

Revised 12/30/24

Dear Cumberland Lakes Property Owners,

12/30/24

In 2024 the Board worked in conjunction with our Architectural & Environmental Compliance Committee (AECC) and the Board voted in several changes to the AECC Requirements and Restrictions. As you read through the document you will see that we have highlighted the changes so that they will be easy to see.

Also, as our community grows, the Board of Directors needs to review and evaluate our governing documents. In December of 2024 a proposed amendment was accepted by the membership through voting ballots mailed to all property owners in good standing. This amendment is Articles 9.7 Minimum Square Footage Requirements, 9.7.1 Garage Requirement, and 9.7.2 Outbuilding Size Restrictions of Cumberland Lakes Covenants and Restrictions.

We have included the section from our Covenants and Restrictions that sets forth the action the Board followed to amend the Covenants and Restrictions.

Covenants and Restrictions Section 11

Amendment. 11.1 This declaration may be amended upon the approval of a majority of the votes cast at duly called meeting with a set quorum, but not less than fifty one (51%) affirmative votes of the Members of the Association. In order to be effective, any amendment to this Declaration must first be recorded in the public records of each county in which the subject property is located, and such amendment shall contain a certification by the President and Secretary of the Association that the amendment was duly adopted.

The amended Article in the Covenants and Restrictions will **replace 9.7** and take effect as of December 30th, 2024. It will read as follows:

9.7 Minimum Square Footage Requirements. No structure shall be erected upon the Subject Properties in violation of the size restrictions contained in the recorded plat, as it may be amended from time to time. In addition to such size restrictions any living unit constructed on any lot within the Subject Properties shall have a minimum sixteen hundred (1600) square feet of heated living space, exclusive of porches, garages, carports, patios and similar external features. The building must not exceed two (2) stories in height.

9.7.1 Garage Requirement. It is required that a minimum of a one car enclosed garage, either attached or detached, be constructed along with the living unit and compliment the living unit in appearance.

9.7.2 Outbuilding Size Restrictions. No other building may be constructed that will exceed the square footage of the living unit.

In 2023 the Board reviewed the Covenants and Restrictions and determined that clarification and updating was needed. One section that was addressed is Short Term Rental Restrictions and the other is Parking as related to vehicle restrictions. Both received a unanimous vote by the Board to accept. These two are listed below as published policy statements. Please take the time to read through them.

We have included the section from our Covenants and Restrictions that sets forth the action the Board followed to enact these policy statements.

Covenants and Restrictions Section 9.20

Additional Rules and Regulations. The Board may establish such reasonable additional rules and regulations as may be deemed to be for the best interest of the Association and its Members, with a positive vote of at least two thirds (2/3) of the total current number of Board members. Such rules and regulations shall be included in the Bylaws or a published policy statement.

Short Term Rental Restrictions

Single family residential homes may be rented only in their entirety, no fraction or portion thereof. Existing contracts as of March 1st 2023 will be grandfathered. At the end of any existing contracts these restrictions would be followed. All leases shall be in writing and for a term of no less than (6) six months, except with prior written consent of the Board of Directors. Notice of any lease, a copy of the lease, and any additional information that may be requested shall be submitted to the Board by the owner of the property within (30) thirty business days prior to approval. If approved, the property owner shall submit a signed copy by both the property owner and lessee matching the original Board approved lease prior to the execution of said lease. The property owner must make available to the lessee a current printed copy of Amended Covenants, Restrictions, and Bylaws. The property owner shall provide a signed acknowledgement of receipt by lessee of the Amended Covenants, Restrictions, and Bylaws. The property owner will be responsible for any and all actions that violate the Bylaws, Covenants, and Restrictions by the lessee and any and all fines or property damage by lessee. The lessee or the property owner cannot sublease the remaining part of a lease if terminated early for any reason. No single-family home or portion thereof may be used as a hotel, motel or any type of short-term rental lodging such as a B&B or Air B&B.

9.5 Parking. No commercial vehicles shall be parked within the Subject Properties unless the vehicle(s) is/are being used on a temporary basis in connection with new or improvement construction.

9.5(a) Definitions of permitted commercial vehicles are as follows: Normal passenger vehicles, with business lettering or logos. This includes passenger cars, SUVs vans, and pick-up trucks. Public service vehicles for on duty/on call personnel are permitted for occasional overnight parking. This includes police, fire, and public utility vehicles.

9.5(b) Definitions of **NON** permitted commercial vehicles is as follows: Vehicles with expired or invalid registration. Excavation vehicles and heavy equipment of any kind. Heavy trailers used to move commercial vehicles/equipment, trailers that haul debris associated with a commercial business, dump trailers, and goose neck trailers. Dump trucks. Utility trailers with business lettering or logos. Tractor unit with or without the semi-trailer attached of any length. School buses of any size. Vehicles or trailers of any kind that are not capable of movement due to engine failure, axle failure, transmission failure, or flat tires (i.e. abandoned vehicle or trailer with no action to move and/or repair). Other similar vehicles/trailers as determined by the AECC and/or the Cumberland Lakes Board of Directors as being used in a commercial venture.

Non permitted vehicles can be allowed on residential property as long as it is in an enclosed garage and completely out of sight and conforms to section 9.1 of Cumberland Lakes Covenants and Restrictions. Non permitted vehicles/trailers in noncompliance must be removed from the property within 48 hours of written notice by the AECC and must not return to the property until compliance with Cumberland Lakes Covenant and Restrictions can be met.

We encourage you to visit the Property Owner's Association website for Association updates at www.cumberlandlakes.net

We also encourage you to contact the Board of Directors should you have any questions, concerns, or comments by using the "contact us" button on the upper right corner of the web page.

Sincerely,

Cumberland Lakes POA

Board of Directors

Cumberland Lakes

ARCHITECTURAL & ENVIRONMENTAL

COMPLIANCE COMMITTEE

(AECC)

Requirements and Restrictions

Revised 12/30/24

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INTRODUCTION LETTER

Dear Property Owner,

The Architectural & Environmental Compliance Committee (AECC) is a committee generally consisting of five residents of Cumberland Lakes. The Property Owners Association (POA) Board of Directors (BOD) appoints committee members to determine what impact your construction project will have on our woodland environment.

The intent of this document is to provide information and guidelines you are required to follow during the exterior phases of construction. Throughout the document, the AECC emphasizes the importance of preserving the environment and respecting the property of other property owners.

The AECC meets on the third week of each month, exact day and time to be coordinated by the Chairman of the AECC and will be posted on the community calendar on the website; at that time, we review the requests for new construction, tree removal, and various external home improvement projects. The AECC invites property owners to attend the meetings, and following the meetings, the committee is available to answer your questions.

To ensure a prompt response from the AECC, please submit the appropriate information and forms associated with your request as **one complete package. Failure to fill out the proper paperwork and secure approval from the AECC prior to the start your project will result in a \$250.00 fine issued at the POA Boards discretion.** Depending on the scope of the project, page 5 provides a list of documents that you must submit. **Incomplete information or forms** will result in delaying your request. All AECC forms can be found on our website at www.cumberlandlakes.net.

Once the committee has completed a full review of the information and the forms you submitted, the AECC must send you a letter or email, within a maximum of 45 days, informing you of its decision. In the event the AECC denies your request, you have the option to apply for a variance or, if necessary, you have the option to proceed with the appeal process outlined on page 15.

A member of the AECC will begin monitoring your project when you receive written notification of your request approval and the AECC committee member posts the metal project approval sign. **The work performed must conform to the information you submitted to the AECC for its approval.** Any additional projects or significant modifications to existing projects require separate approval.

Contractors must deliver construction material to the homeowner's property. Keep easements clear at all times. No porta potty or overnight construction equipment allowed on easements. All contractors that will be on the property owner's premises will be subject to requirements set forth by the POA including hold harmless and indemnification in favor of the POA.

It is the sole responsibility of the property owner for all costs incurred in obtaining power to the property. This includes clearing and cleaning debris of properties affected where power poles and placement of the power lines.

ARCHITECTURAL & ENVIRONMENTAL COMPLIANCE COMMITTEE:

The AECC is a Cumberland Lakes Property Owner's Association committee with the responsibility of monitoring and inspecting all building construction in Cumberland Lakes. The Uniform General Requirements of the Covenants and Restrictions as approved March 30, 2010, added policy statements dated December 13, 2023, an amendment added December 30, 2024 and AECC Requirements and Restrictions updated December of 2024 provides for the committee's authority.

The AECC recommends that property owners familiarize themselves with the contents of this document, and Article 6, Article 9, and Article 10 of the Covenants & Restrictions. Please pay particular attention to Articles 9.7, 9.7.1, and 9.7.2 of the Covenants & Restrictions as this was amended December 30, 2024 and relates to Minimum Square Footage Requirements, a Garage Requirement, and Outbuilding Size Restrictions. The Covenants & Restrictions establish the AECC committee's areas of responsibility, i.e. residential dwellings, garages, outbuildings, entrance columns, gates, ponds, pools, security lights, and modifications to exterior structures, etc.

The purpose of this document is to assist property owners to understand the intent of the articles above. The Association nor the AECC assumes or implies any responsibility for the quality of materials or the workmanship of your contractors; this remains the sole responsibility of each individual property owner. (Also, see CONSTRUCTION PRACTICES on pages 8-9 and HOME RESTRICTIONS POLICY on page 7.)

The drawings providing structure elevations etc. **must** include property owner's name, the total square footage of the living heated floor space, contractor's name, Block number and Lot number. The Covenants and Restrictions require that all new homes must have a minimum of 1600 sq. ft. of heated living floor space. The building must not exceed two (2) stories in height. It is required that a minimum of a one car enclosed garage, either attached or detached, be constructed along with the living unit and complement the living unit in appearance. No other building may be constructed that will exceed the square footage of the living unit. In addition, the roof pitch over the primary parts of the home will be a minimum of 6/12 and clearly shown on the building plans. The roof pitch for secondary roof structures such as a roof over a front entry must be at least 4/12. These roof pitch restrictions apply to the primary home and do not apply to any garages, outbuildings, or sheds.

The Covenants and Restrictions **prohibit the erection of any permanent or temporary** structure upon your property no closer than forty feet (40) to the edge of the property line running adjacent to a county road and no closer than twenty-five (25) feet to the property line on all other sides of the property. Please note that there is an easement between your property line and the road. The easement begins at your property line and ends at the edge of the road.

Upon receiving written approval from the AECC, the property owner has twelve (12) months to complete the exterior phase of construction. Upon request, the AECC may approve a six (6) month extension providing the work has been continuous and ongoing.

REQUIRED DOCUMENTS FOR BUILDING APPROVAL PERMIT:

Construction or work cannot begin until the property owner receives written AECC approval, and the AECC posts a metal project approval sign on site.

Once you have submitted a complete building package, the AECC will provide their decision within 45 days.

- (A) Property owners must adhere to all federal, state, and local laws and ordinances.
- (B) The AECC will not approve building submittals unless the property owner's assessment fee is current.
- (C) **Building submittals are reviewed only when all required documents are submitted as a complete package.**
- (D) A fully **completed** and **signed** Cumberland Lakes AECC Construction Approval Request Form is **required** along with **all the appropriate documents** pertaining to your particular project listed below:
 - (1) **A fully executed property deed (Warranty Deed). Each lot listed individually on its own deed.**
 - (2) **A current (meaning in the last 5 years) surveyor's Certified Plat Survey for the lot and/or lots to be built upon. The original certified plat survey for the subdivision or a portion of will NOT be accepted.**
 - (3) **A complete set of building plans with block number, lot number, and your contractor's name on each page.**
 - (4) **A copy of your building permit from Cumberland County if required.**
 - (5) **A copy of your Tennessee Department of Environment & Conservation (TDEC) permits approving location of septic system.**
 - (6) **A copy of the conservation agent's inspection form for ponds (if needed).**
 - (7) **A complete plot plan indicating the mandatory setbacks for your residential dwelling, retaining walls or other structures from adjoining property lines and county roads. In addition, the plan must provide the location of driveways, proposed ponds, the septic system drain field, and the areas scheduled for tree removal for this and all other projects.**
 - (8) **In order to assure completion of your project to your satisfaction, and the POA's satisfaction, we may require evidence of financial resources. Refer to C&R Para 10.2.3 Page 19.**

NOTE: MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED TWO STORIES ABOVE FINISHED GRADE.

NOTE: IT IS IN YOUR BEST INTEREST TO CHOOSE LICENSED INSURED BUILDERS AND SUB-CONTRACTORS WHO ARE FULLY INSURED AND BONDED TO ASSURE COMPLETION OF YOUR PROJECT.

APPROVAL PERMIT SIGNS:

Once you obtain your approval permit, a member of the AECC will place the metal project approval sign in a place that is visible from the road and within 10 ft. of the property owner's driveway. During new home construction the AECC recommends you provide a weather-proof board large enough to accommodate painting your home address on it and large enough to display additional permits.

POLICIES AND REQUIREMENTS FOR NEW HOME CONSTRUCTION AND GENERAL CONSTRUCTION PROJECTS:

TREE PRESERVATION:

Regardless of the size or scope, any work performed on any property must **minimize** the destruction of mature healthy trees. Cumberland Lakes prohibits the practice of **clear cutting or the indiscriminate removal of trees on any property within the Association.**

In an effort to help prevent property damage caused by forest fires, the fire prevention officials **recommend** clearing a 30 ft. area around your residential dwelling of trees and shrubs. Should you select this **option**, the area should extend from your residential dwelling's exterior walls to the surrounding tree line. Although this **option** addresses fire safety, it does not address the additional hazard of large trees falling on your home. To address this hazard property owners also have the **option** to remove trees that are a potential danger to life and property however, you must submit a special request to the AECC to perform this function.

Under no circumstances may a property owner extend their safety zone beyond the property line shared with a neighbor. In the event you find these options to be inadequate to accommodate your needs, you may apply for a variance from the Architectural & Environmental Compliance Committee.

Permission is not required to clear underbrush on your property; **however**, it is requested that you notify the AECC before beginning this project. An underbrush is considered as any tree or plant under 4 inches in diameter. No trees over 4 inches in diameter can be removed. Dead trees that have fallen to the ground can be removed as well.

Should your plans include a pond, you have the option to remove those trees within the designated area, providing the designated area for a pond does meet all other requirements.

FIREWISE CONSTRUCTION PRACTICES:

Cumberland Lakes is a nationally recognized **FIRE WISE** community. This means the residents who live here among the forest fuels take the threat of wildfires **seriously**.

Everyone is committed to the safe disposal of woody vegetation (live or dead trees, fallen limbs, leaves, pine needles, etc.) **to be removed prior to or after home construction.**

Whether you are a contractor, a current resident, or future resident you are advised that **burning permits are required from October 15th through May 15th inclusive**, which is the wildfire season in Tennessee. Call 931-839-2328 or access web @ www.burnsafetn.org for burn permits. **It is not permitted to have unattended fires.** (See **CLEARING & BURNING:** page 7).

Recommended Practices: For new homes and home improvements, look for fire-resistant materials whenever possible. Building materials, including the roof, should be listed by a qualified testing laboratory.

Remove anything that can burn from around your home, deck, porch, or patio out to a minimum of 5 feet (1.5 meters). This includes mulch, dead leaves or pine needles, shrubs or other plants, wood piles, and material for construction projects.

Any plant material that is 5 to 30 feet (1.5 to 9 meters) from your home should be well-watered and spaced to avoid fire moving from plant to plant. Remove dead material on and underneath landscape plants. Grass and weeds should be mowed to a height of no more than 2 to 3 inches (50 to 75 millimeters).

Attic and garage vents should be screened with 1/8-inch (3-millimetres) metal mesh material, or a fire resistive vent design should be used to prevent ember penetration during a wildfire.

CLEARING & BURNING:

Wildfires are always a concern in Cumberland Lakes. Persons found guilty of causing a wildfire are subject to fines and/or criminal charges. Therefore, property owners must familiarize themselves with section 39-14-304 and section 39-14-305 of the Tennessee Wildfire Laws, which are included in your Firewise community package.

Furthermore, if found guilty of being responsible for creating a wildfire, you may be held liable for the damage it causes to surrounding property. Therefore, it is extremely important for property owners, campers or contractors to obtain county approval before burning. Under no circumstances is it permissible to burn toxic waste, rubber, paint, asphalt shingles, and other objectionable material. There is to be no burning of any items on the easement/right of way.

For a burning permit in Cumberland County, call 931- 839-2328 or access website www.burnsafetn.org. Tennessee permits are required Oct.15 through May 15 inclusive. Burning without the required burning permit is punishable by law. **NO UNATTENDED BURNING IS PERMITTED** in conjunction with clearing for building. A \$500 dollar fine will be assessed to the property owner for an unattended fire. Fires must be **TOTALLY EXTINGUISHED** before leaving them unattended. Totally extinguished definition is to put out all flames, embers, and heat so that reignition cannot occur. If you choose to burn overnight, a person shall remain to attentively monitor the burning with a phone source for emergency use.

HOME RESTRICTIONS POLICY:

Cumberland Lakes, according to our Covenants and Restrictions Article 1.10 and 9.3 prohibit specific homes in the community including no homes with a steel frame undercarriage or a HUD approval insignia. These restrictions are an effort to protect the property values of Cumberland Lakes.

The Covenants and Restrictions also require that all new homes must have a minimum of 1600 sq. ft. of heated living floor space. The building must not exceed two (2) stories in height. It is required that a minimum of a one car enclosed garage, either attached or detached, be constructed along with the living unit and complement the living unit in appearance. No other building may be constructed that will exceed the square footage of the living unit.

In addition, the roof pitch over the primary parts of the home will be a minimum of 6/12 and clearly shown on the building plans. The roof pitch for secondary roof structures such as a roof over a front entry must be at least 4/12. These roof pitch restrictions apply to the primary home and do not apply to any garages, outbuildings, or sheds.

CULVERTS:

The AECC requires a 12” to 15” diameter and a minimum of 21 ft. in length culvert of corrugated steel, concrete or of another county approved material within the easement areas of the proposed driveway. However, the county may require a culvert of larger dimensions and, in some cases, no culvert at all. ***In that case, the AECC requires written proof from the Road Commissioner of the county that in their opinion a culvert is not necessary.*** If a property owner stakes out the entrance to their driveway in advance, then buys their culvert, they can arrange through their county Road Commissioner to have a road crew pick up the culvert and deliver it to your job site. The road crew will entrench the culvert and provide one truckload of crushed limestone to bury the culvert without charge. In some situations, additional culverts may be necessary to address other persistent drainage problems.

DRIVEWAYS:

No steel track heavy equipment may be loaded or unloaded on any of our county roads. During excavation, contractors should exercise additional care in keeping the ditch lines and shoulders free of debris. Any disturbance to pre-existing drainage that results in soil erosion becomes the property owner’s responsibility to remedy the condition.

To prevent the depositing of mud from the work site on our roads, the property owner must place a substantial roadbed of limestone gravel or shale on the bare ground upon removal of the trees from the driveway. **It is the property owner’s responsibility to ensure that their contractor adheres to this policy.**

No concrete or asphalt is to be dumped (or truck washed out) into the property’s drainage ditches. The property owner must store any excess concrete on their property.

The Tennessee Forestry Service recommends that entrance gates or columns be at least 15 ft. wide to facilitate unhindered access to your home site. They further recommend a driveway be a minimum of 12 ft. wide with 15 ft. vertical clearance. The area in front of the residence should be wide enough for emergency vehicle turnaround.

Property owners cannot stack timber along country roads regardless of the future purpose of the salvaged timbers. The property owner submitting the AECC request for the driveway is responsible for removing felled trees resulting from (V.E.C) utility pole and electrical line installations. Any felled tree that lies adjacent to a county road is the property owner’s responsibility to remove.

CONSTRUCTION PRACTICES:

The AECC recommends that property owners use licensed and adequately insured contractors. Licensed contractors in Tennessee have a dollar amount restriction placed on their license. Therefore, be sure your contractor has a state license issued with a dollar amount equivalent to the value of the home or structure you plan to build.

When submitting building plans for new home construction, the contractor’s name, your Unit, Block, and Lot must appear on the plans. It is the property owner’s responsibility to ensure that they or their contractor obtain all required permits.

Contractors may place one general contractor builder's sign per job site. Once the job is complete, the contractor removes the sign. The sign cannot remain as an advertisement for an extended period.

Note!

Construction changes that no longer correspond to the original plans (to the EXTERIOR of your project) previously submitted to the AECC for approval MUST BE RESUBMITTED to the AECC prior to proceeding with those changes.

SILT FENCE REQUIREMENTS:

In order to protect the various lakes, streams, and run-off areas located throughout the Cumberland Lakes community, all construction projects which may result in digging or grubbing require the installation of a silt fence **prior to the start** of all digging or construction. Silt fences will meet the requirements as out lined in the [Tennessee Erosion and Sediment Control Handbook](#). The silt fence is to be properly maintained either by contractor or property owner **at all times** during the construction process until such time that grass can be established to control erosion and siltation. Notification by the AECC to repair the silt fence requires **immediate** attention.

BLASTING:

The AECC has **no jurisdiction** pertaining to the possible use of **explosives during the building process** by property owners. Explosives are a federal and state-controlled industry subject to all governmental rules, regulations and procedures.

In situations where the use of explosives is the only option to build, property owners must familiarize themselves with the hazards connected with explosives. For example, rock formations may be violently disrupted causing wells to collapse, damage to adjoining properties and in some cases causing ponds to drain dry. Consequently, as a courtesy to your neighbors, **the AECC requires** that you provide 48 hours' notice **prior** to blasting.

HOUSEKEEPING & TOILET FACILITIES:

The property owner is responsible for keeping the building site orderly. Building debris and food waste and containers **must** be deposited in a construction dumpster or trailer.

The AECC requires the **mandatory** use of temporary sanitary facilities (porta potties) at new home building sites **prior to beginning construction and until all phases of construction are completed. It is NOT permissible to place porta potties on the easements. The easement begins at your property line and ends at the edge of the road.**

During construction, building materials must be stacked in an orderly fashion, preferably away from the building site entrance and not placed on the easements. Job site **security for building materials, tools or other equipment** is the **sole responsibility** of each individual **contractor**. The property owners must ensure removal of all toxic materials from the job site.

Under **no** circumstances is it permissible to **bury toxic waste material, or any other waste building materials**. State law forbids the burning of toxic materials.

Respect for neighboring properties is essential at all times. The property owner may not deposit construction debris, woodland debris or any other offensive material on a neighbor's property. Violation of this provision is subject to fines.

EXTERIOR TREATMENT OF FOUNDATION OR RETAINING WALL MASONRY BLOCKS:

All non-decorative concrete masonry/cinder block foundations or retaining walls visible from the road or lakes must have a minimum of a stucco (or other) finish applied.

Normal (routine, painting, staining etc.) maintenance does not require AECC approval, only notification that you are performing such work. If during such maintenance you decide to change materials or the colors of any part of the exterior structure, you will require prior AECC approval.

REQUIREMENTS FOR POND CONSTRUCTION:

The **setback restrictions** used for permanent structures also **apply to ponds**. However, the 25 ft. setback in this case measures from the **base** of a pond's dam or the **edge** of the pond. The 40 ft. setback from a county road measures from the base of the dam or the edge of the pond.

Prior to constructing a pond, property owners must consult the U.S. Natural Resources Conservation Service field office. This office in your County can provide an experienced professional to assist you prior to the construction of your pond. However, the most important step in building a pond is selecting a highly recommended excavating contractor to perform the work. A dam may require a certificate by a licensed civil or hydraulic engineer.

U.S. Natural Resources Conservation Service Field Offices:

- **Cumberland County Office** is located at 314 Old Jamestown Road Hwy (next to the Crossville Post Office). The phone number is 931-484-5442 ext. 3.

The increased mosquito population has become a serious concern, especially now that there have been deaths reported in Tennessee from the West Nile Fever. Because of this problem and the knowledge that ponds require ongoing maintenance, the AECC will no longer approve the construction of a pond to part time residents.

Stocking of all ponds by AECC approval only.

Proper pond maintenance requires stocking of fish that feed on mosquito larvae, chemical treatment for insect control and an aeration system to control algae. If you have a pond, you are responsible for its upkeep and maintenance.

Should a property owner fail to maintain their pond, it will be necessary for the Property Owner's Association to maintain the pond for THEM. The POA will take whatever action is appropriate to correct the problem and will do so at the PROPERTY OWNER'S EXPENSE.

SWIMMING POOLS:

All pools whether, rural residential, or public must comply with the provisions of the International Residential code, Appendix G. A simple description of this code is listed below.

2012 International Residential Code, Appendix G (IRC) (Simple Description)

Complete code requirements can be found at <https://codes.iccsafe.org/content/IRC2012/appendix-g-swimming-pools-spas-and-hot-tubs>

Applicability: The standards below apply to residential swimming pools.

Barrier Specifications

Outdoor swimming pools (including in-ground, above-ground or on-ground pools) must be completely surrounded by a barrier or fence that meets the following standards:

- The barrier must be at least 4 feet high (measured on the exterior side), with the bottom of the fence no more than 2 inches above the ground as measured from the outside. (If an above-ground pool has a barrier placed on top of the pool structure, the maximum space between the top of the pool and the bottom of the fence is 4 inches.)
- The barrier should not have any openings that allow the passage of a 4-inch-diameter sphere.
- Solid barriers without openings (i.e. masonry or stone walls) must not have any indentations or protrusions (except normal construction tolerances and tooled masonry joints).
- If the fence is made of horizontal and vertical members, the following apply:
 - If the tops of horizontal members are less than 45 inches apart:
 - Horizontal members must be located on the pool side of the fence.
 - Spacing between vertical members or within decorative cutouts must be 1.75 inches or less (in width).
 - If the tops of horizontal members are **more than 45 inches** apart:
 - Spacing between vertical members must be 4 inches or less.
 - Spacing within decorative cutouts must be 1.75 inches or less.
- Any diagonal members (such as lattice fence) may not form openings greater than 1.75 inches.

Gate Requirements

- Any gates or doors must have a lock and comply with the general barrier requirements above.
- Gates used to access the pool must open outward (away from the pool) and be self-closing and self-latching. Other gates (such as service entrances) should be self-latching.
- If the latch release is less than 4.5 feet above the bottom of the gate, it must be located at least 3 inches below the top of the gate on the pool side, while the gate and barrier within 18 inches of the latch release should not have any openings larger than ½ inch.

Dwelling Walls

If a dwelling wall serves as part of the pool barrier, *one* of the following safety measures must be taken:

- The pool must be covered by a powered safety cover that complies to ASTM F 1346
- Doors that provide direct access to the pool must have an alarm (listed and labeled according to UL 2017 standards) that produces an audible warning when the door or its screen are opened. The alarm deactivation switch must be at least 4.5 feet above the door threshold.
- Other protections that are approved by the local governing body (self-closing and self-latching doors, for example) must provide protection equal to an alarm or power pool cover.

Filling a Pool with Water from a Well

Per the Tennessee Department of Environment & Conservation (TDEC) experts, there are no laws in the state of Tennessee that prohibit the filling of large volume containers from private wells. While the TDEC experts agree that there is likely to be none to minimal disruption to the water tables and surrounding wells filling a sizable pool the safer option is to use a water truck for filling the pool. The homeowner must be very cognizant that at a fill rate of 15 GPM a well running 24 hours a day will take approximately 23 hours to fill a 21,000-gallon tank and again the experts agree that a well pump run continuously has a strong possibility of the well head motor burning out. The Cumberland Lakes POA shall not be held liable for any disruption to any neighboring wells due to the well water fill of a constructed swimming pool. Any recourse for legal action resulting from disruption to a neighboring wells or wells would then be a civil court involvement between property owners.

FENCING RESTRICTIONS:

The Board of Directors and the AECC have voted unanimously to **BAN the use of fencing materials used in Cumberland Lakes that could cause physical harm.** This restriction includes barb wire, razor wire, chain link or any other type of wire that may result in injury to humans or animals. In addition, the Board of Directors and the AECC strongly discourage the fencing of entire properties. Property owners who require a fence erected within a **specific area** must provide a plot plan indicating the location of the area and the specific design.

SEAWALLS:

A seawall is a structure separating land and water areas. It is designed to prevent shore erosion and other damage due to wave action and storm surge, such as flooding. Requests for seawalls must be submitted to the AECC.

- Seawalls shall be constructed along the property line adjoining the lake or along the shoreline at the normal lake level.
- Consideration shall be given to the setting of elevations for homes on lake front lots to alleviate possible flooding. Normal water level is described as the crest of the spillway or the elevation at which water starts to break over and flow down the spillway.
- Metal, wood, cinder block, or poured concrete seawalls are prohibited.
- Backing the seawall with mesh screen or crushed stone will help prevent soil washout damage to the seawall when lake levels are high.
- Drainpipes at the base of the seawall are recommended.

GENERAL RESTRICTIONS:

NON-DOMESTIC ANIMALS:

Horses may not be maintained or kept within the Cumberland Lakes community. The Association does not permit animals normally recognized and usually considered as barnyard animals within the boundaries of Cumberland Lakes. This rule applies to domesticated farm animals or other exotic animals normally not recognized as household pets.

PET NUISANCE COMPLAINTS:

Pets should not become a nuisance to your neighbors or the community. Domestic pets are subject to community standards regarding **sight, sound, and smell**. Although we live in an isolated community, the Association follows all state leash laws. Discuss all complaints directly with the homeowner before getting the County involved.

The Cumberland Lakes community believes in respect for animals and to that notion:

- The Association prohibits the tethering, fastening, chaining, tying, or restraining any pet outside to any doghouse, tree, fence, outbuilding, or other stationary object with the exception that a person may temporarily tether a pet “no longer than it is necessary for the person to complete a temporary task.”
- The Association prohibits the keeping of any animal on any **unoccupied** property whether caged or tethered.

DIRECTIONAL REAL ESTATE SIGNAGE:

The Association **prohibits** directional real estate signs located on roadways within the boundaries of Cumberland Lakes. Upon AECC approval, the association allows temporary signage announcing open houses, yard sales, etc., on the roadways. The AECC can grant temporary approval of such signs for a period not to exceed two (2) weeks. After two (2) weeks the property owner removes all the signage.

The placement of real estate signs to include “For Sale By Owner” signs on specific properties shall not exceed the maximum size of 24”x 36”. Place the signs **at the tree line**. Realtors are restricted to one sign per property. Realtor signs must be removed within (30) days following the sale or (30) days from the expiration date of the listing’s contract. All real estate signs must be kept in good condition.

CAMPING:

In the interest of safety, campers must notify the AECC (contact information can be found on www.cumberlandlakes.net) in advance of your stay. The duration of camping stays in Cumberland Lakes is restricted to Property Owners and not permitted to extend beyond (30) thirty days in one yearly period. Campers are required to remove trash and provide suitable means for disposing of sanitary waste. Campers or camping shelters are not permitted to be stored on unimproved properties between camping stays. **Do Not Leave Open Campfires Unattended.**

RECREATIONAL VEHICLES:

A property owner may use a Recreation Vehicles as a temporary residence during construction. However, prior to construction you must obtain written permission from the AECC before doing so. The Association prohibits the use of Recreational Vehicles as a residence once home construction is completed. The phrase “recreational vehicle” shall mean every licensed vehicle and conveyance designed, used or maintained primarily as a travel trailer, motor home, camper, boat and boat trailer or other similar use.

PARKING OF RECREATIONAL VEHICLES:

When parking Recreational Vehicles (motor homes, camper trailers, personal-watercraft, boats, etc.) on their property, the property owner must ensure they park the RV’s in an orderly and neat fashion with reduced visibility from the general roadways if possible. The Association requires that property owners obtain permission from the AECC to park or stored overnight on any lot, public right-of-way (easement) road or other parcel more than three (3) vehicles of any kind, that are visible to the public roadway.

SECURITY LIGHTING:

Due to the rural nature of our community, certain restrictions are required. These measures will preserve our night sky for everyone’s enjoyment and will prevent potentially offensive lighting. The Association allows the use of external security lighting. It is required that you mount the lighting in a manner that is not offensive to your neighbors. Placement for the security lighting is on the home, garage, other outbuilding or a pole. A pole is a device that is a vertical, usually cylindrical shaped, freestanding, self-supporting unit that may have a suitable portion buried in the ground.

Dusk to dawn or 24-hour security lights are not permitted. Security lights can be motion activated allowing for adequate security. No more than two porch lights can remain on during a 24-hour period and they must be at or below 75 watts incandescent /13 watts LED. Flood lights are considered security lights. Low wattage decorative lights can remain on 24 hours as well. If you are having a yard event at your home, security lights can remain on for the duration of your event.

Security lights that exist before the date of this document (9/14/2023) and have specific approval from the AECC and or the CLPOA BOD, may continue to be used dusk to dawn. However, we would ask those residents to comply with the restrictions.

Lighting installed by VEC:

- There shall not be any lighting fixtures attached to the pole(s) that are in the easements.
- Power to the pole must be underground. (At owner’s expense)
- The wattage for the light cannot exceed 150 watts incandescent or 28 watts LED (This will provide security but not excessive brightness to disturb neighbors also it allows a choice of types of light bulbs and brightness). If necessary, the AECC can require the use of a directionally shielded light to prevent brightness to the property owners’ neighbors. The AECC handles all complaints or disputes related to exterior lighting.

The following requirements are necessary when installing lighting on a pole by homeowner or by a contractor.

- Utility poles in the easements cannot contain security lights.
- Light height must be 14 feet to 22 feet above ground.
- When a Security light is to be installed, it is **REQUIRED** that the power lines be placed underground. (At home/property owner's expense).
- The light is limited to 150 watts incandescent or 28 watts LED
- Trees or other foliage cannot be used to mount lights either **ON/IN** the trees or other foliage in of itself
- All expenses incurred in the installation of a security light (power lines, fixture, pole, etc.) are the responsibility of the home/property owner.

The AECC makes the determination about complaints related to the light brightness. Upheld complaints require that lights be shielded (for directionality) or removed at the home/property owner's expense. All lighting maintenance is at the home/property owner's expense.

HOUSE ADDRESS NUMBERS:

The AECC recommends that you obtain your house number from the county's (911) office as soon as possible. **The AECC application form requires your street address.** Having the number located at the entrance to your driveway will facilitate finding your property during construction of your home and aid emergency vehicles responding to a 911 call regardless of the cause.

STORAGE ON UNIMPROVED/VACANT LOTS

No property or equipment will be stored and or parked on lots that have not received AECC prior approval. Stored or parked equipment must be in conjunction with ongoing property improvement and must be removed upon completion of building or clearing.

AECC APPEAL PROCESS:

The AECC endeavors to formulate their decisions based on the initial documents the property owner submits for approval and the impact the request will have on the community. From time to time, the AECC decision or interpretation of the Covenants & Restrictions disagrees with those of the property owner. Therefore, whenever AECC **denies** an approval the property owner is **entitled to appeal** that decision.

To begin the appeal process, submit your written appeal to the AECC and explain the reasons you disagree with the decision. The AECC places your appeal on the agenda of the **next scheduled** AECC meeting for further discussion, which you are welcome to attend.

In the event the AECC again denies your appeal, you then have the option to appeal, in writing, to the Property Owner's Association Board of Directors. **Should the Board support the decision to deny your request the outcome of that hearing is final.**

CONJOINING PROPERTIES:

- When lots are conjoined and a building package request is submitted, proof of conjoined status from the county Registrar of Deed's Office must be provided as part of the building package. Caution: If conjoined and building accesses the easements of conjoined lots then the division and sale of a lot may be encumbered at a later date.
- Properties must be adjoining (touching each other).
- Properties must have same exact owner as appears on deed.
- Property dues (maintenance fees) must be current (paid in full) for the current and previous years.
- Property owners remain liable to pay dues (maintenance fees) on each lot conjoined regardless of number of lots conjoined, i.e. 2 lots – 2 dues, 5 lots – 5 dues. Group lot rules still apply.
- No re-subdivision Refer to C&R para.9.2 page 15. The AECC will only consider re-subdivision to settle property line disputes.

GENERAL FINE STRUCTURE:

The AECC may recommend a financial penalty to the Board for Covenants & Restrictions or AECC Rules and Regulations violations when the property owner, once notified by AECC of the violation, does not take the appropriate action to remedy the violation.

Within the first 30 days, the Association will assess a fine of **\$250.00** per violation. Within the second 30 days, the Association will fine of **\$500.00** per violation. For the third and final 30 days, the Association will assess a fine of **\$750.00** per violation. If the violation has not been corrected and the total fine of **\$1500.00** not paid, the Board will file a lien on the property and impose a **10%** monthly interest penalty until the lien is satisfied or take such remedial action as may be necessary, including Attorney's fees. Ref C&R Para 7.1.2 page 13.

GENERAL FINE SCHEDULE:

AECC initial notice of violation. After 30 days, BOD first letter stating violation and possible fines. After 30 additional days, BOD second letter stating Fine #1. After 30 additional days, BOD third letter stating Fine #2. After 30 additional days, BOD fourth letter stating Fine #3. After 30 additional days, BOD fifth letter stating placement of lien. Total of 150 days to fix violation and pay fines prior to lien.

SPECIFIC CLEAR CUTTING FINE:

The Association prohibits the clear cutting or the indiscriminate removal of trees. Violators are subject to a fine of \$10,000.00 per lot. The Association prohibits the clear cutting any lot without the expressed written consent of the AECC. Refer to Covenant & Restrictions, Section 9.14 -Tree Preservation, page 17, and AECC Requirements & Restrictions, page 6.

UNATTENDED BURNING FINE:

A \$500 fine will be assessed to the property owner for an unattended fire that is in conjunction with clearing for building. Please see page 7 of this document under **Clearing & Burning.**

NO PRIOR APPROVAL BY AECC:

Failure to fill out the proper paperwork and secure approval from the AECC prior to the start your project will result in a \$250.00 fine issued at the POA Boards discretion.