces to others. The Boat that uses the dock slip must be the boat registered at the office for that slip and that member. Any subletting will cause immediate forfeit of your dock space.

### D. Key Fob

Use of the key fob by a non-resident on launching of a boat that is not owned by a lake

member is prohibited.

#### Article 6: WATER SKIING AND PERSONAL WATERCRAFT

1. Boats towing skiers must have an observer at least 12 years of age.
2. All boats and skiers must maintain a distance of 25 feet from stationary craft, 35 feet from shore and 30 feet from beach areas.
3. All skiers and personal watercraft operators must wear a life preserver.
4. Water skiing and use of personal watercraft is not permitted between sunset and sunrise.
5. Skiing is not permitted in the coves or near the swimming area.
6. All personal watercraft must meet coast guard requirements.
7. All personal watercraft must have proof of insurance and be in active member's name before the sticker may be purchased.
8. Persons born after January 1, 1982 need a Boater Safety Certificate to operate a PWC. 7/16/06 See Ohio Boat Operator's Guide for age requirements for operating a PWC.
9. No skiing behind a personal watercraft unless it is a 3 PERSON JET SKI WITH A SPOTTER (2/19/08)

#### Article 7: FISHING

1. Yearly fishing badges can be purchased by active members. (Net proceeds go to the Sportsmen's Club for fish purchases)
2. Members and guests must wear a badge while fishing. Cost of badges will be determined by the Board.
3. Children under 12 years are not required to have a fishing badge.
4. Persons fishing are responsible for their hooks. Do not fish near the beach.
5. NO FISHING from the dam. (ODNR/ LT Rule)
6. Unused bait and bait containers are to be disposed of properly. Do not discard in the lake.
7. Seining is not permitted.
8. Bass caught during spawning season (January 1 to June 15) are to be returned to the lake.
9. Stocking programs must be approved by the Board.
10. Only construction material authorized by the Board of Trustees may be placed in the lake for fish habitat.
11. Taking of frogs is prohibited.
12. Fishermen can put boats at the Marina free of charge after October 1, (when the lake is being lowered) as long as dock space is available.
13. No group other than a Board sanctioned club may put on a fishing tournament.
14. Guests fishing at Lake Tomahawk must have a guest card and a fishing badge. Guests (nonfamily members) fishing in a common area or from a boat on the lake, must be accompanied by a property owner with voting rights or a member of the property owner's family, living at the lake. Family members of property owners may fish Lake Tomahawk with a guest card and a fishing badge. 6/17/08

#### Article 8: SCUBA DIVING

1. Divers are to receive prior permission from the Board of Trustees.
2. Scuba diving is permitted by divers certified by a recognized association such as PDI, MAUI, NASDS, or YMCA.
3. Divers are to float a flag in the vicinity of their activity.
4. Diving is permitted only in non-ski areas, day or night.

#### Article 9: LAKE ACCESS AND RECREATIONAL AREAS

1. All fires are to be extinguished before you leave. Picnic tables are not to be moved.
2. Garbage is to be carefully wrapped and placed in the containers provided.
3. Automobiles or boats are not to be washed in the picnic areas.
4. Lights at the tennis courts are on timers to ensure the lights are not on after 11 p.m.
5. CURFEW: All Lake Tomahawk Common Areas  
Midnight – weeknights (Sunday - Thursday)  
1:00 a.m. - weekends (Friday - Saturday)

#### Article 10: USE OF ASSOCIATION BUILDINGS

1. Active members may have use of the Beach Pavilion, Sportsman's Building (beach house), Vincent Welch Pavilion, or the Community after all dues and assessments are paid and the property owner is in good standing. Check with the office for current charges and deposit.
2. Lake Tomahawk Property Owners Association or the Lake Tomahawk Sportsman's Club will not be held responsible for any injury or property loss sustained by anyone using the facilities. All those using the facilities do so at their own risk and assume all liability for any loss or damage to their person or property.

#### Article 11: MOBILE VEHICLES

1. We have adopted the Ohio Revised Code as a guide on LTPOA roadways with the exception of the following provisions of Article 11:
2. When the security guard is at the Lake entrance, all vehicles are to stop and be acknowledged.
3. A speed limit of 25 mph is to be observed by all vehicles within the Lake.
4. Vehicles at Lake Tomahawk must be licensed and operated by a licensed driver.
5. Vehicles, including snowmobiles and motorbikes are not to trespass on private property.
6. Absolutely no campers, tents, trailers (except boat trailers), toy haulers, RV's, or similar trailers are to be towed, parked or placed on property without a dwelling, this includes utility trailers for storage.
7. There is to be no camping on property without a dwelling.
8. Golf carts/utility vehicles may be used or driven on common roadways of Lake Tomahawk if they comply with Article 12 provisions. Please check with the office for a sticker and current charges. 1/15/08
9. Parking is limited to no less than 3 feet from the edge of paved surfaces. It is prohibited to park vehicles in such a way as to impede snow removal, mowing or two-way traffic.

10. No tractor-trailers or cabs are to enter or park at Lake Tomahawk, except for construction purposes or special permission. 1/15/08
11. No overnight parking on LTPOA property without written permission from security. 1/15/08
12. All motor vehicles, motorcycles, golf carts, utility vehicles used on LTPOA property Roads; effective December 19, 2017. Lake Tomahawk security will be issuing speeding citations as follows:  
The person receiving a speeding citation will get a letter from Lake Tomahawk Property Owners' Association stating they may pay the fine or mail the money to the LTPOA office, 8853 Pontiac Trail, Negley, OH 44441. This letter will also provide instructions for the person who wishes to dispute the citation. LT property owners will be responsible for the actions of their guests. Guests receiving speeding citations and don't pay within 30 days the property owner will be responsible for paying the citation.

Article 12: GOLF CARTS/ UTILITY VEHICLES USED ON LTPOA PROPERTY AND ROADS  
(These rules also apply to all utility vehicles) 1/15/08

1. All golf carts must be registered at the Lake Tomahawk office at the time of purchase. A one-time registration fee of \$25 and purchase of a sticker is required with compliance of the following:
2. All operators must be licensed drivers.
3. Lot numbers must be displayed in 3" numbers on the LEFT REAR of the cart.
4. An orange flag on a 6' fiberglass pole must be mounted on the LEFT REAR of the cart.
5. Golf carts may only be used during daylight hours UNLESS they are equipped with headlights, taillights and a flashing strobe light.
6. Current proof of insurance for the cart must be on file in the Lake office.
7. A disclaimer releasing LTPOA from any lawsuit resulting from accidents involving golf carts on Lake Tomahawk roads must be signed and kept on file at the Lake office.
8. Golf carts must be operated only on the common roads or pavement of LTPOA property. Golf carts are prohibited on the water side of the fence at the beach.
9. A maximum speed of 25 mph will be strictly enforced.
10. LTPOA traffic rules do not apply to the areas of Dyke Road adjacent to Lake Lake Tomahawk and the road adjacent to the Marina. These are county roads and therefore, subject to State rules under the Ohio Revised Code. TRAVEL THESE ROADS AT YOUR OWN RISK.
11. Quad runners are not permitted on Lake Tomahawk roads.
12. Utility vehicles must follow all golf cart rules. The definition of a utility vehicle is any vehicle with a maximum speed of 25 mph and not requiring registration by the State. Please check with security for temporary permission for other vehicles. 7/18/06
13. Beginning in 2011, the owners of golf carts and utility vehicles shall present on an annual basis a copy of the insurance binder on such vehicles and receive in return a no-cost sticker to be placed on the front right hand side of the bumper of their golf cart or utility vehicle. 10/19/10

Article 13: MAINTENANCE OF PROPERTY

1. Members are responsible for the appearance of their property. All property at LTPOA must present a neat appearance. It must not constitute a fire, health or safety hazard.
2. No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done on said lot at the sole discretion of LTPOA's Board, that would become an annoyance or nuisance to the neighborhood.
3. Storage of unlicensed vehicles is prohibited.
4. No signs may be erected without written permission from the Board of Trustees.
5. Storage of building materials is permitted only while construction is in progress.
6. Contained recreational fires are permitted.
7. Open burning must follow local fire department rules.
8. No Association equipment to be used for hire on personal property.
9. LTPOA has tree trimming access on all road right of ways (10 ft. from the edge of the road)
10. Residents must use current garbage company contracted by the Board. Check with the office for the company name.
11. Common areas used for dumping are limited to fill purposes only with Board approval. Violators are subject to a \$500 fine. 11/15/05
12. Lake Tomahawk Common Property is defined as property originally deeded to Lake Tomahawk Property Owners for recreation, lake access, green space or common use. (ie office, entrance, dam) 12/22/05
13. Porta-johns may be used on private property for a special function. A total of seven (7) days will be allowed for set up, use and removal. 9/19/06
14. All outdoor wood burning furnaces and or heat sources are banned from installation and use within the Lake Tomahawk Community, as such activity violates Deed Restriction #5.

#### Article 14: SALE OR TRANSFER OF PROPERTY

1. Sellers are asked to submit buyers' names, number of family members, address and place of employment to the office as soon as possible.
2. Buyer will receive the written approval of the Board of Trustees. Inquire at the office regarding any outstanding fees or assessments on your potential purchase.
3. Sellers are asked to forward the names and address of the buyer to Aqua Ohio and the tax office in Lisbon, OH. Refer to your property by lot number.
4. For sale signs should be no more than 18"X24".
5. Property owners must give written permission to realtors to show their property.
6. The sale of all property purchased by the Association shall be at fair market value as determined by the Board. 1/15/06

#### Article 15: RENTAL OF PROPERTY

1. You may not rent or lease any home or property on the development without the written approval of the Board of Trustees.
2. Renters are considered guests of the property owners.
3. Renters may not put any watercraft of their own in the lake.



## Article 16: CONSTRUCTION

### 1. General

- a. LTPOA reviews property owner submittals to ascertain if the proposed construction complies with the LTPOA restrictions, rules, etc. LTPOA does not warrant that the proposed plans are "fit for purpose". It is each property owner's responsibility to acquire any necessary state and local government approvals as may be required.
- b. The LTPOA Restrictive Covenants numbered 1-10 as written in the Original Deed Restrictions shall be followed where applicable. When the Original Deed Restrictions differ from the following Constructions Guidelines then the more restrictive requirements shall govern.

### 2. Repairs to Existing Construction

- a. Repairs to existing property components do not require a LTPOA permit if the repairs to the existing component(s) do not alter the existing size or appearance.

### 3. Homes

- a. Lots shall be used exclusively for residential purposes except those lots that may be specifically designated or zoned as business or commercial.
- b. All documents along with permit application fee must be submitted for review and approval by the LTPOA Board of Trustees prior to construction. This includes plans for any home, home renovation and accessory buildings including, but not limited to, sheds, gazebos, playhouses or greenhouses.  
A copy of the plans will be retained by the Board. Plans shall include a Plat of Survey showing all existing improvements, a site plan showing all existing and proposed improvements to scale, and a septic plan as applicable.
- c. A septic permit from Columbiana County Health department must be presented with building plans for approval before a building permit will be issued.
- d. The septic system must be in compliance with the Lake Tomahawk Septic Rules which include at least 25,000 square feet of useable ground excluding all setbacks, driveways and easements as described in Article 16 # 7. No drain field or other disposal system shall be allowed nearer than 60 feet from high water mark of Tomahawk Lake. All septic systems must also comply with all state and local rules, regulations and ordinances.
- e. Plans are to include a plot plan showing location of house, septic system, driveway and any other pavement or structures.
- f. No more than one single family dwelling house may be erected or constructed on any one lot.
- g. No residence shall have less than 900 Square feet of living space on the ground floor or first floor, excluding porch areas.
- h. No porch or projection of any building shall extend nearer than 30 feet to any road right of ways, nor nearer than 10 feet of the property line of any abutting property owners, nor within 50 feet from the normal water line of Tomahawk Lake as shown on recorded plots. A 10 foot wide easement along all road rights of way and a 5 foot wide easement along the sides and rear lines of each and every lot must be reserved for the operation of maintenance except where the owner of two or more adjoining lots constructs a building which cross over or through a common lot line.
- i. All houses must be under roof and their exterior completed within 6 months of the start of construction. Landscaping is to be completed within one year.
- j. Common driveways or access roads through other members' lots must be

- approved by the Board of Trustees and incorporated into the appropriate deeds.
- k. Minimum 18" culverts are to be used for all construction. Variances may be given only by the LTPOA Board.
  - l. Site grading in conjunction with any new or repair work on a lot is not allowed to direct additional ground water onto a neighboring property.
  - m. Plans submitted to the Board are good for one year.
  - n. Permits are to be clearly displayed on site.
  - o. A Construction liability insurance certificate for \$5000 must be submitted with all plans for new construction.
  - p. No permit will be issued without a plot plan and septic system on file with the county. If not adhered to, a \$100 a day fine will be assessed.
  - q. There is a moratorium on any construction except stick-built homes constructed on site, as of October 1999. Deed restriction #2 specifies no house trailers shall be erected, moved to or placed upon said premises. The definition of a house trailer is a manufactured home that is built in a factory on a permanent steel frame and initially titled.
  - r. As the Board's interpretation of Original Deed Restriction #2; on two (2) or more contiguous lots owned by the same individual, where a house is present, one (1) additional outbuilding may be erected for a garage or storage purposes. Under no circumstances will more than two (2) outbuildings be permitted irrespective of their use.
4. Swimming Pools
- a. Prior to purchasing and installing a pool (above ground or in ground) all plans are required to be submitted to the LTPOA Board for approval.
  - b. Any toxic spills, accidental or otherwise, including pool chemicals or pool water that cause harm to the Lake or wildlife, the property owner will be held financially responsible for expenses incurred in resolving the issue.
5. Tree Removal
- a. Site clearing and logging may only be performed in conjunction with an approved submission for a new home by property owners in good standing. A LTPOA permit is required prior to work being performed. When approved, tree removal must be completed within 6 months. The cost of all road damage caused by heavy equipment or logging trucks will be assessed to the property owner responsible. An additional \$100 per month will be assessed for each month after the initial 6 months that the brush is not removed.
  - b. Removal of trees and tree trimming on property which are already improved with existing homes does not require a LTPOA permit.
  - c. Removal of dead trees is recommended and is required if considered a hazard by the LTPOA.
6. Shoreline
- a. In order to minimize shoreline erosion Rip Rap must be installed on all lake front shorelines, unless otherwise provided for herein.
  - b. Lake front property owners must use one of the following: Limestone of 3" to 8" diameter, River Rock of 4" to 24" diameter, or Gabion Baskets.
  - c. Rip Rap must be installed on lake front property prior to a building permit being issued. Rip Rap must be substantial enough to insure shoreline erosion does not take place.
  - d. All existing sand beaches must be contained in a manner that avoids erosion of sand into the lake. New sand beaches are no longer allowed.

- e. Retaining walls along the shoreline must be approved by the Board. The Board will not approve any wave reflective walls. All walls must be wave dissipating.
  - f. Alterations to the shoreline of any kind must be submitted for approval.
7. Boat Docks
- a. Boat docks are to be approved by the Board of Trustees prior to construction.
  - b. Deed restriction #6 is to be carefully observed.
  - c. No sticks, styrofoam, steel drums or oil drums are to be used in dock construction.
  - d. Docks are to be maintained properly and should be removed during winter months to avoid ice damage.
  - e. All docks in access areas belong to LTPOA and must be rented from LTPOA.
  - f. No more than one watercraft is permitted per assigned docking slip without prior approval of the Board of Trustees.
8. Mailboxes
- a. Mailboxes are to be 41-45 inches from the ground and far enough off the road not to be a hazard or impeded mowing or snow plowing.
  - b. House number must be displayed on mailbox or mailbox support of a size and color as recommended by the U.S. Postal Service.
  - c. House numbers must be displayed in good condition prior to a building permit being issued for any reason with the exception of new home construction on a vacant lot.
9. Fences
- a. An application for construction of a fence must be submitted to LTPOA board for prior approval before construction
  - b. The LTPOA has the final approval on all aspects of the fence design material used in construction. The finished surface shall be outside with all posts, braces, etc... on the inside. It shall be the responsibility of the property owner erecting the fence to provide maintenance of the outside surface.
  - c. All components of fences including posts shall be located within the property lines of the subject property. Fences shall not exceed 6' in height on side and rear yards. On lake front property rear yard fences shall not exceed 3' in height and shall have a setback of 50' from the shoreline. In front yards the fence shall not exceed 3' in height. Fences shall not interfere with clear site or create a visual obstruction. No fence shall extend into the road right of way.
10. Pavement
- a. An application for the addition of pavement on a property must be submitted to LTPOA board for prior approval before construction.
  - b. Pavement includes any hard surface including driveways, walks, patios, sport courts, etc.
  - c. The addition of pavement shall be installed in a manner that does not direct additional ground water onto neighboring properties.
  - d. The surface of any pavement shall not exceed 3' in height above any adjacent ground and retaining walls shall be used if necessary. Guardrails are recommended in accordance with applicable building codes.
11. Decks
- a. An application for the addition of a deck on a property must be submitted to LTPOA board for prior approval before construction.
  - b. The surface of any deck level, not attached to a residence, shall not exceed 3' in height above any adjacent ground. Guardrails are recommended in accordance

with applicable building codes.

#### 12. Site Drainage

- a. The construction of a home, outbuilding and any structures shall be installed in a manner that does not direct additional ground water onto neighboring properties.
- b. Underground drain lines shall be installed in a manner that does not direct additional ground water onto neighboring properties.

#### Article 17: MISCELLANEOUS:

1. No firearms may be discharged within the Lake Tomahawk community unless authorized in advance by the LTPOA Board of Trustees. Each violation will subject the offender and/or member to a \$500.00 fine.
2. No discharging of fireworks within the Lake Tomahawk community without State or Columbiana County permit and permission from LTPOA Board. The discharging of fireworks is illegal in the State of Ohio.
3. Only recognized domestic pets (cats, dogs, birds, etc.) are permitted at Lake Tomahawk.
4. Dogs must be leashed and under the control of its owner. Excessive barking is considered a nuisance. Fines will be issued accordingly in the discretion of the LTPOA Board.
5. No dogs are allowed in the beach area.
6. No vicious dogs are permitted on any property in the Lake Tomahawk community. 1/16/07
7. Hunting and trapping are prohibited in Lake Tomahawk Subdivision unless express prior permission is given by the LTPOA Board.

#### Article 18: TRUSTEE PROCEDURES

1. All invoices \$1500 or greater must be subject to Board approval, as well as all expenses to be incurred in any area that exceeds that area's budget requires Board approval.
2. Three sealed bids for any contract must be obtained. When receiving three bids is not possible, documentation should be recorded showing that an attempt was made. Opening of the bids shall be conducted with more than one trustee in attendance. Qualifications and experience must be taken into consideration (even if it is not the lowest bid) when awarding a contract.
3. There will be a \$100 cash limit for any payments without a Trustee's signature on the receipt.
4. Capital Improvement Fund: funds assessed and collected will be designated for Capital Improvements supported by the Strategic Plan. These funds cannot be re-classed and used for other assessments, other than the Capital Improvement Fund.
5. Reserve Fund: funds collected for major extraordinary expenses. These funds cannot be re-classed and used for other assessments, other than the Capital Improvement Fund.
6. The maximum duration for any contract with LTPOA will be three (3) years. 3/16/10

Article 19: COMPLAINTS

1. Complaints shall be in writing to the Board or verbal at Board meetings. A complaint form is available in the office.
2. Nuisance: after 3 formal complaints by 3 property owners on separate occasions, the situation will be considered a nuisance and the individual will be contacted either by letter or security, to eliminate the nuisance. If the situation is not eliminated, the property owner will be fined \$100 per month until the issue is resolved. 9/19/06

Article 20: Fees and Fines

- Application Fee: New Property Owners..... \$30.00
- Delinquent Accounts.....10% annually and cost to record lien
- Maps..... \$5.00
- Boat Registrations:
  - Over 5 HP.....\$40.00
  - Under 5 HP.....\$7.50
- Boat Docks (Standing reservations) Payments due by May 1<sup>st</sup> or you lose your dock space:
  - Marina (1-16).....\$400.00
  - Marina (17-18).....\$400.00
  - Beach.....\$4000.00
- Fishing Badges. \$5.00 or 3 for \$10.00
- Golf Cart/Utility Vehicle Registration Fee (for life).....\$25.00
- Rentals – Deposits will be refunded if rental is back the way it was before renting. Two checks will need to be issued for rentals:
  - Beach Pavilion (Whole)..... \$200.00 with deposit of \$100.00
  - Beach Pavilion (Half)..... \$100.00 with deposit of \$50.00
  - Beach House.....\$65.00 with deposit of \$60.00
  - Vincent Welsh..... \$100.00 with deposit of \$50.00
  - Community Room.....\$50.00 with deposit of \$25.00
- LTPOA Permits:
  - New construction Application fee (1<sup>st</sup> review).....\$500.00 (due with application)
  - New construction (2<sup>nd</sup> and each subsequent review).....\$50.00
  - Lot Tree Clearing/Logging.....\$500.00
  - All other construction Application fee (1<sup>st</sup> review)...\$50.00 (due with application)
  - All other construction (2<sup>nd</sup> and each subsequent review).....\$50.00

**OHIO REVISED CODE (O.R.C.)**

**CHAPTER 4511 – TRAFFIC LAWS – OPERATION OF VEHICLE**

<b><u>20.R.C</u></b>	<b><u>OFFENSE</u></b>	<b><u>FINE</u></b>
4301.62	Open Container – Automobile	1 <sup>st</sup> Offense Written Warning 2 <sup>nd</sup> Offense \$25.00
4511.12	Traffic Control Devices (Wrong way at entrance)	\$50.00
4511.201	Reckless operation of a Vehicle	\$100.00
4511.202	Failure to control vehicle	\$25.00
4511.27	Improper Passing	\$25.00
4511.41	Right of way at intersection	1 <sup>st</sup> Offense Written Warning 2 <sup>nd</sup> Offense \$25.00

4511.432 Failure to comply with Stop Sign 1<sup>st</sup> Offense Written Warning  
 2<sup>nd</sup> Offense \$25.0  
 4511.82 Littering from a vehicle \$50.00

**OHIO REVISED CODE (O.R.C.) CHAPTER 7 (WATERCRAFT/WATERWAYS) 1547  
 (BOATING)**

\*\*Ohio boating laws are enforceable on all waters of the state including private waterways.

<u>O.R.C</u>	<u>OFFENSE</u>	<u>FINE</u>
1547.071	Unsafe Boating-Officer Discretion Or	1 <sup>st</sup> Offense \$25.00 2 <sup>nd</sup> Offense \$50.00
(1547.07	Reckless or unsafe operation of vessel, Water skis, or aqua plane)	
1547.06	Underage Operator	1 <sup>st</sup> Offense \$25.00
1547.071(B-4)	Improper display of Navigation Lights	1 <sup>st</sup> Offense Written Warning 2 <sup>nd</sup> Offense \$25.00

Or

**1501.47-2-22 Ohio Administration Code (OAC)**

1547.07	Endangering property	1 <sup>st</sup> Offense \$50.00
	Endangering person	1 <sup>st</sup> Offense \$200.00
1547.08	Operation of a watercraft in a Designated swimming, buoyed or No wake zone	1 <sup>st</sup> Offense \$25.00 2 <sup>nd</sup> Offense \$50.00

Operating a watercraft with excessive speed through no wake zone area over 6mph (security discretion)  
 1<sup>st</sup> Offense Warning  
 2<sup>nd</sup> Offense \$50.00

1547.15	Spotter (10 years or older) required	1 <sup>st</sup> Offense Written Warning
When skiing or similar device (i.e. tubing)		2 <sup>nd</sup> Offense \$25.00

**1547 BOATING (CONTINUED)**

Operating a watercraft without an operating boater safety license per state law	1 <sup>st</sup> Offense Warning escort back to dock 2 <sup>nd</sup> Offense \$25.00 3 <sup>rd</sup> Offense \$50.00
1547.16 No water skiing after dark	1 <sup>st</sup> Offense \$25.00

Violation for hanging from, walking on, taking watercraft under, fishing of Spillway Walkway without board approval. Spillway walkway is not to be accessed in anyway without approval from the board.  
 1<sup>st</sup> Offense Warning  
 2<sup>nd</sup> Offense \$25.00  
 3<sup>rd</sup> Offense \$50.00

**OHIO REVISED CODE 955**

**955.22 Confining, restraining, debarking dogs; dangerous dog, registration certificate.**

<u>O.R.C</u>	<u>OFFENSE</u>	<u>FINE</u>
955.22	Dogs: Failure to confine	1 <sup>st</sup> Offense Warning 2 <sup>nd</sup> Offense \$25.00 3 <sup>rd</sup> Offense \$50.00

**OHIO ADMINISTRATIVE CODE 1301:7-7-33 EXPLOSIVES AND**

**FIREWORKS.**

<u>O.A.C</u>	<u>OFFENSE</u>	<u>FINE</u>
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Section 3301	Exhibition of Fireworks	1 <sup>st</sup> Offense Warning
Sub-section		2 <sup>nd</sup> Offense \$25.00
3301.1.3 Fireworks		3 <sup>rd</sup> Offense \$50.00
<b><u>LAKE TOMAHAWK VIOLATIONS VIOLATION</u></b>		<b><u>FINE</u></b>
Lake Tomahawk (LT) Rules and Regulations		
Article 17 (7) Hunting without LTPOA approval		\$50.00
LT Rules and Regulations		
DUI/OVI		1 <sup>st</sup> Offense \$50.00
		2 <sup>nd</sup> Offense \$75.00
Article 11 (12) Speeding	(1-10 mph over)	1 <sup>st</sup> Offense Written Warning
		2 <sup>nd</sup> Offense \$25.00
	(11-15 mph over)	1 <sup>st</sup> Offense \$25.00
	(16-20 mph over)	1 <sup>st</sup> Offense \$50.00
	(21-over)	1 <sup>st</sup> Offense \$60.00
**All speeding tickets are officer discretion.		
Failure to stop/and or Yield to Security		\$50.00
Excessive noise (Security Officer Discretion)		1 <sup>st</sup> Offense Written Warning
		2 <sup>nd</sup> Offense \$25.00
Unauthorized watercraft		IMMEDIATE REMOVAL
LT Rules and Regulations, Article 5		
Section a (3)		
No sticker on watercraft		1 <sup>st</sup> Offense \$50.00
		2 <sup>nd</sup> Offense \$75.00
LT Rules and Regulations, Article		1 <sup>st</sup> Offense \$50.00
17 (Miscellaneous) (3) - Only recognized		2 <sup>nd</sup> Offense \$100.00
Domestic pets (cats, dogs, birds, etc.) are		
Permitted at Lake Tomahawk		
LT Rules and Regulations, Article 2 (4)		1 <sup>st</sup> Offense \$50.00
Failure to display valid Lake Tomahawk		2 <sup>nd</sup> Offense \$75.00
Vehicle hanger		
LT Rules and Regulations, Article 12		1 <sup>st</sup> Offense Written Warning
Golf Carts/Utility Vehicles		(two days to comply)
		2 <sup>nd</sup> Offense \$25.00
LT Rules and Regulations Article 4,		1 <sup>st</sup> Offense Written Warning
Section A (1) and Section B		2 <sup>nd</sup> Offense \$25.00
Swimming outside of designated areas		
Illegal dumping.....		\$500.00
Building w/out a permit.....		\$100.00/day
Brush not removed after logging (6 months).....		\$100.00/month until
removed		
Rip Rap.....		\$10/day until completed
Dock Noncompliance.....		\$10/day until compliance
Septic systems must be pumped at intervals not to		
Exceed 5 years. Failure to comply .....		\$10/day until compliance

All fines will be calculated for a 12-month period from date of first offense.  
Repeat offenders will be charged the maximum fine for each additional violation  
During this 12-month period.

Key Fob mis-use.....1<sup>st</sup> Offense \$25.00  
2<sup>nd</sup> Offense \$75.00  
3<sup>rd</sup> Offense Vote by board for  
removal of privileges

**Original Deed Restrictions  
Lake Tomahawk Subdivision  
Columbiana County, Ohio**

The Warranty Deed from SELLER (Grantee) to PURCHASER (Grantor) shall contain the following restrictive covenants.

1. Sold lots shall be used exclusively for residential purposes except those lots that may be designated, subject to rezoning (if any), and zoned as business or commercial areas on the plots by Lake Tomahawk, Inc.
2. Not more than one single family dwelling house may be erected or constructed on any one lot, nor more than one building for garage or storage purposes and provided further that no building or structure of any kind shall be erected prior to the erection of a dwelling house.

No necessary or temporary building shall be used or occupied as living quarters. No structure shall have tar paper, roll brick siding, or similar material on the outside walls. No house trailers, campers, tents, shacks or similar structures shall be erected, moved to, or placed upon said premises. All building exteriors must be completed within six months from the date the construction commences.

3. No residence shall have less than 900 sq. feet of living space on the ground floor or first floor, exclusive of porch areas. All foundations and structural plans for any building or structure are subject to the approval of Lake Tomahawk, Inc., or it's assigns. No porch or projection of any building shall extend nearer than thirty (30) feet to any road right of ways, nor nearer than ten (10) feet of the property line of any abutting property owner, nor within fifty (50) feet from the normal water line of Tomahawk Lake, as shown on recorded plots.
4. No outside toilet shall be allowed on the premises. No untreated waste shall be permitted to enter into Lake Tomahawk. Each dwelling shall have an individual sanitary unit, and the owner of said lot shall install a septic type of sewage treatment plant, or any other type of plant approved by the Columbiana County Health Department. All sanitary units must conform with the recommendation of the said Columbiana Health Department and Lake Tomahawk, Inc., or its assigns. No drain field, or other disposal system shall be allowed nearer than sixty (60) feet from the high water mark of Tomahawk Lake.



No individual water wells shall be allowed on any residential lot, and each residence shall use the water supply, if any, from the Public Utility supplying water to the subdivision.

5. No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done thereon which shall be or become an annoyance or nuisance to the neighborhood. No animals or fowl shall be kept or maintained on said lot except customary household pets. No signs of any kind shall be displayed on any lot without the written permission of Lake Tomahawk, Inc., or its successors or assigns. All lots must be kept in a tidy manner. Failure to do so will result in maintenance of said lot by the Property Owners' Association in which event a proper charge for same will be levied, and collected as provided in Restriction Number 8 hereof.
6. No boat docks, floats, or other structures extending into the Lake shall be constructed or placed into or on said Lake without prior written approval of the Lake Tomahawk Property Owners' Association, Inc., its successors or assigns. Use of the Lake shall be in compliance with the rules and regulations of the Lake Tomahawk Property Owners' Association, Inc.
7. Lake Tomahawk, Inc., for itself, its successors, and licenses reserves a ten (10) foot wide easement along all road rights of way and a five (5) foot wide easement along the side and rear lines of each and every lot for the purpose of installing, operating, and maintaining utility lines and mains thereon, together with the right to trim and /or cut or remove any trees and /or brush and the right to locate guy wires, braces, and anchors wherever necessary for said installation, operations or maintenance, together with the right to install, operate and maintain gas and water mains, sewer lines, culverts, and drainage ditches, and other services and appurtenances thereto, for the convenience of the property owners, reserving also the rights of ingress and egress to such areas for any of the purposes mentioned above. Exceptions: (1) where the owner of two or more adjoining lots constructs a building which shall cross over or through a common lot line shall not be subject to the aforementioned five (5) foot easement unless it is shown on recorded plots, (2) no easement shall exist on that portion of any waterfront lot running along or abutting the shoreline of Lake Tomahawk, unless shown on the recorded plots, except, however, Lake Tomahawk, Inc., for itself, its successors, assigns and licenses reserves the right to cause or permit drainage of surface waters over and /or through said lots. Lake Tomahawk, Inc., its successors or assigns, reserves an easement on, over or under all road rights of way for the purpose of installing, operating, and maintaining the above mentioned utilities and drainage. The owners of said property shall have no cause of action against Lake Tomahawk, Inc., its successors, assigns, or licenses either at law or in equity excepting in case of willful negligence, by reasons of any damages caused said property in installing, operating, removing or maintaining the above mentioned installations. Lake Tomahawk Inc., its successors and assigns, reserves the mineral rights to lands hereto.
8. Each lot owner in Lake Tomahawk Subdivision shall be subject to an annual charge of \$30, which he agrees to pay to Lake Tomahawk Property Owners' Association, Inc., its successors and assigns, annually on the 1<sup>st</sup> day of April (as provided in the Code of Regulations of said Association) commencing in the year following the date of the

Agreement of Purchase, for the maintenance and upkeep of the various areas reserved for the use of the property owners, irrespective of whether the privileges of using such areas are exercised or not. Grantee agrees that the use of any of the above mentioned areas shall be subject to the approval of the Grantee, his heirs, executors or assigns for membership in Lake Tomahawk Property Owners' Association, Inc., as herein provided and to comply with all rules and regulations from time to time promulgated by said Association. Grantee, for himself, his heirs, executors and assigns, further agrees that the charges as herein set forth shall be, and constitute a debt which may be collected by suit in any court of competent jurisdiction or otherwise, and that upon the conveyance of any part of the land described herein, the purchaser thereof and each and every successive owner and / or owners shall have the time of acquiring title covenant and agree, as aforesaid to pay to Lake Tomahawk Property Owners' Association, Inc., its executors and assigns, all charges past and /or future as provided in, and in strict accordance with the terms and provision hereof.

As part of the consideration hereto, Grantee for himself, his heirs, executors and assigns, agrees that he will not sell, assign or convey to any person, or persons not approved for membership in Lake Tomahawk Property Owners' Association, Inc., and all persons owning residential lots to said Subdivision shall be members of said Association.

9. Grantee for himself, his heirs, executors and assigns, agrees that as a consideration of sale, and as a condition precedent in the installation of water mains adjacent to the lots as herein described and as appears on the Lake Tomahawk Subdivision map of which said mains are to be located by Lake Tomahawk, Inc., or its assigns, that the Grantee(s) jointly and severally promise to pay to the Grantor or order a minimum of \$4 per month, payable annually on the 1<sup>st</sup> day of April each year as long as water is available for use.

The payments are to be computed on the basis of beginning with whichever month immediately follows availability of water service to Grantee, his heirs, executors and assigns, whether or not as actual connection is made by the said Grantee, his heirs or assigns, to the mains. The Grantor, or its assigns, upon receiving a written request and \$195 will install a water connection from the main to the Grantor's lots. These charges are subject to change by the Public Utilities Commission of Ohio. It is understood and agreed that the above mentioned consideration, if unpaid, shall constitute a lien encumbrance on or against said lot tract, or parcel of lands, which lien shall be equal to and shall participate with other first liens as provided by law. Exceptions and further explanations pertaining to conditions for water service have been, or will be recorded in the office of the Recorder of Columbiana County, Ohio, and are hereby incorporated in an expressly made part of the agreement by reference.

10. These restrictions shall be considered as covenants running with the land, and shall bind the Grantees, their heirs, executors, administrators, successors, and assigns, and if said Grantees, their heirs, executors, administrators, successors, and assigns, shall violate, or attempt to violate, any of the covenants or restrictions herein contained, it shall be lawful for any person or persons owning any such lots in the subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from doing so, or to recover damages for such violation.

All of the restrictions, conditions, covenants, or agreements contained herein shall continue until January 1, 1976. The same may be thereafter, and from time to time be changed, altered, amended or revoked in whole or in part by the owners of the lots in the subdivision whenever the owners of at least two thirds of the lots so agree in writing. Provided, however, that no changes shall be made which might violate the purpose set forth in restriction No. 1. Any invalidation of any one of these covenants or restrictions shall in no way effect any other of the provisions thereof which shall thereafter remain in full force and effect.

This Instrument Prepared by:  
Sharon K Moraski  
Lake Tomahawk Property Owners' Assoc.  
8853 Pontiac Trail  
Negley, OH 44441 (330) 227-3537