



DIAMONDHEAD LAKE COMMUNITY RULEBOOK

2024 Edition

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Preamble

The Long Branch Maintenance Corporation (LBMC) general membership, at its annual meeting September 23, 2023, approved the complete restatement of the rules, regulations, and assessments (collections and enforcement thereof) as legal and binding upon all its members.

All amendments and changes shall come into force on January 1st of the following year unless noted otherwise.

All LBMC business is conducted at the LBMC Office located at 9137 Diamondhead Drive. All documentation or forms are available at the office during posted working hours. In addition, many documents and forms may be viewed and downloaded from the Condo Control website.

The provisions contained in this document shall be applicable to all property within the limits of the Diamondhead Lake development. The general purposes are to:

- Serve the public health, safety, and general welfare within the development for members and their guests.
- Advocate for rules that provide consistency of lot improvements designed to maintain the residential feel of the community.
- Be a guide for sound and thoughtful growth.
- Protect environmental assets within the community.
- Protect property values.

The regulations shall be held to provide the minimum requirements necessary. If any chapter, section, clause, or phrase of this regulation is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining portions of this regulation.

The Diamondhead Community Rulebook shall be recorded with the County Recorder of Guthrie County, Iowa as a deed restriction for all parcels within the development.

CHAPTER I: DUES, FEES, AND ASSESSMENTS

Each membership pays dues and fees as approved by the membership vote at the annual meeting of the members. Dues and fees are set annually and billed quarterly. There are also usage fees which a member must pay to use certain amenities.

Section 1: Dues

The dues are five hundred (\$500) dollars.

Section 2: Required Fees

Capital Expenditure Account Fee: Annual amount of four hundred eighty (\$480) dollars is charged and set aside for future capital projects.

Lake Dredging Fee: Annual amount of one hundred fifty (\$150) dollars charged for the cleaning of silt from the lake.

Maintenance Fee: Annual amount per lot owned of one hundred eighty (\$180) dollars for funding the maintenance department.

Multiple Lots' Fee: Annual amount charged per lot for each lot owned over ten (10), one hundred (\$100) dollars.

Multiple Dwelling Fee: Amount equal to all dues, fees, and assessments per Bylaws Article XIII. The amount is one thousand one hundred thirty (\$1,130) dollars.

New Member Fee: This fee is charged one time to new owners prior to activation of their lake privileges. The fee is one thousand five hundred (\$1,500) dollars.

Section 3: Usage fees

Deer Hunting Tags: There is an annual fee per person for a tag to bow hunt deer. The fee is twenty-five (\$25) dollars.

OHV Stickers: All unlicensed off-highway vehicles require an annual registration sticker. The first vehicle sticker is twenty-five (\$25) dollars, the second vehicle sticker is thirty-five (\$35) dollars, and each additional vehicle sticker is forty-five (\$45) dollars.

Watercraft Stickers: Motorized watercrafts with motors ten (10) hp and above require annual registration stickers. The sticker for the first watercraft is seventy-five (\$75) dollars, the second watercraft is one hundred (\$100) dollars, and each additional watercraft is one hundred twenty-five (\$125) dollars each. All other watercrafts must get a one-time registration sticker of which the cost is ten (\$10) dollars.

Office Rental: The Long Branch Maintenance Corporation office building can be rented out for private parties. There is a charge of one hundred fifty (\$150) dollars, plus a refundable cleaning deposit of one hundred fifty (\$150) dollars per rental.

Pavilion Rental: The pavilion at Boyd Baker Memorial Park can be reserved for private use. There is a charge of twenty-five (\$25) dollars per rental.

Loop Rental: The loop can be reserved for private use. There is a charge of twenty-five dollars (\$25) per rental.

Storage Rental: Personal property may be stored in designated areas in the Maintenance Yard. There is an annual charge of seventy-five (\$75) dollars per rental slot. See Chapter II, Section 2.13 for storage rules.

Section 4: Assessments

The membership must approve all assessments. No assessments are currently approved.

CHAPTER II: MEMBERS AND MEMBERSHIP REGISTRATION

Section 1: New Member Registration

1. **All new property owners and contract purchasers** of any lot in the Diamondhead Lake development shall register their membership with LBMC and sign an acknowledgement of the LBMC rules and bylaws within thirty (30) days of taking ownership or possession of the property. Full member privileges as outlined herein are activated once registration is complete.
2. **The Role of the Member in the Community:** As a member you will be expected to:
 - Comply with all LBMC rules and bylaws.
 - Pay member annual dues, fees, and special assessments approved by the membership.
 - Keep off-highway road vehicle and watercraft registrations current and pay annual registration fees approved by the membership.
 - Treat LBMC board members and staff with respect.
 - Upkeep your property according to the standards set in the Diamondhead Lake Community Rulebook.
 - Keep LBMC updated concerning personal financial difficulties and mutually agree to payment arrangements as a result of those difficulties.
 - Pay fines levied and act in accordance with penalties resulting from violations of the rules and regulations.
3. **Member Responsibility for Family and Guests:** As a member you are responsible for the actions and behavior of your family and guests while in the development. It is your responsibility to make them aware of the rules and regulations. Any fines for violations committed by one of your family members or guests will be the member's responsibility.

Section 2: LBMC Owned Common Spaces and Amenities

1. **Amenities:** LBMC amenities include the lake, member access areas, ponds, trails, parks, beaches, disc golf course, clubhouse, and any other improvements created for the enjoyment of the members.
2. **Access:** All areas are available for use according to the rules contained herein by any member in good standing, their family, and their guests. Unless noted otherwise, guests do not need to be accompanied by a member to use the amenities or common spaces, but the member must have authorized in advance the use and be present in the development for the duration of use.
3. **Lake Access:** Use of the lake including several posted and unposted member access areas.
4. **Member Access Areas:** The posted member access areas scattered around the lake and ponds are available for temporary mooring of boats, fishing, and picnicking, on a first come first served basis.

5. **Common Spaces:** LBMC owned common space includes roadways, grassy, or timbered areas not intended for use as a specific amenity.
6. **LBMC Beaches:** Swimming is restricted to within the ropes and is at your own risk. No lifeguards are provided by LBMC. No motorized watercraft are allowed within the roped off beach areas. Closing time for the beaches is sundown. No fishing on beaches or in swimming areas.
7. **Public Boat Ramps and Docks:** Two public boat ramps with docks are available; one across from Boyd Baker Memorial Park, and one adjacent to the spillway at the dam. Towing vehicles and trailers shall be parked in the graveled parking areas nearby or returned to your property so as not to block access to the ramp. Boats may be moored at the dock for loading and unloading passengers from time to time if necessary to park or retrieve a towing vehicle and trailer. No swimming is allowed in the general area and any individuals using the ramp and dock area for recreation shall yield to and make way for the launching or removal of any watercraft. Watercraft that has been in other bodies of water MUST be washed prior to launching to prevent the spread of invasive aquatic species and plants.
8. **Other Public Docks:** There are several public docks not located at the two main boat ramps that may be used by any member on a first come first served basis unless otherwise indicated. Leaving your watercraft moored to these docks is at your own risk. LBMC assumes no responsibility for damage or theft of items left unattended.
9. **Trail System:** Use of the trail system is limited to all-terrain vehicles, off-road motorcycles, and off-road utility vehicles. No motor vehicles are allowed. All items on the trail must have a current Diamondhead Lake sticker. Members must use the approved entrances.
10. **Disc Golf:** The course is open to all members on a first come first served basis. Parking reserved for golfers is provided off Kennedy Blvd. Golfers shall avoid using the gravel parking area set aside for towing vehicles and boat trailers across from the north boat ramp during the boating season.
11. **When Vacating:** Users of common areas are responsible for removing their trash and personal items when vacating the area.
12. **Authority to Make Changes:** No member shall make or direct others to make changes, improvements, or modifications to any of these areas unless directed to do so by LBMC.
13. **Storage of Personal Property:** No member may store personal property on LBMC property for more than twenty-four (24) hours, except in areas designated as storage yards. Storage fees may apply if required by LBMC. With prior approval from LBMC, building materials, docks, lifts, and other personal items may be stored short term on LBMC property while awaiting transport to their destination.

Members will be allowed to store personal items at the LBMC Maintenance Yard (3473 310th St., Dexter, IA) with the purchase of an annual storage sticker. The

member will be assigned to a specific slot in the storage area. Sticker runs annually January through December and must be renewed in the month of January, or the member is subject to a fine in accordance with the LBMC fine structure. Acceptable items to be stored in the slots on LBMC property are:

- Boats and boat trailers
- Docks
- Lifts
- Campers
- Other trailers

Other unlisted items must be preapproved by the Maintenance Committee. The Maintenance Committee reserves the right to request removal of undesigned items. Items not removed within sixty (60) days may be removed by LBMC at the owner's expense. LBMC is not liable for any property damage.

14. **Obnoxious Noise:** Members or guests cannot create obnoxious noises as to bother other property owners. In addition, noise restrictions are in place for the following times: Sunday-Thursday 10pm to 8am, Friday, Saturday, holidays 1am-8am. If found in violation of this rule, a warning, followed by a fine will be imposed.
15. **Signs:** No signs shall be posted on common spaces unless approved by LBMC.
16. **Aeration Systems:** No aeration systems allowed in the lake from December 1 through March 31. Ponds are exempt.
17. **Hunting:** Hunting is prohibited in the development, except; a member may harvest deer during bow season in the wooded areas designated by LBMC, provided they have obtained an Iowa DNR hunting license, Iowa deer tags, and an LBMC bow hunting permit. Hunters must carry both the tag(s) and permit on their person while in the field and comply with all Iowa DNR hunting regulations. All tree stands shall be permanently identified with the member number and removed following the hunting season.
18. **Trapping:** Trapping is not permitted except to prevent property damage from nuisance animals (beavers, muskrats, etc.).
19. **Firearms:** No discharging of firearms is allowed.
20. **Camping:** Camping is allowed at designated campsites on LBMC property. Campgrounds are primitive and can be reserved from time to time from April through November at the LBMC Office.
21. **Lake and Pond Fishing:** DNR rules for fishing private waters shall be observed. Dumping leftover bait into the lake or ponds is not allowed. Rough fish or invasive species shall not be returned to the lake or pond and must be removed from the shoreline. Trotlines are not permitted.

22. **Lake Swimming:** Persons may swim or use floatation devices outside the beach area under the following conditions:
- Swimming is allowed near private shoreline, but swimmers must stay within seventy-five (75) feet of said shoreline. No other restrictions apply to this activity.
 - Swimming away from private shoreline must take place between sunrise and sunset.
 - The swimmer must remain within seventy-five (75) feet of the lake shoreline or be in a cove marked as “no wake.”
 - The swimmer must be accompanied by a person operating a vessel and must always stay within fifty (50) feet of the vessel during the swim.
 - The vessel accompanying the swimmer must display a flag, which is at least twelve (12) by twelve (12) inches, is bright orange, and is visible all around the horizon.
23. **Dog Park:**
- Keep your dog from jumping on other dogs or people.
 - Pick up you dog’s waste and dispose of it in the receptacles.
 - Do not allow your dogs to be aggressive towards people or other dogs.
 - LBMC is not responsible for injury or damage.
24. **Walking Bridge:**
- No fishing off bridge.
 - No motorized recreational vehicles.
 - No climbing the fence.

CHAPTER III: MOTOR VEHICLE AND OPERATING RULES

Section 1: Rules for Operation

1. **Licensed motor vehicles** including automobiles, trucks, motorcycles, motor bicycles, motor scooters and mopeds shall only be operated on the LBMC roadways or on the owner's private property. The operator must have a valid state driver's license in their immediate possession to operate the vehicle.
2. **Rules of the Road:** When traveling on LBMC roadways, the operator must observe the posted speed limit of fifteen (15) mph, all traffic signs, and the same basic rules of the road as established by the state of Iowa for operating motor vehicles on a public roadway in a safe and orderly manner.
3. **Parking:** No vehicle shall be parked and left unattended at any time on the travelled part of the roadway or in a posted no parking zone.

Section 2: Seasonal Road Weight Restrictions

1. **Notice:** LBMC may impose a temporary weight restriction of ten thousand (10,000) pounds for any vehicle operating on lake roads during certain seasonal weather conditions. The membership will be notified electronically of an impending road embargo at least fourteen (14) days in advance.
2. **Exempt Vehicles:** Motor vehicles such as law enforcement, fire protection, ambulance, LBMC vehicles, and school bus vehicles transporting students are exempt.
3. **Emergency Exemption:** A member may request an emergency exception by notifying LBMC in advance of the need to violate by phone or email. LBMC will determine the validity of the request on an individual case basis.
4. **Deliveries:** If delivery of building materials or goods exceeding the weight limit are necessary during an embargo, the loads shall be transferred to compliant vehicles and trailers outside of the development, and then delivered to the destination in multiple loads.

CHAPTER IV: Off-Highway Vehicle and Motorized Watercraft Registration

Section 1: Off-Highway Vehicle and Motorized Watercraft Registration

1. **Annual registration is required for any off-highway vehicle** owned by a member and operated in the development. Registration shall be completed prior to the operating of the vehicle off the member's property and within the development.
2. **Annual registration is required for each motorized watercraft** owned by a member, with a motor larger than 9.9 hp, and operated on the lake. Registration must be completed prior to launch.
3. **Authority to Register an OHV or Watercraft:**
 - **Each member, or their spouse / life partner, has the authority to register** an OHV or watercraft.
 - **Memberships with Multiple Owners:**
 - When interest in a property is held by a partnership, a corporation, a business, or a trust, membership privileges are designated as the member with the right to register motorized watercraft and OHVs and are granted as follows:
 - One individual from the ownership entity is designated as the member having membership privileges.
 - The spouse or life partner of the designated member that signed the paperwork.
 - **In all cases**, violations related to watercraft or OHVs will be assessed to the member who registered the watercraft or vehicle.
4. **Registration Will Require the Following Provisions:**
 - **Payment of Registration Fees in Full:** Fees for the current year are established and approved at the annual meeting of the members in the fall of the previous year.
 - **Provide descriptive information** as requested on the registration form.
 - **Proof of ownership** may be a title, proof of insurance, current county registration certificate, or original purchase invoice. Typically, this will only be for the initial registration but must be available thereafter on demand.
 - **Proof of insurance** shall consist of a certificate of insurance delivered in person, sent by mail, or sent electronically from your agent to the LBMC Office. The certificate shall show Long Branch Maintenance Corporation as an additional interest, additional insured, or an additional party to your policy with a minimum liability amount of one hundred thousand (\$100,000) dollars for OHVs and three hundred thousand (\$300,000) dollars for watercraft. Proof must also show that the item being registered is covered. If homeowners' insurance is used, it must indicate that the item to be registered is covered.
 - **Proof of Passing Boater Education Requirements:** Prior to registering your first motorized watercraft, you are required to successfully complete the Iowa DNR Boater Education Program along with other course and testing requirements as

determined by the Security Committee. Members that currently or previously had motorized watercraft registered are exempt from this rule unless otherwise directed to do so by LBMC for violation of the watercraft operating rules.

- **No motorized watercraft or OHV** partially or wholly owned by a non-member may be registered.
 - **Acknowledgement of Rules:** Member is required to sign an acknowledgment of their understanding and acceptance of the current LBMC rules at each registration.
5. **Guest Operation Agreement:** Member is required to sign an annual agreement assuming all responsibility and acknowledgement of the rules prior to any guest (non-member) operating a member's motorized watercraft or OHV within the development.
 6. **A Diamondhead Lake boat sticker** will be issued at the time of each registration and must be displayed on each vessel. Stickers should be visible from the shoreline while the motorboat is traveling in a counterclockwise direction. Under no circumstance shall a member transfer a sticker to another boat or vehicle.
 7. **A Diamondhead Lake OHV sticker** will be issued at the completion of each registration and must be displayed on each OHV immediately thereafter. Under no circumstance shall a member transfer a sticker to another vehicle or boat.

Section 2: Registering Other Watercraft

1. **One-time registration is required** for each boat with motor of less than 10 hp, sailboat, canoe, kayak, and stand-up paddleboard with LBMC by providing the descriptive information requested. A fee will be charged for the initial registration and thereafter no registration or fees will be required. Stickers for these types of watercrafts should be displayed as required for a motorized watercraft if possible.

Section 3: Registering Guest Boats and Testing Boats for Purchase

1. **Three (3) guest boat passes** per membership, per boating season, are available upon request. Each pass shall be non-overlapping, valid for one motorized watercraft, not to exceed five (5) days each, and will only be issued if all the following requirements are met:
 - The member does not have a similar boat registered but is eligible to do so.
 - A temporary sticker with the pass dates and member number shall be affixed to the guest boat in the same manner as one placed on a member's boat.
 - The LBMC member and the boat owner must sign the "Indemnification and Hold Harmless Agreement" issued by Diamondhead Lake and obtained from the LBMC Office.
 - The LBMC member must be on the boat when operating on the lake.
 - The boat owner and member must register the boat at the LBMC Office in the same manner as if the boat was owned by the member.

- **Weekday** passes are available for any weekday **except**; Memorial Day; Labor Day; or weekdays that fall on and between three (3) days prior and three (3) days following July 4th.
- **Weekend** passes are available for any weekend starting the Saturday following Labor Day and ending the second Sunday prior to Memorial Day.
- **Testing watercraft** with the intent to purchase will be allowed for no longer than one (1) day with no registration. However, the member or boat owner must provide proof of three-hundred thousand (\$300,000) dollars minimum liability insurance for all gas and electric powered watercrafts at the time of test. Available dates for testing shall be the same as listed for guest boat passes.

CHAPTER V: OFF-HIGHWAY VEHICLES AND OPERATING RULES

Section 1: Equipment Requirements for OHVs

1. **Mufflers:** The exhaust of vehicles using an internal combustion engine shall be muffled by equipment constructed and used to muffle all noise in a reasonable manner.
2. **Lake Registration Sticker:** All unlicensed OHVs must have a lake sticker.

Section 2: **Operating Rules for OHVs**

1. **Safety:** OHVs must always be operated in a safe manner. All road signs must be obeyed.
2. **Guest OHVs:** Guest OHVs are not allowed. Trails are reserved for use by our members and their guests only on OHVs registered with LBMC.
3. **Minimum Age:** No person under the age of twelve (12) shall operate an OHV on or off the roadways unless a licensed driver who is also a member is escorting the operator.
4. **Rules for the Road:** When traveling on LBMC roadways, the operator must observe the posted speed limit, all traffic signs, and the same basic rules of the road as always established by the state of Iowa for operating motor vehicles on a public roadway in a safe and orderly manner.
5. **Rules for Off-road:** When traveling on the LBMC trail system, the vehicle must be operated in a safe and orderly manner and at a safe speed. No person shall operate an OHV in the grassy areas within the development where vehicles are not commonly driven (such as, but not limited to, face of the earthen dam, or silt cells.) without permission from the LBMC.
6. **Rules for Ice:** OHVs and snowmobiles may be operated on the lake ice sheet when conditions are suitable, and each shall enter the lake by way of the owner's lot or a public access location.
7. **Snowmobiles:** Snowmobile operators shall abide by the Iowa Department of Natural Resources rules stated in the most recent Snowmobile Reference Guide. No person shall operate a snowmobile without a lighted headlight and taillight from sunset to sunrise anywhere within the development.

CHAPTER VI: WATERCRAFT AND OPERATING RULES

Section 1: Motorboats and Personal Watercraft Equipment Limitations

The following motorized watercraft may not be registered or permitted to operate on the lake:

- A runabout, fishing, or ski boat exceeding twenty-four (24) feet or;
- A pontoon exceeding twenty-seven (27) feet or;
- A houseboat or;
- A motorboat with exhaust over the transom or;
- Personal watercraft with a length exceeding twenty-four (24) feet.
- PWC with a 2-cycle engine exceeding 130 hp/1,100 cc, or a 4-cycle engine exceeding 185 hp/1,500 cc.
- **Non-complying motorboats** registered prior to October 1, 2009 will be allowed to be renewed indefinitely by the owner of record on that date.
- **Non-complying personal watercraft** registered prior to October 1, 2020 will be allowed to be renewed indefinitely by the owner of record on that date.

Section 2: Adoption of Iowa Boating Regulations

1. **Iowa Boating Regulations:** The Iowa Department of Natural Resources (DNR) rules detailed in the current edition of The Handbook of Iowa Boating Laws and Responsibilities are adopted by LBMC as the principal governing regulations in all cases where applicable and not specifically altered by the Diamondhead Lake Boating Addendum. The Iowa boating regulation handbooks may be viewed online at the following link:

<https://www.boat-ed.com/iowa/handbook>

2. **Operating While Impaired:** Operating a watercraft or manipulation of water skis, surfboard, or similar device while intoxicated or under the influence of narcotics as defined in the Iowa boating regulations is illegal. Violators of this rule will be turned over to the authorities for prosecution.

Section 3: Diamondhead Lake Boating Addendum

1. **Age Restrictions:** No one under the age of sixteen (16) years of age shall operate a personal watercraft (PWC) or motorboat which is propelled by a motor more than six (6) hp unless he or she is accompanied by a responsible person at least eighteen (18) years of age who is experienced in operation of the watercraft being driven.
2. **Traffic Pattern:** All watercraft shall proceed in a counterclockwise direction while operating or navigating on the lake with the following exceptions:
 - Sailboats
 - Non-motorized watercraft within a no-wake zone
3. **No-wake Speed:** All motorized watercraft (except a security boat) must remain at or below no-wake speed in marked coves; or within seventy-five (75) feet of any shore; or when the red beacon is on or flashing at the LBMC Office.

4. **Red beacon** at the LMBC Office is used signal when no-wake speeds shall be observed by all watercraft and is activated to indicate one or more of the following conditions are present:
 - A solid red light indicates the time is between one half (1/2) hour after sundown and sunrise per Iowa DNR boating rules (exclusive of personal watercraft, which cannot operate on the lake after sundown). The light will show yellow at sundown to indicate when personal watercraft must exit all wake-speed areas.
 - A flashing red light may indicate the following conditions:
 - Water level is in the red zone painted approximately eight (8) inches below the top of the concrete sluice gate next to the north boat ramp; or
 - State of emergency due to an accident on the lake or other unsafe conditions is declared by the LBMC Office, Security Director, or LBMC Board President. In no case will wake-speed boating be unreasonably restricted. The state of emergency shall remain in effect until such time as it is removed by the party making the original declaration or by a majority vote of the LBMC Board of Directors.
5. **Separation Distance When Passing (Overtaking):** Watercraft shall maintain a fifty (50) feet minimum separation. Watercraft pulling skiers and tubers shall maintain a two hundred (200) feet minimum separation.
6. **Separation Distance When Following:** Watercraft following skiers and tubers shall maintain a two hundred (200) feet minimum separation.
7. **Towing:** When towing water-skiers, surfboarders, tubers, etc., a responsible observer in addition to the watercraft operator must be in the watercraft (including PWCs). The observer must indicate a downed person in the water by raising an orange flag.

Note: According to DNR rules, persons towed are classified as passengers on the watercraft and count towards the maximum capacity of the watercraft.

CHAPTER VII: BUILDING AND ZONING, HEALTH AND SAFETY REGULATIONS

Section 1: General Zoning Regulations

1. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, relocated, or structurally altered nor shall any building or land be used which does not comply with all the regulations and building code requirements established by the LBMC Community Rulebook and LBMC Bylaws.
2. No private commercial activity will be permitted in any member's dwelling or on their property in the development that results in general public traffic, equipment storage or parking. Commercial ventures that provide a service to the majority of the membership will be allowed if a simple majority of the members vote to approve such venture at the annual meeting, or a special meeting called for that purpose.
3. Manufactured (mobile) homes may not be placed or relocated to any lot in LBMC development.
4. There shall be no set time determining when construction must begin on a parcel unless specified otherwise in the purchase agreement with LBMC.
5. Only one dwelling is permitted per parcel and only one "dwelling unit" is permitted per dwelling.
6. A single lot may contain no more than one each of the following structures and placement shall be subject to all easements, setbacks, and yard requirements:
 - Single family dwelling.
 - Detached garage or storage building.
 - Shed.
7. For a dwelling or accessory structure to be considered for relocation within or into the development, the structure must be sound and in good repair externally and internally. Relocation will require preliminary approval from the Building and Zoning Committee and final approval from the LBMC Board of Directors.
8. No accessory structure, recreational vehicle, camper, or tent shall be used in part or in whole as a part or full-time dwelling. A recreational vehicle or camper may be used for temporary dwelling during the construction of a new dwelling or after an existing dwelling becomes uninhabitable due to an act of God. Use may continue until the dwelling is suitable for occupancy or the building permit expires, whichever occurs first. A fine will be issued for each night the member stays on their property in violation of this rule.
9. Members in good standing may store a recreational vehicle or camper on their own property provided they are well maintained and clean or covered from sight.
10. Members in good standing who own a dwelling in the community may occasionally allow family or guests to camp on the member's property.

11. Members shall have and use off-street parking space for all the motor vehicles, UTVs, recreational vehicles, and campers of the household either in a garage or storage building or on an improved, hard surfaced driveway (concrete, asphalt, gravel, or other common paving material) or driveway extension. Short term parking in your yard is allowed during snow emergencies or on occasion when a resident may need additional parking for guests, for loading or unloading heavy items, moving, or for vehicles and equipment being used for construction work. All motor vehicles, boats, and trailers not garaged shall display a current registration tag.
12. Renting or leasing a dwelling for the short term or long term, in part or in whole, to another party is not permitted.
13. No diesel or gasoline storage or dispensing tanks may be installed on any private lot.
14. Sex offenders on the state registry shall not reside within one (1) mile of any park, school bus stop, or member access area within the Diamondhead Lake development without prior LBMC Board approval.

Section 2: Building Codes

1. LBMC officially adopts by reference the 2012 International Residential Code (IRC) for all construction and renovation projects at Diamondhead Lake. All structures must be built and comply with the 2012 IRC and all other applicable county and state codes. All restrictive covenants as set forth herein shall be applied to all said projects. Where conflicts with these codes and LBMC Rules and Bylaws exist, the most stringent interpretation will be enforced as determined by the Building and Zoning Committee.
2. All electrical installations shall be in accordance with the National Electrical Code and require an electrical permit and inspections by the state of Iowa.
3. The state of Iowa has adopted the 2021 Uniform Plumbing Code with amendments for all building in Iowa (see state code chapter 25). All work at Diamondhead Lake shall meet or exceed this code.

Section 3: Building and Demolition Permits

1. No person, firm or corporation shall erect, construct, enlarge, install, move, or demolish any structure, dock, or boat lift, or excavate, or import fill within the Diamondhead Lake development, without obtaining authorization to proceed from the Building and Zoning Committee.
2. The annual removal and reinstallation of docks and lifts is exempt from any committee approval if they remain the same size, shape, and are installed at the same location each year.
3. Building Permit requirements, application fees, road damage deposits, and other plan submission requirements shall be determined by the Building and Zoning Committee. A fee shall be assessed for each permit as determined by the committee and published annually on the permit application form. Obtaining an LBMC Building

Permit does not relieve the owner from the obligation to obtain any Guthrie County Building Permits that may be applicable.

4. Prior to the committee issuing an authorization to proceed for any type of construction project, the member must demonstrate to the committee that the lot corner stakes have been located and marked. The committee reserves the right to require the member to have a licensed surveyor complete a boundary survey for the property prior to construction of any improvements if reliable corner stake locations cannot be determined.
5. Each building permit shall be valid for twelve (12) months following issuance. One extension, length to be determined by the Building and Zoning Committee, may be granted upon member request.
6. Prior to a building permit being issued on any accessory structure over six hundred (600) square feet, all nearby property owners must be notified by the Building and Zoning Committee of the proposed building details and given thirty (30) days to comment.
7. A refundable road damage deposit, up to one thousand dollars (\$1,000), may be assessed by the committee for any permit requiring the use of heavy equipment or material transport on a case-by-case basis.
8. Plan submission for construction of, or alteration to, a dwelling, detached garage and storage building shall include the following:
 - A complete copy of the plan set (or electronic pdf) including a dimensioned structure plan, building elevations, floor plans, and site plan to the committee for review.
 - Site plan shall show a map of the property showing lot boundaries, directional information, 911 address, location of all structures and attachments, location of buried or above ground utilities, location of driveways, and approximate measurements of proposed project to lot lines and/or shoreline.
 - A grading plan shall be provided to show elevation contours before and after construction.
9. Other construction activities or installations, excluding routine property maintenance and those identified above shall require submission of a simple site plan sketch of the work to accompany the permit application. Written authorization to proceed will be delivered electronically from the Building and Zoning Committee once the plan is reviewed and approved.
10. Notification or authorization is not required for routine property maintenance and repair activities such as landscaping, tree removal or planting, minor grading, reroofing, patios, awnings, retaining walls or privacy fencing forty-eight (48) inches tall and under, window, door, and siding replacement, decking replacement, driveway surfacing or resurfacing, play sets, trampolines, barbeque pits, above ground swimming pools, foundation repair, and painting.

11. A demolition permit is required for the removal or disassembly in part or in whole of a dwelling, mobile home, garage, or storage building. The permit shall be valid for ninety (90) days following issuance and one ninety (90) day extension may be granted by the committee upon request.

Section 4: Building Regulations

1. It is the sole obligation of the applicant/owner to comply with all LBMC Building and Zoning requirements, governing agencies, codes, regulations, conditions, and restrictions; any liability for non-compliance will rest with the applicant/owner.
2. Construction of a dwelling or addition to any structure with habitable space shall require a soil test to determine the soil bearing capacity which shall be used to design an adequate structural foundation support system for the structure as required by code.
3. Non-conforming structures that were built prior to the latest adopted edition of the LBMC Rules and Bylaws shall exist in perpetuity under the "Grandfather Clause." Such grandfathered items that are subject to the building regulations which are destroyed, damaged or fall into disrepair may be repaired and benefit from the building code grandfather clause only if the cost of the repair of the item is less than sixty (60) percent of the replacement cost, and the repair does not involve a change in size, design, or structure.
4. Erosion control is required when over one hundred (100) square feet of lot area is disturbed or cleared. Acceptable methods include silt fence and silt sock. Where trees and vegetation must be removed during the construction of improvements on any property, the areas disturbed for improvements after the completion of the construction must be revegetated as soon as is practicable to minimize the possibility of erosion and to restore the visual esthetics of the area.
5. Permanent grade changes shall not significantly alter the existing runoff patterns from the member's property.
6. Gutters and downspouts, foundation drain tiles, ground water sump pumps, etc., are not allowed to flow into the sanitary sewer system.
7. Fences, hedges or retaining walls on the lakeside of shoreline property may not exceed a maximum of four (4) foot in height within thirty (30) foot of the shoreline.
8. Shoreline Protection is required for all shorelines and the installation and maintenance is the responsibility of each property owner. For property owners who refuse to comply, LBMC reserves the right to have shoreline protection installed and assess the property owner for all associated costs.

Section 5: Request for Variance

1. A member who believes the building regulations will cause an undue hardship to make lot improvements (due to unusual lot shape, elevation changes, or soil conditions, etc.), may request a variance to a specific rule or rules from the Building and Zoning Committee. Proposed structures, which as designed simply do not fit on a lot, will not be considered justification for hardship. The variance request must be reviewed by nearby property owners and approved by the Building and Zoning Committee and the LBMC Board.

Section 6: Easements

1. A utility and drainage easement is established at ten (10) feet in from each side lot line. Where adjoining lots are in common ownership, the easement between lots shall not be enforced.
2. A sewer easement is established at five (5) feet in all directions of a public sewer main, lift station, or manhole.
3. Landscaping improvements located within an easement area shall be removed and replaced at the expense of the owner should LBMC need to install utility or drainage improvements in the easement area.

Section 7: Minimum Yard Requirements

1. Minimum Yard Measurements:
 - Front yard: Fifty (50) feet from the LBMC roadway centerline
 - Rear yard: Thirty (30) feet from lot line
 - Rear yard (lakeside): Fifty (50) feet on lots with shoreline
 - Side yard: Ten (10) feet from lot line
2. Setback clarifications and allowances:
 - The front and rear yard setbacks shall be measured perpendicular from the lot line to furthestmost structure projection excluding decks and porches.
 - Roof overhangs and window awnings may project up to two (2) feet into the required setback.
 - Fences and retaining walls may have zero setbacks.
3. The Building and Zoning Committee may approve reductions of up to five (5) feet in the required front or rear yards without a formal variance request due to an irregular shaped lot, wandering shoreline, or if the reduction would be consistent with similar structures on properties in proximity.

Section 8: Dwelling and Garage Requirements

1. Dwellings and garages shall be built using traditional methods (wood frame, light gauge steel frame, load bearing masonry, or modular). All other non-traditional methods (post-frame, shipping containers, pre-engineered metal buildings, etc.) will require a variance and must be approved by the Building and Zoning Committee and the LBMC Board of Directors. Submitted plans for non-traditional methods shall be made available to the membership for a thirty (30) day review period during which each member is allowed to comment on the proposed construction plan. Both the LBMC Board and the Building and Zoning Committee will consider member input and vote to determine if the building proposal shall be approved.
2. The minimum size of dwelling shall be one thousand (1,000) square feet of living space, exclusive of basements, porches, decks, and garages.
3. The exterior finish material(s) must be approved by the Building and Zoning Committee. Pre-approved materials include wood, fiber cement, cedar shingle, LP Smartside, vinyl, brick, and stucco.
4. New modular dwellings, are allowed provided they are permanently installed on a continuous concrete or masonry foundation as required for a stick-built dwelling.
5. Placement or relocation of a manufactured home is not allowed within the development.
6. A basement slab, or slab on grade within a dwelling shall be provided with slab depressurization rough-in per the Guthrie County Health and Sanitation Regulations.

Section 9: Storage Building and Detached Garage Requirements

1. Storage buildings shall not exceed one thousand two hundred (1,200) square feet with a maximum eave height of twelve (12) feet.
2. Construction type may be post-frame or stick built and exterior finishes may be metal or other finishes typically approved for a residence.

Section 10: Other Accessory Structures

1. Accessory structures may be erected as an integral part of or directly attached to a dwelling or may be connected thereto by a breezeway; or may be erected detached from the dwelling.
2. An accessory structure directly attached or connected by a breezeway to the dwelling shall be considered as part of the dwelling and shall meet the building requirements as specified for a dwelling.
3. Manufactured homes and shipping containers shall not be utilized as an accessory structure.
4. All Swimming pools shall have controlled access utilizing a minimum forty-eight (48) inches high security fence. See appendix G of IRC 2012 for other pool requirements.

Section 11: Private Boat Docks

1. Docks, decks, piers, and similar structures shall not extend more than forty (40) feet over the lake in a line perpendicular to the shoreline when the lake is at its normal elevation of 972.5 feet above mean sea level. The Building and Zoning Committee may reduce the dock extension limit where deemed necessary to prevent a safety hazard or impedence to the normal flow of boat traffic, either in the main lake area or in the coves.
2. Any dock and associated docked watercraft shall be completely contained within the dock owner's property lines as extended into the lake.
3. Dock finishes should be unobtrusive and compatible with the natural surroundings or left unpainted where suitable wooden construction materials are used.
4. No alteration of the shoreline of any kind may be made by any person other than LBMC without the written permission of the Building and Zoning Committee.
5. No boat house or similar structure shall be constructed in or on the body or bed of Diamondhead Lake without the approval of the Building and Zoning Committee.
6. Docks shall be properly maintained and kept in good appearance. Failure to do so may result in the removal of the dock by LBMC at the expense of the member.

Section 12: Inspections

1. All structures must be in conformance with the yard and easement requirements set forth in this chapter. The Building and Zoning Committee shall inspect, or have inspected, the lot stakes and structure outline stakes to verify compliance with all required easements and setbacks. Building and Zoning Committee approval of the stake layout is required prior to construction.
2. Members of the Building and Zoning Committee have the authority to be on your property to inspect construction activity. Notification will be given to the owner a minimum of four (4) hours prior to the inspection through the contact information contained within the current records of LBMC when possible.
3. All proposed structures containing habitable space must be inspected by a third-party professional inspection agent for conformance to applicable building code requirements. The member is responsible for all costs associated with third-party inspections. Inspection requirements and inspector credentials shall be determined and established by the Building and Zoning Committee.

Section 13: Health and Safety

1. All privately owned improved or unimproved lots and yard areas shall be kept in a clean and sanitary condition, free from any accumulation of debris, refuse, and junk.
2. No dwelling shall be occupied unless permanently connected to the central electric, water, and sewage systems. No privy or private sewage disposal systems shall be allowed.

3. No inoperable motor vehicles, trailer, boat, appliance, or junk shall be kept, stored, or parked in a yard.
4. Garbage and other refuse shall be stored in a sanitary animal proof container.
5. No livestock, poultry, animals, reptiles, or rodents shall be housed, corralled, raised, or slaughtered.
6. Household pets shall not be allowed to run or roam on other people's property and must always be under the owner's control.
7. The burning of household waste and trash is prohibited. The burning of yard waste is permitted and must be attended to or placed in a fire pit.

Section 14: Property Maintenance and Repair

1. **Damage:** Any structure, which has been destroyed in whole or in part by an act of God, or for any other man-made or natural cause, must be restored to the original condition or all debris removed, grade restored, and vegetation established within a reasonable timeframe based on the severity of the damage sustained.
2. **Yard Maintenance:** All privately owned improved or unimproved lots and yard areas shall be kept in a clean and sanitary condition; free from any accumulation of debris, refuse, and junk and shall be regularly mowed and trimmed. Without exception, noxious weeds, as declared in Iowa Code 317.1A, shall be removed or controlled by the party responsible for maintaining the area.
3. **Building Preventive Maintenance:** All structures and improvements shall be maintained and kept in a safe and working condition and reasonably good appearance consistent with structures in proximity.

Section 15: Building and Zoning Violations

1. Owners failing to obtain required permits for their improvements will be given notice, either electronically or in writing, to stop all construction activity until an active permit has been approved by the Building and Zoning Committee and all fees have been paid. The owner will have thirty (30) days to remedy.
2. Members may request a member hearing committee assembled to contest the validity or facts related to the violation notice. In which case, the time period the member has to complete the improvements will not start until a review by the hearing committee has been conducted and a decision rendered.
3. If the improvements are not complete, or a permit has not been obtained within thirty (30) days, a fine of two hundred fifty (\$250) dollars will be assessed. Fines will double each following thirty (30) day period until the committee is satisfied that the improvements are complete, or a permit has been obtained.
4. If a member fails to fully comply after sixty (60) days, the LBMC Board of Directors may, at their discretion, choose any of the following actions:
 - Direct LBMC employees or a third-party to mow and clear the property of debris.

- In the case of a vacant and abandoned structure(s), make safe the structures (including but not limited to boarding up doors, windows, and other openings).
- Determine the portion of the associated direct costs incurred by LBMC that shall be charged to the owner and become part of the obligation against said lot(s) in addition to the assessed fines.
- Determine the portion of the associated direct costs incurred by LBMC that shall be charged to the owner and become part of the obligation against said lot(s) in addition to the assessed fines.
- Direct the owner to remove all improvements made without a permit and restore the lot to original condition.
- Revoke lake privileges until the owner achieves compliance.

CHAPTER VIII: RULE VIOLATIONS

Section 1: General

1. **Authority to Impose:** The LBMC Board of Directors retains the right and authority to assess penalties and collect fines from the members in the enforcement of the rules and regulations contained in the Diamondhead Lake Community Rulebook and the Building and Zoning Regulations.
2. **Payment and Delinquencies:** All fines are due and payable when transmitted electronically to the member and shall be considered delinquent forty-five (45) days thereafter unless discharged by appeal. If amounts due for fines become delinquent, the amount of the fine shall be automatically added to the annual member charges and the fine shall be collectible in the same manner as other dues and charges with member payments being applied to the oldest aged balance on the member's account regardless of origin or directive by the member.
3. **Tracking:** Each offense shall be dated and categorized by chapter and section for the calendar year. Repeating a violation of the same rule within one (1) calendar year will cause the fine amount to increase as scheduled below.

Section 2: Fines and Penalties

1st occurrence	Seventy-five dollars (\$75)
2nd occurrence	Three-hundred dollars (\$300)
Each additional occurrence	Five-hundred dollars (\$500)

For a "Harassment of Association Personnel" violation, fines shall be doubled.

For a "Building and Zoning Regulation" violation, fines will double every thirty (30) days the issue is not resolved. Fines will be suspended if a resolution plan, including timeframe, is approved by the Building and Zoning Committee. If the resolution plan is not implemented, fines will be reinstated from the time they were suspended.

A member with three (3) boat operation violations (Chapter VI) within one boating season or is delinquent on boating fines, shall have their lake privileges suspended automatically for the remainder of the boating season. Privileges shall be reinstated the following year.

Transferring a Diamondhead Lake sticker from one off-highway vehicle or watercraft to another will result in the loss of the sticker for the remainder of the calendar year.

Section 3: Appeals and Hearings

1. **How to Appeal:** The member shall have fourteen (14) days after a fine or penalty is issued. The member must request a hearing through the LBMC Office.
2. **Hearing Date:** The LBMC Office will set the hearing date and advise the member of the hearing time and place. If the member fails to appear, the fine is automatically rendered valid, and no additional appeals shall be accepted.

- **Hearing Committee:** The hearing on violations of all foregoing rules will be heard and decided by a Hearing Committee comprised of five (5) LBMC members at large. A board member will officiate the hearing, but not participate in any vote.
- **Committee Decision:** The decision of the Hearing Committee will be rendered by a simple majority vote of the committee and will be final.
- **Amount Due:** Any amounts due determined by the Hearing Committee shall be considered due and payable on the hearing date. Any penalties reaffirmed shall also take effect immediately.

CHAPTER IX: INTERPRETATIONS AND DEFINITIONS

Section 1: Interpretations

1. For this rulebook certain terms and words are hereby defined. The following rules of construction and interpretation shall apply unless inconsistent with the plain meaning of the context of this ordinance.
2. Words used in the present tense include the future tense.
3. Words used in the singular include the plural, and words used in the plural include the singular.
4. The word “shall” is mandatory; the word “may” is permissible. The word “should” means expected but not mandatory if compliance is impractical.
5. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
6. The word “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

Section 2: Definitions

Accessory Structures: A structure incidental to the usage of a dwelling and intended to provide convenience, comfort or safety to the occupants including, but not limited to, sun shelters, gazebos, yard decks, swimming pools, detached garages, garden houses, storm shelters, children’s playhouses, barbecue ovens, outdoor fireplaces, storage buildings, and sheds.

Amenities: Common spaces owned, improved, and maintained by LBMC intended for the use and enjoyment of the members including parks, beaches, boat ramps, parking, playgrounds, recreational trails, clubhouse, disc golf course, dog park, lake, and ponds.

Animals: Rabbits, squirrels.

Basement: The lowest story of a building that may be partially or wholly below grade.

Bed and Breakfast Home: A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests. This activity is not permitted on any lot zoned for residential use.

Board: The Board of Directors for Long Branch Maintenance Corporation.

Boathouse: Any mooring structure with a roof, sidewalls or storage areas that are attached.

Breezeway: A roofed structure for the principal purpose of connecting a dwelling to other accessory structures.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons or personal property.

Building Height: The vertical dimension measured from the average grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Camper: Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes. Includes any trucklike vehicle, van, or trailer that is fitted or suitable for recreational camping, or a pickup truck on which a structure fitted for camping is mounted.

Carport: A roofed shelter for vehicles that is not enclosed completely by walls and doors.

Construction: The physical act of setting, moving, erecting, building, or raising any building or structure.

Construction and Demolition Waste: Waste building materials including wood, metals, and rubble, etc., which result from construction or demolition of structures.

Deck: An exterior platform or structure serving as a floor, above grade.

Demolition: The destruction of a structure by disassembly, or by heavy equipment and the completion of removal debris and site restoration.

Diamondhead Lake Development: An area in Guthrie County Iowa, located in Sections 13 and 14, bounded by the areas platted and recorded in the Office of the County Recorder of Guthrie County, Iowa, originally known as Happy Acres. May also be referred to as Diamondhead Lake, development, association, or community.

Dock: A constructed pier or device used for the landing or securing of watercraft.

Dwelling: Any permanent wood frame or masonry structure designed and used exclusively for residential purposes. Does not include recreational vehicles, accessory structures, travel trailers, campers, motorhome, or tents. The term may be used interchangeably with home, house, or residence. Dwelling shall include habitable space for living, sleeping, eating, cooking and shall contain bathing and toilet facilities. To be considered habitable, a dwelling shall have permanent connections to electricity, sanitary sewer, and domestic water services and shall have a permanent foundation.

Common types include:

- **Condominium Dwelling:** A multi-family dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the other.
- **Multi-family Dwelling:** A dwelling containing three (3) or more dwelling units, designed for and occupied by an equal number of families.
- **Townhouse:** A multi-family dwelling as defined herein whereby each dwelling unit is designed and erected as a unit on a separate lot and separated from other units by an approved wall or walls.
- **Single Family Detached Dwelling:** A detached dwelling unit designed for and occupied by not more than one (1) family.

- Two Family Dwelling (Duplex): A dwelling containing two (2) dwelling units, designed for, and occupied intermittently or continuously by not more than two (2) families simultaneously.

Dwelling - Temporary: Any vehicle or structure that does not meet the definition of a “dwelling.” This includes, but is not limited to tents, campers, recreational vehicles, lean-tos, and yurts.

Dwelling - Non-typical: Not conforming to the characteristics of the representative specimen or what is prevalent on the existing areas.

Dwelling Unit: One (1) room, or rooms connected, constituting a separate, independent housekeeping establishment for owner occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and eating facilities, bathing, and toilet facilities, and sleeping facilities.

Easement: Is a grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose or purposes.

Family: One (1) or more persons occupying a single dwelling unit and living as a single housekeeping unit, whether or not related to each other by blood, marriage, or adoption.

Family, Member of the Immediate Family: Shall mean a person’s parents, spouse, child, mother-in law, father-in-law, brother, sister, grandparents, or grandchild.

Fence, Sight-Obscuring or Privacy: A fence or planting arranged in such a way as to obstruct vision.

Fire Pit: A pit dug into the ground or encased in a surrounding structure (as of masonry or steel) in which a fire is kept burning.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage: An accessory use structure located on and serving a residential property which shall be designed and used primarily for the sheltering of motor vehicles and other personal property used by the occupants of the property.

Gazebo: A free-standing roofed structure usually open on all sides.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Guest: Any person that was invited to visit the member’s property in the development but is not identified as a member of the immediate family.

Habitable Space: Space in any building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces and similar areas shall not be considered habitable (occupiable) space.

Improvements: All additions or construction, other than personal property added to a lot by the owner with the intent of enhancing or maintaining the lot value or recreational usage.

Junk: Old or discarded articles that are considered useless or of little value; or inoperable vehicles, machinery, kitchen appliances, or any other type of equipment; or any parts thereof; or construction waste; or excavation spoils, or demolition waste.

Lake Privileges: Special rights granted to members of LBMC to use the Lake amenity as limited by the rules and bylaws.

Landscape Waste: Branches, limbs, grass clippings, and leaves.

LBMC Approval: An affirmative action by the LBMC Board of Directors, or authorization given by an employee or agent of LBMC that has been endowed by the LMC Board the authority to act on their behalf on such matters.

Livestock: Horses, mules, cows, bulls, goats, sheep, lambs, hogs, and pigs.

Living Space: Spaces contained within a dwelling including the kitchen, the living room, the dining room, bedrooms, and bathrooms, stairways, hallways, closets, and other similar rooms. Basements and attics, or enclosed porches, do not count towards the minimum living space required for a dwelling. Measurements shall be taken from the exterior side of the walls.

Long Branch Maintenance Corporation (LBMC): A non-profit entity organized to encourage the betterment, cleanliness, maintenance, and beautification of the Diamondhead Lake development situated in Guthrie County, Iowa, and to further the participation in enjoyment of recreational facilities and to promote other services for the benefit of the members of LBMC.

Lot: The area encompassed by the original recorded boundaries of any lot designated in the plat of subdivision of Diamondhead Lake and owned for the purpose of residential use by individuals or corporations, not as common property.

Lot Frontage: That portion of a lot or parcel of land which abuts a roadway.

Lot Lines: The property lines bounding a lot including:

- **Front Lot Line:** The lot line separating the front of the lot from the front roadway or roadway easement. However, for purposes of determining lot requirements in cases where the front lot line is located within a roadway, the roadway edge shall be used. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line.
- **Rear Lot Line:** The lot line which is opposite and most distant from the front lot line.
- **Side Lot Line:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a front or rear lot line.

Lot Measurements: For the purposes of this ordinance the following lot measurements apply:

- **Lot Area:** The gross horizontal area within the lot lines of a lot, exclusive of any area contained within a roadway or easement of access.
- **Lot Depth:** The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- **Lot Width:** The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear yard setback.

Lot Types: For the purpose of this ordinance the following types of lots are defined:

- **Corner Lot:** A lot located at the intersection of two (2) or more roadways.
- **Flag Lot:** An interior lot which is generally located behind other lots, and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a roadway.
- **Interior Lot:** A lot, other than a corner lot, having frontage on only one (1) street.

Manufactured (Mobile) Home: A factory-built house regulated in the United States by the Code of Federal Regulations 24 CFR 3280. Manufacturers build the houses on a permanent steel chassis to assure the initial and continued transportation ability of the home. The wheels and hitch tongues used to transport the house are removed once the unit is in place.

Member or Member in Good Standing: See Corporate Bylaws for definition.

Member Privileges: Special rights granted to members of LBMC to use the common spaces and amenities as limited by the rules and bylaws.

Modular Home: Any prefabricated structure of conventional construction meeting the requirements of the local building code, moved onto a site in essentially complete constructed condition, in one (1) or more parts and when assembled and finished, is a single-family unit on a permanent foundation, attached to the foundation with permanent connections.

Motorhome: Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways, and duly licensed as such; and designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons. This definition shall refer to and include any vehicle that is intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power.

Motorboat or Motorized Watercraft: Any vessel propelled by an inboard, inboard-outdrive, or outboard engine, whether or not such engine is the principal source of propulsion.

Motor Vehicles: Refers to automobiles, pickups, trucks, motorcycles, etc., that were intentionally designed to comply with Federal Motor Vehicle Safety Standards for use on highways.

Motor Vehicles, Inoperable: Any motor vehicle or portion thereof which does not have a current Iowa license or has one of the following conditions: parts have been removed for re-use, salvage or sale or the vehicle has been incapable of operating or has not been operated under its own power for more than thirty (30) days or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or which in any other way constitutes a threat to the health and safety of the citizens. The definition shall include implements related to a farming operation.

Multi-family Home: Any residential property containing two or more physically separated dwelling units (e.g., duplex, townhome, apartment complex), each having sleeping, cooking, toilet, and bathing accommodations.

Noise Disturbance: Any sound which (a) endangers or injures the safety or health of humans, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

No-wake (slow) Speed means operating a boat at the slowest speed necessary to maintain steerage and that reduces or eliminates waves that appear as white water behind the boat."

Non-conforming Structure: Any structure or use that does not conform with the current regulations.

Off-highway Vehicles (OHV): Refers to all-terrain vehicles, off-road motorcycles, off-road utility vehicles, and snowmobiles generally designed for off-road or streets at less than highway speeds.

- **All-terrain vehicle (ATV)** means a motorized vehicle with not less than three (3) and not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
- **Off-road motorcycle (ORM)** means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. Off-road motorcycles also include a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code chapter 321, but which contains design features that enable operation over natural terrain.
- **Off-road utility vehicle (UTV)** means a motorized vehicle with not less than four (4) and not more than eight (8) non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
- **Low speed vehicle (LSV)** means a small four (4)-wheeled motorized vehicle designed to meet Federal Motor Vehicle Safety Standards, equipped with headlights,

taillights, turning signals, stop lights and is designed to operate on public roadways at a speed of not more than twenty-five (25) mph.

- **Snowmobile** means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks, or treads.
- **Golf cart** means a small four (4) wheel motorized vehicle originally designed to carry two golfers and their equipment. The vehicle is equipped with smooth tires and can achieve a maximum speed of twenty (20) mph generally designed for use on a golf course.
- **Off-road go-kart** means a small car-like vehicle that has one (1) or two (2) seats and an open top which is designed to be operated off-road. Go-karts can be registered as off-road utility vehicles or low speed vehicles, given the condition that they comply with all the safety features found in the category.

Operate: To navigate or otherwise use a watercraft, off-highway vehicle, or licensed motor vehicle.

Paddleboard: A long narrow board or inflatable on which you can sit or stand while propelling the vessel with your arms or a paddle.

Parking Space, Off-street: An area which includes parking plus the maneuvering space required for the parking of motor vehicles.

Patio: A recreation area composed of gravel, bricks, concrete, wood, etc., which is constructed at grade level.

Permanent Foundation: A geo-pier footing or concrete foundation wall system with spread footings designed and constructed to be compatible with the soil conditions of the site. The foundation system shall have visual compatibility with the permanent foundation systems of the surrounding residential structures.

Personal Watercraft: A vessel, less than sixteen (16) feet in length, which is propelled by a water jet pump or similar machinery as its primary source of motor propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than being operated by a person sitting, standing, or kneeling inside the vessel.

Porch, Enclosed: A roof projection which has more than fifty (50) percent of any outside wall area enclosed by a building or siding material other than meshed screens.

Pre-engineered Metal Buildings: Prefabricated steel (or other metal) frame structures, engineered for rapid construction and long spans.

Post-frame Building: An alternative to stick framing, the structure consists of multiple plies of wood creating vertical columns or premanufactured concrete column (footers), sunk into the earth to transfer loads to the foundation. Commonly referred to as a “Morton building” or “pole building.”

Poultry: Chickens, turkeys, geese, and ducks.

Property: One or more lots in common ownership (listed as an owner on the property deed). May or may not be adjacent with a common lot line.

Regulation or Ordinance: The Long Branch Maintenance Corporation Building and Zoning Regulations.

Reside: A dwelling or other place where a person sleeps, habitually lives, or is stationed with regularity, regardless of whether the person declares or characterizes such place as their place of residence.

Restrictive Covenant: A legally binding agreement that states what a property can or cannot do with their house or land.

Recreational Vehicle (RV): A vehicular type camping unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes a: travel trailer, camping or tent trailer, truck camper, motorhome, or coach.

Reptiles: Snakes, alligators, lizards.

Retaining Wall: A wall designated to resist the lateral displacement of soil or other materials.

Rodents: Mice, rats.

Roofline: The juncture of the roof and the perimeter wall of the structure.

Sailboard: A windsurfing vessel with a mount for a sail, a daggerboard, and a small skeg.

Sailboat: Any watercraft operated with a sail.

Setback: The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear, or side lines of the building. Setback may also be referred to as required yard dimension.

Shed: An accessory building of less than three hundred and twenty (320) square feet generally consisting of a subfloor installed on treated timbers intended for protection and storage of personal property, garden tools, lawn care equipment etc.

Shoreline: The delineation of land and the water's edge at lot line midpoint with the lake at normal summer pool elevation.

Shoreline Protection: Any structure, bulkhead, seawall, or revetment designed to reduce the erosion of a shoreline from actions of nature or man made from materials such as, sheet piling, concrete, rip rap, boulders, wood planks, or other approved seawall materials, or beach construction and vegetative planting.

Shoreline Sun Shelters: Open-air, non-permanent roofed landscaping structures generally located within the fifty (50) foot lake setback and designed only to provide light protection from the sun, not protection from wind or precipitation. The intent of the shelter is to simply provide shade protection near the shoreline and to do so without significant visual

impact by excluding walls, vertical dividers, and other permanent visual obstructions from the shelter.

Storage Building: A freestanding structure utilizing post-frame or stick built construction, too large to qualify as a shed, and used to store personal property, equipment, watercraft, off-road vehicles, and other motor vehicles as a supplement to a garage.

Story: That portion of a building, other than a cellar or crawl space, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than a half-story above the top floor level.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include any dwelling, attached or detached garage, shed, storage building, shoreline sun shelter, gazebo, in ground swimming pool, retaining wall, yard deck, permanent dock, buildings, and mobile homes, but exclude driveways, parking areas, and patios.

Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

Subterranean [earth sheltered] Home: A dwelling which has all but one (1) wall completely covered and landscaped with earth including the roof. For the purposes of this definition, a cellar or basement shall not be defined as a subterranean home.

Swimming Pool: An outdoor structure designed as a receptacle for water, or an artificial pool of water having a depth at any point of more than two (2) feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment or structures. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas utilized outdoors.

Travel Trailer or Camping Trailer: A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight (8) feet in width and any length. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than ninety (90) days in a twelve (12) month period, it shall be classified as a mobile home. This definition shall also include house cars and camp cars having motive power and designated for temporary occupancy as herein defined.

Trotlines: Lines commonly called *tagged lines, throw lines, bank lines, ditty lines, and ditty poles.*

Vessel: Any watercraft capable of being used as a means of transportation on water or ice.

Vessel, Motorized: A motor-driven vessel.

Vacant Lot: A lot which has no improvements.

Variance: A variance is a relaxation of the terms of the Building Regulations where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance a variance is authorized only for height, area, and size of structures or size of yards and open spaces; establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the landowner.

Violation: Any action that does not comply with the provisions of the rules.

Watercraft: Any vessel which, through the buoyant force of water, floats upon the water and can carry one or more persons.

Watercraft, Non-motorized: Kayaks, canoes, paddleboats, paddle boards, sailboats, and motorized watercraft below ten (10) hp.

Weed: A plant that is not valued where it is growing and is usually of vigorous growth especially: one that tends to overgrow or choke out more desirable plants.

Yard: An open space unoccupied and unobstructed by any portion of a structure.

Yard Deck: A platform typically free standing constructed out of treated wood, no higher than eighteen (18) inches above grade, installed in a rear yard.

END OF DOCUMENT