

LAKE PERRY RESTRICTIONS & GUIDELINES

Lake Perry Restrictions & Guidelines

Complete copies of the Restrictions and Guidelines are available from the Lake Perry Administration Office, at 1300 Brenda Ave. in Perryville. All lot owners are responsible for obtaining, reading and adhering to these restrictions and guidelines.

Following is an index to help lot owners more easily find the answers to frequently asked questions about these documents. It is not all inclusive:

Lake Perry is a gated community consisting of privately-owned lots with common ownership of amenities such as the lake, pool, recreation center, roads, bathhouses and laundry facilities, pavilions, recreational space, etc. Each property owner is a member of the Lake Perry Lot Owners Association and as such, is assessed an annual maintenance fee which is used to maintain and improve the common facilities and for the management and protection of the community. The overall structure of the community and its governance is defined in a complex set of deed restrictions. These restrictions establish the Lot Owners Association and its elected Board of Trustees. The board is charged with managing the property, business, and affairs of the association. The board is responsible for developing and promulgating guidelines and policies for the use of the common areas. Most of the guidelines and policies contained on the following pages have been in existence for many years. The board, however, retains its right to amend these policies when in its judgment it is deemed to be in the best interests of the community as a whole.

CAMPING

Camping at Lake Perry is only permitted in specified areas. Read the restrictions for complete regulations. In general, Tanglewood Trails and Plat 3 are designated as camping areas, subject to the restrictions for those areas.

Permanent camping is allowed in Plat 4 on lots 74,75, 88-95, and 100-104. Certain lots in Plat 5, 89-142 (except lot 91) and 145-153 are designated as mixed use lots and may be used for camping.

Camping is absolutely prohibited in the other lots of Plat 4 and 5, and in all of Plats 6 and 7.

Camping in Plat 8 is permitted only if the site is at least 1000 feet from the lake. Otherwise, Plat 8 is subject to the same camping restrictions as Plat 7.

Temporary camping may be allowed by permit in Plats 1 and 2 at the discretion of the Board of Trustees. Such permits are limited and require that the camping unit be removed from the property at the end of the permit period. Permits are generally available for three days with a four day permit allowed on holiday weekends. A ten day permit may be issued once a year. All camping permits must be posted so that they are visible from the access road to the property.

BUILDING GUIDELINES

The purpose behind building restrictions and guidelines is to insure construction that is safe, to provide some guidance as to what is generally acceptable for resale, and to maintain and enhance values of adjacent properties. The following guidelines are the summary of policies which are intended to complement the restrictions stated elsewhere.

1. The Lake Perry Lot Owners Association will follow every legal approach to enforce the building restrictions filed for each plat of the community.
2. Anyone who attempts to avoid the building restrictions may be faced with certain court action.
3. To be approved, a building must meet the IBC (International Building Code) standards, the appropriate square footage requirements, and the specific approval by the Board of Trustees of the Lot Owners Association, of details such as location on the lot, site improvements, grading, and landscaping.
4. The board advises all homes be built above the top elevation of the dam which is approximately 764 feet due to the possibility of flooding. Normal pool elevation is 757.6 feet. The spillway elevation and top of the dam elevations are based on government design guidelines which relate to the fluctuation of lake elevations during rain storms.
5. To obtain a Building Permit for a residence, the following must be submitted to the Board of Trustees for approval:
 - a. A Site Plan showing pertinent elevation, location of the house, driveways, water and sewer locations, landscaping, etc. to a minimum scale of 20' to an inch. (see page 7 of the restrictions).
 - b. A Building Plan to a minimum of ¼" scale which shows:
 - 1) Architectural features
 - 2) Building elevations
 - 3) Porches and materials used
 - 4) Floor plans showing rooms and closet size
 - 5) General structural detail
 - 6) Materials used such as windows and finished walls (inside and outside)

Note: Plans of ground level finished areas must show details regarding finished floors, walls, etc. Unfinished first floor areas will be considered basement areas and consequently will not be considered part of the required square footage. The required square footage for each plat can be found in the General Scheme of Restrictions.

6. Construction of docks, buildings, and site improvements require approval before any work begins. If the plans involve development of a site of one acre or more, the lot owner must receive a "State Land Disturbance Permit" prior to seeking board approval. The application for the state permit is made to the Division of Natural Resources. This process involves a storm water management plan. The local office is in Poplar Bluff (573-840-9750). Plans must be submitted for a Building Permit at least two weeks in advance.

7. If work is being done which involves crossing an asphalt road, the contractors are required to bore under the road rather than digging it up. If for some reason a trench must be dug, the lot owner is responsible for repairing the asphalt with hot mix to return it to its original condition. At least 48 hours before beginning any work which involves any road, the maintenance supervisor must be informed. At conclusion of the work, the maintenance supervisor will inspect and approve the work or repairs. The Port Perry Service Co. has been informed of these requirements.

8. On certain lake fronting lots, the property between the lake and the platted lots was deeded to the Perry County Land Company, Inc, which is the official corporate entity of the Lake Perry Lot Owner's Association. In order to allow lot owners to build a boat dock or mooring area, the Board of Trustees has developed a policy and procedures necessary to grant licenses for the use of this property. Once the license is granted (in the form of a building permit) the lot owner assumes full responsibility for the maintenance of any structures and/or improvements to the shore line. The full text can be found in Appendix one of this document.

9. At the point of purchase from the former developers, lot owners were allowed to consolidate lots. Subsequently, lot owners have petitioned the Board of Trustees for the consolidation of adjacent lots. In most cases, if the lots meet the adjacency test, the request has been granted. From time to time owners of consolidated lots wish to re-subdivide the lots into different configurations and numbers of lots. The Board of Trustees has adopted a policy and procedures for subdividing which includes an approval process and a \$500 replat fee. The entire policy can be found in Appendix two of this document.

Building Permit Requirements

1. A deposit of \$250.00 is required plus permit fees. (contact association office for a listing of current fees).

2. The property owner is responsible for getting contractors, deliveries, workers, etc. into the construction site.

3. Do not use the property of others for access or parking without expressed written consent of the property owner.

4. Property owners will be charged for the repair of any damages to common grounds by anyone involved in the construction process.

5. Building permits must be posted so that they are visible from the nearest roadway.

6. Certificates of insurance from anyone performing work on the site should be available at the request of the Board of Trustees.

7. Arrangements for the installation of utilities are the responsibility of the lot owner. Water and sewer hook-ups are arranged with the Port Perry Service Co. (547-2723)

Fees for water and sewer services are regulated by the Public Service Commission and are as follows:

Water tap fee for new service \$508

Sewer tap fee for new service \$404

Inspection fee for new tap \$15

Permit fee for new tap \$25

Reconnect fee \$50

8. All building permits issued after August 1, 2009 will require an address sign to be erected on the lot of the permit applicant, indicating the plat and lot number. The lot owner's name and/or street name may also be included. By displaying an address sign, emergency vehicles, delivery trucks and others looking for a particular lot will be able to find their destination in an expedient manner. The full text of sign requirements can be found in Appendix three and as a supplement to all building permit applications.

SWIMMING POOL AND SWIMMING AREAS

The guidelines contained in this summary are meant to promote water safety and protect the well being and health of all persons at Lake Perry. Each lot owner needs to make an effort to promote safe practices in all swimming areas.

1. The pool will open at 10:00 a.m., seven days a week, and closing time will be determined by the staff on duty. The pool may stay open later should large crowds still be using the facility.
2. Children and young adults under the age of 18 are not allowed in the pool or lake areas unless accompanied by an adult. Anyone using any of the swimming areas does so at their own risk.
3. Safety rules are posted at the pool and should be observed by all users.
4. Swimming is not allowed in boat lanes used by skiers and tubers.
5. Swimming and fishing off the Marina docks is not allowed.
6. Small children and swimmers of limited ability should not be left unattended in the pool or beach areas.
7. Assessments must be paid in full in order to use the pool or beach areas.

Pool Rules

Pool privileges are restricted to property owners who have paid their annual assessment in full and their guests. Property owners MUST accompany their guests to the pool.

1. All non-swimmers must be accompanied by an adult.
2. Proper swim attire is required.
3. No inner tubes are allowed in the pool.
4. No running, pushing, or horseplay is allowed.
5. Food, drinks (except for water), and smoking are prohibited on the pool deck.

6. No baby oil or other tanning oils are to be used before or during entry to the water.
7. Anyone using the pool does so at their own risk.
8. The Board of Trustees reserves the right to deny access to the pool to anyone at anytime.
9. For the protection of all pool users, toddlers are required to wear swim diapers.
10. On weekends, lot owners need to limit the number of guests using the pool to allow other lot owners and their families to enjoy the use of the facility.

LAKE AND BOATING GUIDELINES

These guidelines are intended to outline the most significant boating rules within Lake Perry. In general, Rules of the Road for Boats as published by the U.S. Coast Guard are to be followed. Copies of the complete rules and regulations can be obtained at any Missouri Driver's License Bureau. While there are no restrictions on motor size, boats must be no longer than 24 feet.

1. Only boats owned by lot owners and properly registered with the Lot Owner's Association are allowed on Lake Perry. Registration involves having paid the annual assessment, providing proof of ownership and insurance and securing a boat decal which must be affixed to the boat. These regulations apply to all boats whether motorized or not.
2. The Board of Trustees, Security staff, and other employees of the Lot Owner's Association reserve the right to inspect boats on the lake for proper registration, and to ask boats to leave the lake if a decal is not affixed to the boat. Moreover, security has the right to deny entrance to the property to any boat without a current decal affixed to the boat.
3. Water skiing and tubing are limited to the large arm of the lake between the buoys from 10 a.m. to one hour before sunset. Skiers should ski in one direction with the shoreline on their right. So called "flying tubes" are prohibited from use on the lake.
4. Speeds are limited to "idle speed" only in coves and other no wake areas.
5. Jet skis and Wave Runners are specifically prohibited.
6. Boats are to be launched only from the boat ramps.
7. Only electric trolling motors and oars are permitted on Lake Erie.
8. Swimming from boats is not allowed in ski areas.
9. While not required, it is highly recommended that teens complete the State of Missouri boating certification program for boaters under the age of 18.

10. Safeguarding and the protection of boats and motors within the community is the responsibility of the owner.
11. During times of decreasing lake levels, it is the boat owner's responsibility to reposition or remove boats that may be affected.
12. Even though the lake is private, it is fed by Federal Waters. Therefore, all State and Federal laws apply.
13. Fisher persons between the ages of 16 and 65 must have a valid fishing permit.
14. Fishing limits are posted at the dam boat ramp.
15. Sport racing and speed boating, regardless of motor size, are not permitted. Judgment in these matters will be at the discretion of Security and any member of the Board of Trustees.
16. Speed limits, skiing requirements, and boating courtesy are to be reasonable and prudent as conditions dictate. Anyone found abusing safe boating conditions may be barred from Lake Perry at the discretion of the Board of Trustees.
17. No "open headers" are allowed.
18. Tying up to buoys is prohibited.
19. Water trampolines may not be moored more than 10 feet from the shore and must be on the shore at night.

DOCKS

Owners of water front lots are allowed private docks adjacent to their water front lot after the design is approved by the Board of Trustees and the licensing agreement issued. Docks shall not extend further than seven (7) feet into the lake, measured from the water's edge at normal pool. Plans for this type of dock or sea wall must be approved and a permit obtained before work begins. Seawalls must follow the existing shoreline and cannot extend into the lake. The Board of Trustees has adopted a policy wherein the lake will be lowered in the Fall to facilitate dock and seawall construction. Lot owners should plan accordingly. The spillway will be closed on January 2nd to allow refilling of the lake.

GENERAL INFORMATION

1. The dumpsters at Lake Perry are provided for the convenience of lot owners in disposing of household trash. All other items including, but not limited to: tires, appliances, furniture, yard waste, construction materials, hazardous waste (such as gasoline, oil and paint), and animal carcasses are specifically prohibited by state law. Any person observed, in person or by surveillance equipment, using the dumpsters for prohibited purposes will be reported to the Perry County Sheriff and prosecuted to the full extent of the law.
2. ATV's and dirt bikes may not be operated at Lake Perry. In addition, all other vehicles on the Lake Perry roads must be operated by licensed drivers. Speed limits inside the community are 15 MPH on gravel roads and 20 MPH on paved roads.

3. Laundry Facilities are located in the West Gate bathhouse during the Spring-Summer-Fall season. Bathhouses are closed during the winter months to prevent pipes from freezing.
4. The restaurant in the Recreation Center is generally open from Memorial Day to Labor Day. The hours are set by the Manager. In general, the restaurant is open Friday-Sunday. Other hours during the week are sometimes added to the schedule if business permits. Check the facility for operating hours and menus.
5. Social events are periodically planned by volunteers. When possible, these will be announced in the newsletter. Otherwise, check the bulletin board at the main entrance for announcements.
6. Fishing Tournaments are generally held in the spring. Again, watch the newsletter or bulletin board for notices.
7. The Newsletter is generally published 2 times a year and is also available on the website. Members may request the newsletter electronically by going to www.lakeperry.com.
8. Lakeperry.com accepts advertising from lot owners and non-owners such as realtors and contractors. The cost for lot owners is a \$20 set-up fee and a fee of \$20 for three months of advertising.
9. In order to manage the community with a small staff, the association relies on citizen committees and volunteers. Current committees include Security, Neighborhood Watch, Communication, and Flower Beds. If you are interested in being involved in these volunteer efforts, please click on the volunteer link on the website or contact a member of the Board of Trustees and express your interest so your name can be given to the appropriate committee chair.
10. Meetings of the Board of Trustees are generally closed. If however, a lot owner wishes to bring a matter before the board, the question or concern must be sent in writing to the Lot Owner's Association at 1300 Brenda Ave, Perryville, Mo 63775. Lot owners should include their name, lot number, a phone number or e-mail address and the number of people represented by the concern or question. A trustee will notify the lot owner of the answer to the question or invite the lot owner to the next board meeting to discuss the concern. Lot owners will be allowed about ten minutes for discussion with the board who will then take the information under advisement and render a decision at a later date. Following approval, minutes of board meetings are posted on the web site. An annual meeting of the association held on the last Sunday in April. Location and time are published in a newsletter and sent to all members.
10. Lot owners are responsible for the behavior and actions of their guests at all times. Guests must be accompanied by a lot owner or member of the lot owner's immediate family when using any of the lake amenities (pool, lake, etc).
11. Guest golf carts and UTVs may not be operated on Lake Perry property. All golf carts and UTVs must be owned/registered to lot owners if used on the property.

GRANTING OF LICENSES FOR USE OF PERRY COUNTY LAND COMPANY SHORELINE PROPERTY PURPOSE OF POLICY

Perry County Land Company, Inc is responsible for the control, maintenance and use of certain real estate that was deeded to the corporation by the previous developers of the lake development. This property lies between the platted lots that border the lake and the lake waters edge and any lot owner that desires to build a boat dock or mooring area needs to construct improvements on this property. This policy is developed to establish the procedure for eligible lot owners to access the Corporation's property to establish boat docks and mooring areas.

AFFECTED PROPERTY

The corporation is the owner of certain land described in attached Exhibit A which is subject to a license agreement recorded in Book 342 Page 434 and assigned by document recorded at Book 425 Page 618 of the Land Records of Perry County, Missouri ("Shoreline Property").

ELIGIBLE PROPERTY

This policy applies to lots that have property fronting on and contiguous to the Shoreline Property and does not apply to any common areas of the lake development that front the Shoreline Property.

PROCEDURE/GUIDELINES:

1. Any eligible lot owner may apply to the Board of Directors of Lake Perry Lot Owner's Association ('Association Board') for a building permit to build a boat dock or boat mooring on the Shoreline Property by completing the building permit application and submitting any required application fee and all accompanying documents required by the Building Guidelines of the Association.
2. The Association Board will evaluate each application based on compliance with the building guidelines with consideration of safety factors, lake congestion, and factors affecting the use of the lake by all property owners.
3. The Association Board representative shall review the building permit, inspect the proposed site of the construction and recommend the approval or disapproval of the permit application.
4. Upon approval of the application by the Board, the applicant will execute a license agreement for the use of the Shoreline Property ("License Agreement") in substantially the form of the attached Exhibit B to this Policy. Upon execution of the License Agreement, the Association Board shall issue a building permit which shall be posted by the Applicant at or near the site of the construction at all times.
5. If the application is not approved, the Association Board shall cause a notice to be issued promptly to the Applicant stating the reasons for the denial.

DOCUMENTATION

The Secretary of the Association shall at all times maintain a record of all proceedings related to applications for building permits related to boat docks or boat mooring on the Shoreline Property. The record shall include:

1. The application for building permit and any fee receipt
2. All documents submitted with the application for building permit .
3. Any written report of the representative of the Association Board recommending approval or denial of the application
4. A copy of the building permit issued or the notice to applicant of the reasons for denial.
5. The executed License Agreement with the applicant

6. Inspection reports of the construction or any other reports or writings related to the construction of the project.
7. Any written correspondence from or to the applicant.
10. Such other documents as may be directed by the Board from time to time

Appendix Two

SUBDIVIDING CONSOLIDATED LOTS

PURPOSE OF POLICY

Certain platted lots in the Lake Perry Development have previously been combined and replatted into lots which result in the combination of two or more originally platted lots into consolidated, combined and replatted lots. From time to time owners of consolidated lots wish to re-subdivide the consolidated lots into different configurations and numbers of lots. This policy is developed to establish the procedure for eligible lot owners to replat previously consolidated lots.

ELIGIBLE AND AFFECTED PROPERTY

Property within the Lake Perry Subdivision Development which has been consolidated from the originally platted configuration by the filing of a Replat.

PROCEDURE/GUIDELINES:

1. Any eligible lot owner may apply to the Lake Perry Lot Owner's Association ('Association') to replat previously consolidated groups of lots by submitting to the Association at its office a proposed replat of previously consolidated lots. ("Request to Replat") Such request shall include the original consolidation replat and shall indicate on the request, the general configuration of the proposed replat request, the proposed dimensions of the boundaries of the requested replat, and the proposed numbering designation of the replatted lots. Such request shall be submitted in a format which when finally completed by a licensed surveyor will include the required elements of a recordable plat and the signature plates for the necessary approvals by the owner(s) and the Association. Such request shall be accompanied by a \$500.00 replat fee and any other documents which the owner wished to submit in support of the request. The Association may request additional information to supplement the request which it finds necessary to the consideration of the request.
2. The Association Board will evaluate each request based on compliance with the Second Amendment to the Third Amended and Restated General Scheme of Restrictions for Port Perry ("Restrictions"), the rules and regulations of the Lake Perry Lot Owner's Association, as the same has been or may be amended from time to time (the "Rules and Regulations") and considerations of uniformity and overall impact of the Replat Request on the owners of property in the Lake Perry Development.
3. The Association Board representative shall review the Replat Request and accompanying documents and recommend the approval or disapproval of the Replat Request..
4. Upon approval of the Replat Request by the Board, the owner may proceed to prepare a survey and Replat of the property in the form as approved by the Association. Upon completion of the Replat drawing and plat, the owner shall submit the Replat to the Association for signature and shall record the Replat in the office of the Recorder of Deeds of Perry County Missouri, prior to the sale or transfer of any lot using the replatted lot designation. .

5. If the Replat Request is not approved, the Association Board shall cause a notice to be issued promptly to the owner stating the reasons for the denial.

DOCUMENTATION

All replats of previously consolidated lots shall be designated as the "Lot(s) __ of Port Perry Plat _ being a replat of Lot(s) __ of the replat of Lots _____ of Port Perry Plat _ recorded (at Book __, Pages _____) or (as Document Number _____) in the Recorder of Deeds of Perry County, State of Missouri.

Lots in replatted tracts shall use a numbering system which rennumbers replatted lots in a way that the new numbers on a replatted lot does not exceed the highest previous lot number of the previously consolidated lots. If less than the entire consolidated tract is replatted, the owner shall use the next sequential number for the replatted adjoining lot which is the next lowest previous lot number of the consolidated lots adjoining the replatted lots.

The Secretary of the Association shall at all times maintain a record of all proceeding related to Request for Replat.

The record shall include:

1. The Request for Replat and any fee receipt
2. All documents submitted with the Request for Replat .
3. Any written report of the representative of the Association Board recommending approval or denial of the Request
4. A copy of the approval issued or the notice to owner of the reasons for denial.
5. An executed copy of the final Replat as filed
6. Any written correspondence from or to the owner.
- 7.. Such other documents as may be directed by the Board from time to time

Appendix Three

All building permits issued after August 1, 2009 will require an address sign to be erected on the lot of the permit applicant, indicating the plat and lot number. The lot owner's name and/or street name may also be included. By displaying an address sign, emergency vehicles, delivery trucks and others looking for a particular lot will be able to find their destination in an expedient manner.

The first number is the plat number followed by the lot number. If the lot number is one or two numbers, 0's will follow the plat number. For example, if the plat number is three and the lot number is 6, the address would be 3006, if the plat number is 3 and the lot number is 28, the address would be 3028. If the plat number is 3 and the lot number is 120, then the address would be 3120.

In order to be consistent, the address should be a combination of four numbers, such as 2002, as opposed to Plat 2, Lot 2. ALL ADDRESSES MUST CONTAIN FOUR NUMBERS.

The address sign must be made of durable, weather resistant, exterior type materials and securely anchored to posts or the ground and located as close to the street as practical. Attachments to trees or utility poles are prohibited. The address sign must be visible to oncoming traffic.

A design of the sign showing the size, type of material and anchoring system must be submitted for approval with all permit applications. There will be no charge for the address approval.

If the lot currently has an address sign already in place, no new address sign is required. Please indicate this on the permit application.

BUSINESS CONTRACTORS

Lake Perry Lot Owners Association