

II. BUILDING AND GROUNDS RULES

A. Building Permits

1. Upon recommendation of the Building Grounds Committee, the directors of the Board of Directors may issue a building permit. This permit is required before any structure, as more particularly described in Article VII, Section 3 of the bylaws, can be placed or constructed on any Members' lot. In addition to this permit, a member must first acquire a Building Permit from the Raleigh County Code Enforcement Department. The issuance of a permit by the County Code Enforcement Department does not assure the issuance of a permit by the FTLA Board of Directors; however, the County permit must accompany the application to the FTLA Board.

There will be no exceptions for any member or his or her contractors to the requirements of these rules and regulations.

2. Requests for permits must be submitted to the Building & Grounds Committee at least (2) weeks before the monthly meeting of the Board of Directors. If requests are not received two weeks prior to a Board Meeting, the request may not be considered until the subsequent Board Meeting. A member must be in good standing and current with all dues, assessments, and all other amounts owed by that member to the Association before the Board of Directors will consider the application of any member for a building permit.
 - a. Permit requests are to include plan view, and all elevation views, along with a plot plan at a scale of not less than 1/8 inch equals 1 foot, accurately showing the location of the structure with regard to the lot lines. Plans must be titled in the lower right hand corner of the drawing; and, show: – drawn by, lot number, lot owner, scale used, date drawn, and the signature and seal of the Registered Professional Engineer and/or the Architect that prepared the plans. All structural drawings (drawings showing any type of structural member) must be sealed by a Professional Engineer. A Siltation and Erosion Control Plan must be included as part of this application for construction, and must be approved by the Board of Directors prior to any removal of vegetation or excavation of the members' lot.
 - b. No structure other than a waterfront wall shall be built within 10 feet of the side, or 30 feet of the rear lot line. This distance shall be measured from the furthest protrusion of the structure (i.e., the point of the structure nearest the lake) rather than the face of the exterior wall. The rear lot line is defined as the property line of any lot nearest the perimeter road, also known as Flat Top Lake Road. The primary residence shall not be constructed within 30 feet of the normal pool shoreline. (Amended 1/4/11)
 - c. All waterfront construction must have property corners surveyed by a registered professional surveyor with a plat and legal description provided with plans showing such corners. All construction within five feet of a property line must be surveyed and located on a suitable "as built" drawing.

- d. Properly addressing structural issues and compliance with all building codes, including all applicable Raleigh County Building Codes is the responsibility of the member. Neither the Flat Top Lake Association, Inc., Board of Directors nor any of its committees, or members of such committees, or its employees shall be in any way responsible for any claims for damages or injuries of any kind to persons or property arising from the failure of any member/ lot owner to comply with the requirements of these rules or negligent design or construction practices.
 - e. When it becomes necessary for property owners to upgrade or relocate existing electrical meter bases, electrical main service panel, or first disconnect switch past the electric meter, it is required that all overhead utility lines be buried underground to the structure or pole structure of the property owner from the delivery points of the utilities. Underground service shall be installed and shall comply with all national electrical code requirements and the requirement of the utilities. This rule shall be executed at the expense of the property owner.
 - f. All members' contractors must produce copies of his credentials; such as his license and insurance to the Building and Grounds Committee before a Building Permit will be issued.
 - g. The Building and Grounds Committee, or the Board of Directors will consider no application for a building permit, unless the applicant strictly adheres to the provisions of this paragraph 2.
3. Building plans for a residence will not be accepted without an approved connection plan to the Shady Spring Public District sewer collection system. Approval by the Shady Spring P.S.D. does not assure approval by the FTLA Board; but must be obtained by the applicant prior to consideration of the permit application by the FTLA Board.
 4. Approved building permits must be signed and in the hands of the builder before construction begins, and must be posted on the property at all times during the period of construction. Permits shall include both the FTLA Building Permit and the Raleigh County Building permit.
 5. Building permits for structures on Member's lots are valid for (1) one year from date of issuance. A member may request an extension but must demonstrate appropriate justification for such extension request.
 6. Permits will not be issued for any temporary, movable or portable structures, such as campers, mobile homes, house trailers, motor homes, metal storage buildings, basement dwellings or anything less than a fully finished permanent structure.
 7. Storage buildings shall be wood, brick, or painted masonry constructed upon a permanent foundation and must have approval of the Board after proper application. Asphalt is not considered a permanent foundation.

8. Television satellite dishes are not permitted on members' property, except the V.S.A.T. (Very Small Aperture Terminal) variety.
9. Portable toilet facilities must be provided for construction workers.
10. Building materials shall be top quality. Brick, stone and wood are preferred materials for house siding. Foundations will be architectural grade block, stone, brick, veneer, and/or poured concrete.
11. New or used railroad ties or any other creosote treated timbers shall not be used for retaining walls at any location on a member's lot or in the lake or at any location, at, near or in the lake.
12. For any renovation or new construction, the Building and Grounds Committee will require that the member provide a "dumpster" (a commercial receptacle designed to receive, store and carry away waste material on a short term basis) to be placed on the members' lot for the duration of the construction period, with no exceptions granted. All excess materials will be placed in said "dumpster" and emptied on a regular basis, at the lot owner's expense; and, no excess construction debris is to be disposed of by the member in Association dumpsters. Members to whom permits have been granted by the Board shall be responsible for any conduct of their contractors that violate this provision on their lot or lots or on FTLA property.
13. Building permits will not be issued for more than one permanent residence per lot nor will residences be approved to be built on fractional lots. Living space may be incorporated into garages and boathouses and is subject to all rules including the permitting process, pertaining to construction for houses, but cannot be used as a permanent residence. Additionally, boathouses must have backflow protection for sewer systems and pumps to elevate sewage to the grinder pump. All sewer systems installed in any boathouse or garage must be approved before installation and inspected after installed by the Shady Spring PSD. Under no circumstances should any wastewater be discharged into FTLA from any house, garage, boat house, or structure. KEEP THE LAKE CLEAN. (Amended 4/4/11)
 - a. Members requesting new Building permits are required to include in written form the purpose and intended use for the construction. (Amended 4/9/18)
 - b. Request for any type of building, garage, boathouse or adjacent buildings are subject to all rules and regulations of FTLA and cannot be used or constructed with the purpose of providing, giving or allowing any permanent resident. (Amended 4/9/18)
 - c. Temporary occupants (i.e. two weeks or less) are allowed and restricted to visiting immediate family, meaning children, parents or immediate relatives. Any variation or extension requires written notification and approval from FTL Board of Directors. Requests should include name, relationship to member, purpose of visit and approximate length of stay. (Amended 4/9/18)

- d. The creation of permanent living quarters for non-FLTA members in existing building, detached garage or adjacent building is strictly prohibited. (Amended 4/9/18)
14. Permits are required before the commencement of any dredging, excavation or disturbance of the lake shoreline or stream banks along the waterfront, along any feeder streams, or any part of the lot. An erosion/silt control mitigation plan, approved by the Building and Grounds Committee and the Board prior to commencement of work, is required for this type of work and shall be treated as any other construction project.
 15. Permits are required for new decks and steps from residence and boathouse to lake/waterfront.
 16. All pools must have approval of the Building and Grounds Committee of the FTLA and go through the same application and approval process as all other construction.
 17. No construction will be allowed on portion of a member's lot located across the perimeter road. (Amended 4/4/11)
 18. Flat Top Lake Association has the specifications for all construction of residences, boathouses, docks, and seawalls in the lake office.

B. Condition of Members' Lots

1. All members' lots are to be maintained in a neat, sanitary condition. Debris, old lumber or other materials shall not be stored or allowed to accumulate. Construction materials can be stored prior to and during construction, but must be kept in a neat and orderly fashion.
2. When house seats are excavated and foundations constructed, the land must be regraded and grass seed sown as soon as possible to minimize siltation of the lake. Siltation plans submitted as part of the construction process, including any landscaping plans, must be complied with until complete. Animal manure shall not be used as fertilizer on any lot. Any raw ground caused by excavation on any lot will be planted and show grass cover before winter begins.
3. Members shall comply with the Flat Top Lake Association Inc. "Guide for Lawn Care".
4. Commercial real estate advertising signs are not permitted. Members' signs advertising that member's property for sale are permitted but cannot exceed 18 x 24 inches and cannot be located on the lake side of any residence or lot. Members are limited to displaying one sign only advertising a lot or lots for sale.
5. The Building and Grounds Committee makes a waterfront inspection, as well as road side, of all property at the beginning of each summer season and reports to the Board of Directors regarding the conditions observed. Docks, walls, boathouses, or other structures in need of

repair or demolition are noted; and, the Member notified by mail of the corrections needed. These instructions must be complied with, as soon as practicable, but no later than (30) days after receipt of a letter notifying the member of such condition and requirements. If such repairs or demolition cannot reasonably be completed within the 30-day period, it must be commenced within the 30 days, diligently pursued and timely completed. If the repair or demolition cannot be commenced within the 30-day period, the member must appear before the Board and request an extension showing good cause for such request in order to warrant the consideration of the Board. If the repair or demolition represents a condition that concerns the safety or the health and welfare of any members or their families, then the Board of Directors has the authority to take the actions necessary to abate the condition and charge the member the costs of doing so. If the member fails to reimburse the FTLA for its costs so incurred, the FTLA can file liens to secure its costs or take other appropriate actions to recoup its costs.

6. No dirt, rock, concrete, building materials or other debris resulting from construction or demolition of waterfront improvements shall be left in the lake.
7. Shrubbery shall be planted or fencing installed around all above ground fuel tanks, such that, these tanks are not visible from the lake or perimeter road. Tanks that are no longer in service must be removed.
8. No road vehicle shall be parked, stored, maintained or otherwise placed on a member's lot that does not meet all West Virginia highways laws now in effect; as to the manner or methods of operation on public highways, including all West Virginia laws related to licensing, registration, inspection, and insurance requirements, unless such road vehicle is kept garaged on the member's lot and out of sight at all times.
9. Campers, motor homes, trailers, car haulers or other types of recreational vehicles shall be permitted on members' lots in good standing but must meet the requirements of Section 8 above. Under no circumstances will living be permitted in such vehicles.
10. Prior to cutting trees and underbrush on a lot which may cause siltation, the member is required to submit an erosion and siltation control plan for approval. Approved plan then needs to be installed prior to clearing. Prior to cutting any living tree(s) larger than 8" in diameter, member is to mark such tree(s) and submit written request for approval of removal by Building and Grounds committee. Members are to ensure that trees on their lots do not interfere with overhead electric power lines.
11. Chairman of Building and Grounds will have the right to determine from day to day whether heavy trucks will be permitted onto the FTLA perimeter road from December 15 forward during inclement weather. It shall be the responsibility of the member/lot owner to assure that the roads are open for travel to any trucks traveling to that member's lot or lots.
12. Members whose house or structure is rendered uninhabitable by fire or other disaster/casualty are required to contact FTLA to report repair and/or rehabilitation plan within 30 day. The Board for good cause shown may grant extensions of this period.

If said house or structure is a total loss, an erosion control plan needs to be put in place immediately, and a debris removal plan submitted, as soon as possible.

13. Trucks with a GVW of 26,000 pounds or greater are prohibited from being on any portion of the dam or the bridge approach to the dam at all times.
14. Members are not allowed to store construction machinery in view on their lots if machine(s) are not being used on a permitted active construction project. (Such as skid steers, load-backhoes, dump trucks, etc.) (Amended 9/19/16)
15. Members are required to remove any fallen tree(s) or limbs larger than 4" diameter and 15' in length from lawn within 30 days of time it came down weather permitting. Trees or limbs fallen into lake from lot need to be quickly removed by member. (Amended 9/19/16)

C. Septic Tank Systems

1. Septic tank systems for disposal of waste are prohibited on Flat Top Lake properties, without exception. All members must connect their sewer system to the Shady Spring P.S.D.
2. Grinder pumps and all pipes appurtenant to such pumps cannot be located closer than 25 feet to the lake's shoreline and any bathroom facilities located in a boathouse must be shown on plans submitted to the Building and Grounds Committee and must be part of the construction permitting process.

D. Docks

1. Docks are considered to be structures and cannot be constructed without a building permit. In the event that Raleigh County does not issue a building permit for waterfront construction to include seawalls, boathouses, and docks, the following additional requirements must be met. A licensed engineer must review and approve the requirements of the Building Permit pertaining to such construction. This is to ensure that construction is to meet national electrical and building code requirements, and that walls/foundations are structurally sufficient and properly sited on the member's property. All other specific requirements of these rules must be met. Waterfront walls shall not be built using concrete blocks. Riprap must be placed in front of all seawalls to stabilize shoreline. Waterfront walls are not to be built at any point beyond the shoreline created by the lake at normal pool.
2. Docks, boathouses and slips may not project into the lake more than eight (8) feet from the natural shoreline.
3. Since the Raleigh County Building Commission does not issue permits for docks, only a permit from the Board is required. However, for docks and seawalls, a licensed professional engineer must prepare, seal and sign all plans for this category of work.

E. Boathouses

1. Any second floor construction above a boathouse must be approved by the Board of Directors. Your neighbor's "view" will be taken into consideration.
2. All boathouse plans must comply with all Building and Grounds rules and must be part of the construction permitting process.

F. Construction Security Deposit

1. Flat Top Lake Association requires a security deposit of a minimum of \$3000.00 or 1% of the estimated cost of the project; whichever is greater, for all construction. The deposit is due before any construction begins.
2. If corrections are to be made on FTLA's common property by FTLA, the cost of the corrections will be deducted from the deposit and the remainder will be returned to the member at the completion of the project.
3. The full amount will be kept by FTLA, if approved siltation measures are not in place prior to the start of the construction and not kept in place until the construction is complete.

G. Discipline

1. Any member that violates these rules and regulations shall be subject to disciplinary action by the Board of Directors in accordance with Article VIII G. The disciplinary action may vary, depending on the severity of the violation. This action could result in the member losing his or her lake privileges.
2. As the contractor is an extension of the member, if he is found to be in violation of these rules and regulations, he can lose his privilege to work within the gates of Flat Top Lake; and, the member can lose their security deposit. All members are responsible for the actions of their contractors.

H. Woody Brush Disposal Area

1. Disposal at FTLA's woody brush area is restricted to woody brush and leaves. Disposal of any man-made materials, including scrap building materials and plastic trash bags is strictly prohibited. The FTLA Superintendent has been directed to keep said area locked and to enforce this rule.
2. The Member shall obtain a permit from the Association Office before using the woody brush area. Members will be provided with a key after placing a \$25 deposit with the Lake's Office Manager. Upon return of the key, the deposit will be returned.