

***VERMILION LAGOONS  
ASSOCIATION INC.***

***OWNER HANDBOOK***

Effective Date \_\_\_\_\_

# History

## A Short History of Vermilion and Vermilion Lagoons

The fishing industry prospered early in Vermilion. The river and harbor provided a natural setting for operations. There was an abundance of fish in the lake. In 1839, there were fish shanties on the river below Exchange Place, now Exchange Park. Early fisheries were Doville-Caldwell, Lavoo-McGraw, and Edson-Nichols. By 1851 family fisheries were flourishing along the shore to the east. In 1864 the Adam Kishman family was fishing Brownhelm Bay (site of the present Ford plant) and in 1870 the Leidheiser family based their operations at Klaus Creek. Early catches consisted of muskellunge, white bass, and sturgeon. There was no market for sturgeon, but the roe was removed and sold to a Sandusky man who then shipped it to Russia to be processed into caviar. The remainder of the sturgeon was used by the farmer/fisherman as fertilizer in his fields. In 1853 the New York Central Railroad opened Brownhelm Station, thereby expanding fish distribution beyond the territory covered by horse and wagon peddlers. The Lakeshore Electric was also used to ship fish to Cleveland.

The use of the steam tug brought more fisheries to the river location. Kishman was occupying the familiar site below Exchange Park by 1905 and by 1915 Parsons, Leidheiser, Driscoll, Ranney, and Southwest (Patton-Lampe) were also in business. White bass, pike, perch, cisco, and whitefish were caught in gillnets. 1,994,000 pounds of fish were caught in 1915. Commercial fishing became the main industry in Vermilion providing employment to a majority of the men. In the winter thousands of tons of ice were cut from the river and stored in icehouses for use during the fishing season. Fish were shipped by Railway Express on passenger trains and by trucks to the east and west coasts and many points between. Until recent times there were five or six fisheries in Vermilion. The Kishman Fish Company was the largest with branches in Huron and Grand River. Kishman's Vermilion buildings were demolished in 1986 and the property is now the site of the Fisherman's Bend Condominiums.

Commercial fishing in Vermilion ceased in 1985 when the Ohio Legislature outlawed gillnets. The fisheries could no longer make a profit. Charter boats and sport fishing are now flourishing. Although the shipbuilding and fishing industries have vanished, business still thrives along the river. A dozen marinas and boat liveryes serve 8,500 pleasure craft making Vermilion the largest small boat harbor on the Great Lakes. Vermilion's lake and riverfront location early lent itself to recreation and resort development. By 1880 both Shadduck's Grove (later Crystal Beach, then Crystal Shores) and Wagner's Woods (later Linwood) were in operation. The Wagner Hotel was opened in 1897 and still stands today on Main Street across from the Fisherman's Bend development. A ferryboat continued to connect the west and east banks of the river. Over the years a number of ferrymen plied the river's waters but none was as colorful as Louis Noel, a French-Canadian affectionately known as Cloudy. He began his business in 1906 running between Ferry Street at the Water Works on the west bank to a point on the east bank near the entrance to Erie Lagoon.

Vermilion's yachting industry began to thrive in the early 1900's, taking advantage of the prime location of the river and harbor. Most available Lake Erie harbors were used for commercial purposes and therefore lacked docking facilities for pleasure boats. The one exception was Vermilion harbor. There were about sixty acres of broad beach and marshland fronting Lake Erie and adjoining the picturesque and navigable Vermilion River. In 1928 this area attracted Louis A. Wells, a Cleveland contractor, who bought the land. He envisioned a community of summer homes, each fronting on the water, most with dockage at the doorstep. The marsh was dredged and four lagoons were cut eastward from the Vermilion River. Linwood Park allowed Wells to bring his equipment and trucks through the Park to get to the construction area. A Linwood tree now blocks the old gate. The first entrance to the Lagoons was located at Park Drive. A bridge spanned Superior Lagoon to give access to Portage Drive. The bridge was located just west of the sharp curve in the road at 5279 Portage Drive. In 1931 this bridge was removed and the current entrance at Portage Drive was opened. Plats were recorded in 1930. Landscaping was carefully planned and willow trees planted. It was decided that the 1 ½ story Cape Cod house was best suited to the site. A supervising

architect was to approve all proposed plans so the standards of design would be maintained. Streetlights were banned, lest they interfere with the houses' reflections in the water. By 1931 the beach house and the first home had been built. Donald Comstock, an employee of the Wells Realty Company lived in the home at 5385 Portage Drive while he sold homesites in the Vermilion Lagoons. The average price of a 50 foot lot was \$2,200.

Mr. Wells donated a site at the end of Anchorage Way, on the river, for the establishment of a yacht club with the provision that no alcoholic beverages could be consumed or sold on the premises. In 1933 twelve members of the Cleveland Yachting Club, seeking a more secluded anchorage, founded the Vermillion Yacht Club. These twelve charter members went boldly ahead with plans for a new clubhouse and the acquisition of additional waterfront property for the dockage of their boats. By 1934, thirty-eight new members had been recruited (about half of the present membership). The Vermillion Yacht Club has remained a small, friendly, family club.

A building boom took place in the Lagoons in the mid 1930's. By 1940 all the houses on Anchorage Way, several homes on Willow Lane, and most of the houses on the portion of Portage Drive located on the north side of Erie Lagoon had been constructed. Most houses were used as summer cottages. The first year-round residents, the Lester Kishman family, moved into their new home on April 10, 1937. Throughout the years, houses continued to be built on the north side of Portage Drive facing the lake, Willow Lane, and Portage Drive bordering Superior Lagoon. A few homes were built on Park Drive. In the 1950's Park Drive, the last street to be developed, began to experience real growth. Park Drive now has more homes than any other street in the Vermillion Lagoons.

Because of the homes' proximity to the water, fluctuations in water level are closely watched. Love for the water has several times meant living in the water, rather than by the water:

FLOOD – January 21, 1959 – caused by heavy snowfall, followed by 50 degree temperatures, heavy rain, and ice jamming at the mouth of the river. Parts of the Lagoons were evacuated. Water and ice blocked roads and lawns. A few homes were flooded.

FLOOD – January 30, 1968 – caused by an all night rain and ice jamming. Lagoons residents were evacuated. A few homes suffered flooded basements. Streets and lawns flooded and ice blocks lodged in yards and streets especially on Park Drive.

NORTHEASTER – April 19, 1969 – Lake levels were already much higher than usual. Winter and spring storms had eroded 30 feet of beach and damaged existing beachfront retaining walls. Northeast winds of 50 mph produced 12 foot waves whose power destroyed an additional 30 feet of lawns and retaining walls. Sandbagging proved useless and boxcar ends were erected as breaks only to be lost to the storm's fury. A second effort with boxcar ends was successful because the metal was held in place by cables anchored to trees. Five beachfront homes lost their beach, retaining walls, and lawns. Lake Erie lapped against the north side of the Godley house (now Herzer) at 5384 Portage Drive. Water was driven upstream by the storm and the river overflowed its banks.

FLOOD – July 5-6, 1969 – caused by violent rain and wind, accompanied by constant thunder and lightening. Eight to twelve inches of rain fell in the Vermillion River Basin within a twelve hour period raising the river seventeen feet above its normal level. Residents were evacuated by trucks, boats, and helicopter. Homes were seriously damaged and Vermillion was declared a national disaster area.

FLOOD – February 24, 1985 – caused by ice jamming. Evacuations were carried out. Ice and water damaged exteriors and interiors of many homes.

HIGH WATER – January 29-30, 1994 – caused by ice jamming. A few houses sustained water damage.

HIGH WATER – January 18, 1996 – caused by ice jamming. Some homes had ice and water damage.

The anchor on the Portage Drive median north of Erie Lagoon has an interesting history. It is the port anchor from the first iron vessel on the Great Lakes—the world's first iron naval ship. Christened the U.S.S. Michigan, she was a shallow draft, steam-driven, sidewheeled gunboat built by the U.S. Navy in 1843, almost two decades before the famed Monitor and Merrimack. The hull and frame were of iron while the superstructure was of wood. The iron was fabricated in Pittsburgh and hauled by oxcart to Erie where it was wrought and assembled. She was 163 feet long and had a beam of 27 feet, plus 10 feet for the paddle wheels. Her engines had 170 horsepower. At launching she jammed on the ways, disappointing the large crowd which had gathered to see her sink. The next morning she was found floating, having launched herself during the night. The U.S.S. Michigan was rigged as a barquentine, a handsome vessel with a clipper bow, three tall masts and a raking smokestack. While under sail her paddle wheels could be disengaged, allowing her to move faster under canvas than under power. Her main mission was to keep the peace and preserve the neutrality of the Great Lakes. She also served as a survey and training ship. After a 106-year career she was scrapped in 1949. Her prow overlooks the Erie, PA harbor at the foot of State Street.

In 1998, the beach house erected in 1931 was razed and replaced by a slightly larger structure designed to replicate the original in style, yet provide more function and accessibility. The new beach house was dedicated to the property owners at the Fourth of July celebration that same year.

The Vermilion Lagoons residents have one interest in common—their love of the water. Boating, fishing, cruising, sailing, racing, beaching, sunning, and swimming are all at their doorsteps. Property owners are most grateful to Lou Wells for his amazing vision.

By Gretchen Kishman Neiding and Pennie Clifford (1998)

#### SOURCES

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## INTRODUCTION

Welcome to the Vermilion Lagoons Association, Inc. We hope living here will be a rewarding and enjoyable experience for you. To accomplish this for all the residents of our community, this Handbook was created to provide you with general information, and the rules and regulations for Vermilion Lagoons. We hope you find this guide useful and informative and will cooperate in following the rules and regulations established by the Association.

This is intended as a "plain language" handbook for owners that describes Association rules and provides an easy reference source of useful information.

We ask that you keep this handbook as a handy reference. If you have any questions about its contents or the Trust Agreement and Bylaws, please do not hesitate to contact the Board of Directors or the Management Company: Lawrence Community Management Group, Inc.

This handbook is intended to supplement, not replace, the Trust Agreement, Bylaws, and the Architectural Standards. Therefore, if there is a conflict or discrepancy between what is expressed in this handbook and the recorded documents, the Trust Agreement and Bylaws shall govern.

Additional copies of this handbook may be obtained from Lawrence Management. Additional copies of the Trust Agreement and Bylaws, as recorded with the County Recorder's Office can be obtained for a fee from either Lawrence Management or the County Recorder's Office.

As a homeowners' association, we are governed by the recorded Trust Agreement and Bylaws and the rules and regulations adopted by the Board of Directors. The Board of Directors serves without compensation and reasonably manages the Association's affairs on behalf of our owners. All Directors must be owners or spouses of owners.

The Board of Directors, on behalf of the Association, retains the services of a professional management company to handle the day-to-day operations, which includes the collection and deposit of association fees, record keeping, contract administration, and other services. The company currently contracted to perform these services is:

The Lawrence Community Management Group, Inc.  
1507 Lear Industrial Pkwy., #1  
Avon OH 44011

e-mail: [efratus@lawrencemanagmeent.com](mailto:efratus@lawrencemanagmeent.com)

Phone: 440.937.2800 or 800.875.5080

Mr. Edward M. Fratus, Property Manager

The Board requests and appreciates your cooperation in respecting that Board members are not employees and should not be contacted directly on Association related matters outside of Board meetings. Board members are not individually responsible for resolving Association matters and can only decide on issues collectively. Any concerns or issues you have should be brought to the Board's attention through the Management Company. The only exception is that you should send a letter directly to the Board members concerning problems that you may have with the Management Company.

The annual owner's meeting, for the election of Board Members and other pertinent business, is usually held every January.

Thank you,

**THE BOARD OF DIRECTORS**  
Vermilion Lagoons Association, Inc.



## **HOMEOWNERS' ASSOCIATION**

### **What is a Homeowners' Association?**

All owners who purchase into a development with a Homeowners' Association in place are automatically members of the Association. In fact, your deed of ownership is called a "restricted" one because it is subject to the rules and regulations established by the Association. Association policies, consistently practiced and enforced, will reasonably preserve and enhance the property value of the community and will provide a high quality living environment for owners. Properly managed, the Homeowners' Association offers stability to the community, preservation of the community concept and enhancement of the property values. All community associations have the following three characteristics:

- Mandatory and automatic membership to the Association;
- Association documents are in place to organize the policies, operations and preservation of the community; and
- All owners share the operating costs of the Association in the form of an assessment.

## **THE VERMILION LAGOONS ASSOCIATION**

The Vermilion Lagoons Association is designed to oversee the amenities and enforce the policies that reasonably benefit all owners within Vermilion Lagoons. Examples of such amenities include the beach and party room, the main entranceways into The Lagoons, and the Common Elements.

### **Association Board of Directors**

A homeowners' association is an organization comprised of all owners in a common interest development, and is given authority to enforce the covenants, conditions, and restrictions and to reasonably manage the common amenities of the development.

Like a city, associations provide services, regulate activities, levy taxes (assessments), and impose fines. Unlike a municipal government, however, most homeowners associations are incorporated as non-profit corporations and are therefore governed by a board of directors. The board carries out tasks which would otherwise be performed by local

governments or require private legal action under civil law.

The Association's Board of Directors consists of three owners or spouses of owners. The Board of Directors serves three year terms.

### **Powers of the Board**

The Board of Directors' responsibilities include:

1. Adopting, publishing and enforcing policies and regulations;
2. Supervising any and all officers, agents and employees of the Association;
3. Establishing the annual budget and set assessments;
4. Causing the Common Elements to be reasonably maintained; and
5. Making any decisions on behalf of the Association in the interest of the owners.

## **MANAGEMENT COMPANY**

### **Management Company Responsibilities**

Many homeowner associations choose to hire a Management Company to assist in maintaining their communities. Management companies are usually experts in landscaping issues, budget maintenance, newsletter preparation, record keeping, and association policy enforcement. The Management Company is responsible for all aspects of the efficiency of the Association.

“The role of the Management Company is to implement the decisions of the Board of Directors; administer the services, programs, and operations of the association; fulfill the terms of his or her agreements.”

The Management Company is responsible for three main categories of service:

#### **Financial**

- Bill and collect association fees and assessments;
- Budget maintenance;
- Produce monthly and annual financial statements; and

- Payment of vendors and other obligations.

### **General Administrative Services**

- Process owner questions or concerns;
- Organize, schedule and facilitate all Association meetings;
- Record keeping;
- Liaison with outside legal counsel;
- Assist in the selection of Association's contractors; and
- Supervise Association's contractors.

### **Maintenance Coordination and Supervision**

- Landscape maintenance and
- Common element maintenance

## **FINANCES OF THE ASSOCIATION**

### **How are my Association Fees Set?**

Each year, the Board reviews the expenditures from the previous years and projects the operating costs of the Association for the upcoming year. The total operating cost of the Association is determined by each individual lot owner's footage. The individual cost of the "association fee" is each owner's responsibility to pay.

The cost of maintaining the Association does not always remain consistent from year to year.

An increase in association fees may be necessary periodically to ensure that any increases in the expenses incurred by the Association are covered by the income received through assessments. Examples of some reasons for assessment increases include inflation and increases in operating costs. The Board has the ability to increase, decrease or stabilize the fees in any given year. Pursuant to the Ohio Revised Code Section 5312; "Any budget shall include reserves in an amount adequate to repair and replace major capital items in the normal course of operations without the necessity of special assessments"

## **What If I Do Not Pay My Association Fees?**

If an owner does not timely pay his or her Association Fees, a reminder letter or letters will be sent by the Management Company advising the owner of his or her delinquency.

If that is unsuccessful, the next step generally will involve securing legal counsel. Legal counsel will make another formal demand upon the delinquent owner for the payment of his or her Association Fees. If that proves to be unsuccessful, a lien may be placed on the owner's property which creates the right of foreclosure, among other things.

**Untimely-paid Association Fees also will result in the assessment of late fees. In addition, a delinquent owner will be responsible to repay the Association for any costs and fees incurred in collecting delinquent Association Fees, including but not limited to attorneys' fees, recording costs, court costs and title reports.**

## **THE VERMILION LAGOONS PROPERTY**

### **Common Elements**

"Common Elements" are defined as all property except the individually owned homes. These areas are owned by The Association. The reasonable repair and maintenance of the Common Elements is the responsibility of the Association except as otherwise explained in the Trust Agreement, Bylaws, and rules and regulations. "Common Elements" within Vermilion Lagoons include, for example, the beach, clubhouse, and the entrance on Portage Drive.

#### **A. General**

1. The Common Elements are for the use and enjoyment of all residents. Therefore, everyone is required to be considerate in his or her use of these areas.
2. Littering is prohibited everywhere on the property.
3. Any damage to the Common Elements caused by the owner, tenant, or guest shall be repaired or replaced by the Association at

the expense of the owner who may seek reimbursement from the tenant(s) or guests(s).

4. Each owner must report to the Management Company in writing the need for any repairs of Common Elements that are the obligation of the Association to repair or maintain. Telephone contact followed by a letter or email is recommended.
5. Any and all items left in the Common Elements, in addition to all other remedies, may be removed by the Association and stored at the expense of the owner.
6. The defacing of any Common Element surface is prohibited.
7. Owners are prohibited from planting shrubs, trees or grass on Common Elements or placing any structures or items in them.

### **Maintenance of Owner Property**

As an owner you are responsible for maintaining the interior and exterior of your home and the lot area on which your home sits. This includes such things as mowing the lawn and maintaining the landscape, watering the grass, removing snow from your driveway and walkway, and maintaining a clean and neat appearance of your home.

A neat appearance also includes; edging, sweeping, and fertilizing. Keeping both the beds and the lawn itself free of weeds. Maintaining bushes, shrubs and all plant material with seasonal and/ or corrective pruning. Raking of leaves in the fall, and snow removal (along with ice melters) in the winter. These standards also apply when the owner is away, even for an extended time.

### **What if I don't maintain my property within these guidelines?**

The Association, through its Board of Directors will follow a three step process;

1. Notify the owner of the alleged problem, and give them a fixed time for correction.
2. Assuming no action is taken, a second notice will be sent with delivery

confirmation again requesting corrective action be taken and giving a specific time deadline.

3. Said owner is entitled to a hearing before the Board *prior to* any enforcement assessment is levied. (Please see enforcement procedure and request for hearing in the back of the handbook labeled Exhibit "A" and Exhibit "B.")

If the owner ignores the requests, or refuses to perform the service, the Board may take action including, but not limited to, having the work performed and charging the owner's account for same. Said owner is entitled to a hearing before the Board *prior to* any enforcement assessment is levied. (Please see enforcement procedure and request for hearing in the back of the handbook labeled Exhibit "A" and Exhibit "B.")

## **EXTERIOR MODIFICATION PROCEDURES**

Owners wanting to change their existing areas must follow the requirements of the Association and the City of Vermilion. Requirements can be found in the book entitled "Vermilion Lagoons Architectural Standards." The first step in the process is to submit a detailed plan or drawings to the Architectural Review Committee for their review. Any plans involving enclosed construction should be stamped by an architect or professional engineer licensed in the State of Ohio.

Following the submission of the plans, the Committee will review the plans and indicate their recommendation to the Board of Directors. The Directors will then either approve or decline the request, or ask for additional information.

If the project is accepted, it will be subject to the following conditions:

1. Obtain approval for the project from the City of Vermilion Building Department. (if applicable)
2. Provide a copy of the Building Permit to the Association (following City approval, if applicable).
3. Have the contractor provide an Insurance Certificate to the

Association naming the Association as an additional insured. The certificate shall be submitted to the Management Company Office before any work commences. The certificate shall show proof of general liability and automotive liability insurance.

4. Have the contractor provide a copy of their Ohio Worker's Compensation certificate. The certificate shall be submitted to the Management Company Office before any work commences.

Any questions may be directed to the Board of Directors or the Management Company Office. Requirements can be found in the book entitled "Vermilion Lagoons Architectural Standards."

## **HOME SALES**

Owners selling their homes are permitted to display two 2 foot by 3 foot "FOR SALE" signs on their lots (see SIGNS section below).

Within fifteen days of executing a purchase or sales agreement, the owner or real estate agent must notify the Management Company to make arrangements for a maintenance fee update letter and certificate of insurance for the buyer.

At the same time as above, the owner must provide the following:

- a. Names of all residents;
- b. Home and business telephone numbers;
- c. Sales price; and
- d. Mortgagee.

The owner is responsible for providing the buyer with the following information:

- a. A copy of the Trust Agreement and Bylaws including all amendments, and this Handbook of Rules and Regulations.
- b. A letter stating association fee obligation.

## **SIGNS**

### **Security Signs**

Two security system signs (one in the front and one in the rear of the

home) provided they are placed no further away from the house than a line that runs parallel with the outermost extension or protrusion of the home, and that the sign is placed in a bed area and not in the turf or fastened to the home, fence, tree or other non-shrub bed areas;

### **“Open House” Signs**

“Open House” arrows or sandwich-type signs shall be permitted during the period of an open house.

### **PARKING**

Commercial vehicles (excluding 2-axle trucks), tractors, mobile homes, boats, recreational vehicles, trailers (with or without wheels), campers, camper trailers and boat trailers shall not be parked or stored in Vermilion Lagoons common property and owners are prohibited from making vehicle repairs other than in garages unless approved by the Board in writing.

### **NUISANCE**

Owners and residents are prohibited to create or permit any noise or disturbance in a way that unreasonably causes a nuisance to any other Owner or resident.

If a resident is bothered by noise or any other nuisance, he or she should assume responsibility for contacting the offending party. If the noise or nuisance continues and is intolerable, an official complaint should be filed with the Vermilion Police at (440) 967.6116.

Residents are responsible for controlling party noise and commotion. Partying in the Common Elements is prohibited unless specifically authorized in writing by the Board of Directors.

### **ANTENNAS**

Installation of any satellite dish/ antenna in the Common Elements is prohibited.

### **TENTS, TRAILERS AND TEMPORARY STRUCTURES**

Tents, and temporary structures, such as utility sheds, are prohibited.



## FENCES AND MAILBOXES

Requirements can be found in the book entitled "Vermilion Lagoons Architectural Standards."

## RENTAL OF PROPERTY

The owner must provide the Management Company with the following information before the tenant takes up residence:

- a. Copy of lease;
- b. Full name(s) of tenant(s);
- c. Names of all residents of the home;
- d. Home and business telephone number of tenant(s).

The owner is responsible for making the tenant aware of the rules.

The owner is responsible for tenant violations of the Trust Agreement, Bylaws, or rules and regulations. The owner shall be responsible for enforcement assessments and all other damages and any recourse the owner may wish to take against a tenant who is in violation.

The lease document must contain a clause making it subject to the covenants and restrictions in the Trust Agreement, Bylaws and rules and regulations.

Please note the 5<sup>th</sup> restriction in the Warranty Deed provides; **the premises shall not be leased, rented...without the written consent of the Grantor, except that the Grantor shall not withhold such consent if and after a written request has been made to the Grantor to permit such...leasing, renting...by a majority of the owners of the sublots which adjoin or face said premises upon both sides of the highway...upon which said premises front or abut and within a distance of five (5) sublots from the respective boundary lines of the said premises...**

## SPEED LIMIT

The speed limit through Vermilion Lagoons is 25 MPH. Please watch out for pedestrians and bicyclists.

## **LAWN MOWING**

Owners and their contractors are prohibited from mowing lawns or using very loud power equipment before 8 a.m. and after 8 p.m.

## **SECURITY**

Security is one of the major concerns of all residents. Your cooperation will be appreciated:

- Report any strange persons or activities promptly to the Vermilion Police Department at (440) 967-6116.
- Garage doors should be closed when not in use.
- Report any thefts to the Vermilion Police Department as well as to the Board of Directors.

## **GARAGES**

Garage doors must be closed when not in use. Your garage must be used as the primary parking space.

## **PETS**

- A. Livestock, chickens and fowls are prohibited.
- B. All dogs must be walked on hand-held leashes while outside the home. (City ordinance)
- C. Each dog owner must immediately clean up after his pet. A scooper and container are to be carried when walking pets.
- D. Pets are prohibited to run loose or be tied or unattended in the Common Elements. Any pet found running loose or tied in a Common Element may be reported to the Animal Warden.
- E. Each pet owner is responsible for any damage caused by his or

her pet and may be assessed by the Board of Directors for necessary repairs to landscaping, fences, or any other Common Elements. (Please see enforcement procedure and request for hearing in the back of the handbook labeled Exhibit "A" and Exhibit "B.")

- F. A resident observing any violation of these rules or having any other complaint concerning a pet may report such to the Board of Directors. It is necessary to include the name or address of the pet owner and a complete description of the pet. The complainant must identify himself/herself.

## **RUBBISH REMOVAL**

### **Pick up Day**

1. Trash pick-up day in Vermilion Lagoons is Friday.
2. As a general rule, trash and recycling material are to be placed curbside no earlier than 5 pm the preceding day. Trash cans should be returned to the house by the end of the day.
3. Collections are not made on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When these holidays fall on a weekday, the collection after that holiday will be delayed by one day during that week only. Additional trash pick-up is available for an extra charge on a seasonal basis. (exhibit "D")
4. When not in use, trash cans should be kept inside the garage, or along the side of the house shielded from view.
5. The trash program is administered to by the City of Vermilion and residents are expected to adhere to their guidelines. For additional information, please visit the city's website at [www.vermilion.net](http://www.vermilion.net).

## COMPLAINT PROCEDURE

- A. Complaints against anyone violating the Trust Agreement or the Bylaws or the rules and regulations must be submitted to the Management Company **IN WRITING** and must contain the signature of the individual filing the complaint.
- B. The Management Company and/or Board of Directors will, in most instances, contact the alleged violator after receipt of each complaint and a reasonable effort will be made to gain the owner's agreement to cease the violation.
- C. If the reasonable efforts to gain compliance are unsuccessful, the owner will be subject to an enforcement assessment in accordance with the enforcement provisions contained in the Trust Agreement or the Bylaws. (Please see enforcement procedure and request for hearing in the back of the handbook labeled Exhibit "A" and Exhibit "B.")

## MISCELLANEOUS PROVISIONS

- 1). Only the Board may submit claims against the Master Insurance Policy.
- 2). Requests to inspect the Association records may be made by submitting the attached form (Exhibit "C") in care of the management company. Records must be examined during regular business hours.
- 3). Contractors are permitted to work from 8 a.m. to 8 p.m. Monday thru Friday. No work shall be performed on weekends or holidays without prior approval of the Board of Directors. Requests for exceptions will be considered on a case by case basis, and should be submitted in care of the management company.

## IMPORTANT PHONE NUMBERS

Emergencies requiring Fire, Police or Ambulance.....**911**

### **City of Vermilion Phone Numbers –**

City Hall .....(440) 204-2400

Police Department (non-emergency) .....(440) 967-6116

Fire Department (non-emergency).....(440) 204-2470

Rubbish & Recycling

Republic Services .....(800) 433-1309

### **Management Company –**

Lawrence Community Management, Inc.....(440) 937-2800

1507 Lear Industrial Pkwy. #1

Avon, OH 44011

## **ENFORCEMENT PROCEDURE**

- A. The owner is responsible for any violation of the Declaration, Bylaws or Rules (“Governing Documents”) by the owner, guests, or the occupants, including tenants, of his/her home.
  
- B. Notwithstanding anything contained in these Rules, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Governing Documents, as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys’ fees, will be assessed to the account of the responsible owner.
  
- C. All costs for extra cleaning and/or repairs to the common elements or other property stemming from any violation will be charged to the responsible owner’s account.
  
- D. In addition to any other action and if applicable, in accordance with the procedure outlined below, the Board MAY: a) levy an assessment for actual damages, and/or b) levy a reasonable enforcement assessment per occurrence, and/or c) if the violation is continuous and ongoing in nature, levy a reasonable enforcement assessment per day.
  
- E. Prior to the imposition of a charge for damages to the common elements or other property, or an enforcement assessment for a violation, the following procedure will be followed:
  - 1. Written notice(s) will be served upon the alleged responsible owner specifying:
    - a. If applicable and in the absence of any emergency involving an imminent risk of damage or harm to common elements or other property or to the health or safety of any person, a reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment; and
    - b. A description of the property damage or violation; and
    - c. The amount of the proposed charge (or, if unknown, a reasonable estimate of the proposed charge) and/or enforcement assessment; and
    - d. A statement that the owner has a right to, and the procedures to request, a hearing before the Board to contest the proposed charge and/or enforcement assessment.

2. To request a hearing, the owner must mail or deliver a written "Request For A Hearing" notice, which must be received by the Board not later than the tenth day after receiving the notice required by Item 1 above.
  - a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the owner with a written notice that includes the date, time, and location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the charge for damages and/or an enforcement assessment will be immediately imposed; and
  - b. At the hearing, the Board and alleged responsible owner will have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence or written notice to the owner to abate action, and intent to impose a charge for damages or an enforcement assessment will become a part of the hearing minutes. The owner will then receive notice of the Board's decision and any charge for damages enforcement assessment imposed within 30 calendar days of the hearing.
3. The Association may file a lien for a charge for damages and/or an enforcement assessment that remains unpaid for more than 10 days.

# REQUEST FOR A HEARING

Unless a written request for a hearing, signed by the person(s) named as owner(s) in the accompanying correspondence is received by the Board within ten (10) days, the Board may proceed with the enforcement assessment or charge for damages to common elements or other property without a hearing, and you will have waived your right to a hearing. If you want to request a hearing, then this completed form must be received within ten (10) days by:

Vermilion Lagoons Association, Inc.  
c/o Lawrence Community Management  
1507 Lear Industrial Parkway, Suite 1  
Avon, Ohio 44011

.....

I, \_\_\_\_\_, request to be scheduled for a hearing in front of the Board at the time of the next scheduled meeting, or sooner, of which I will be notified at least seven (7) days in advance.

I believe the enforcement assessment or charge for damages should not be imposed because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature – if more than one

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Current Address



# Request to Inspect Records

**Instructions:** This request form must be completed by any owner desiring to inspect or receive copies of any Association books of account, meeting minutes, membership roster, or other Association documents. A minimum of five (5) business days is needed to process a request. If there is a question with any request, the owner will be notified within a reasonable amount of time of the reason for any delay.

The Association requires that the owner provide the reason for each record requested and the intended purpose of the request to protect the Association and personal confidences where necessary. The Association's goal and intent is to allow inspection of most Association documents. However, given the personal and legal nature of some documents, the Association must place reasonable restrictions on the inspection process. This includes a requirement that any inspection take place in the presence of an Association representative.

Inspections of the Association's records shall take place during normal business hours at: \_\_\_\_\_

Copying charges are \_\_\_\_\_ per page and a minimum clerical fee of \_\_\_\_\_ for the copying of pages 1 through 50 plus an additional clerical fee of \_\_\_\_\_ for every additional increment of 50 pages copied. The actual cost of all mailing charges will also be the owner's responsibility. To preserve the sanctity of the records, a physical records inspection requires the presence of a staff member. You, the owner, agree to pay \_\_\_\_\_ per hour in quarter hour increments for staff attendance at the records inspection. All inspection, copying, and mailing charges will be assessed to the home owner's account and/or paid in advance, as the Board shall determine.

This form must be completed in full, signed, and dated in order to process the request.

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone Number(s): \_\_\_\_\_

	Record Requested	Reason and Purpose of Request
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Preferred inspection dates and time: \_\_\_\_\_

Do you anticipate making copies of any records to be inspected?  Yes/  No

If you prefer receipt of copies of the records listed above via regular U.S. Mail to an actual inspection, please check here:

Requests for mailed copies of records will be filled within \_\_\_\_\_ business days of receipt. The charges listed in the instructions will be assessed to your account. If the charges are expected to exceed \$25.00, do you wish to receive a total estimate of the charges before receiving the records?  Yes/  No

I hereby agree not to use or distribute any information or documents obtained from the inspection or copying of any Association records for any reason or purpose other than as stated above. I agree to indemnify, defend, and hold \_\_\_\_\_ (name of Association), its board members, officers, and its managing agent, and their respective successors, heirs, and assigns, harmless for any claim made or damage sustained by any person arising from, related to, or concerning my inspection, use, or receipt of copies of Association records. I further consent and agree that all inspection and copying charges incurred pursuant to this request, as outlined above, will be assessed to my account or paid in advance, as directed by the Board.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

May 2, 2014

Dear Vermilion Lagoons Property Owners:

Re: **2014 Monday Trash Pick – Up / Extra and Optional**

Please allow this letter to serve as a “Notice of Extra Trash (Monday) Pick-Up” and as the invoice to receive the service of “Extra Monday Trash Removal”.

Republic Services will provide the service between the dates of Tuesday, May 27, 2014, and Monday, September 22, 2014. To participate you MUST pay for the summer service by May 20, 2014. The fee for this extra summer pick-up is **Fifty-Three Dollars (\$53.00) for the season**. The pick-up will use the rolling carts that you would normally use on Friday. These carts MUST be out Sunday night or by 7:00 AM Monday morning (Tuesday morning on holiday weeks). There is a plus to the service again this year. Republic Service wants the rolling carts to be used; the driver will empty them & set them back where they were. At the end of the day, Republic Service will send another driver around to push the containers back up to the homes of the weekend residents that were not there to retrieve their carts during the day.

***IF YOU WISH TO PARTICIPATE*** in this extra service please mail your check payable to Vermilion Lagoons Homeowners' Association in c/o Lawrence Management at the address listed below. We MUST receive your \$53.00 payment by May 20, 2014 to join this service. Our office will advise Republic Services of the participating property owners. This program will operate the same as in 2012 and 2013; the Vermilion Lagoons Association is managing the extra Monday pick-up. Please remember to make your checks payable to ***Vermilion Lagoons Homeowners' Association***.

If you are a property owner with no structure on your lot, you will need to inform Lawrence Management of your desire to participate. We will arrange for Republic to remove the weekend trash with bags on a special notation. The Board of Directors has agreed that undeveloped lots cannot have a shed or structure to store the rolling trash carts the same as 2012/ 2013.

Please contact our office if you have any questions.

Sincerely,

*The Vermilion Lagoons Board of Directors*

*and*

*Lawrence Community Management Group*

Managing Agent for Vermilion Lagoons Homeowners' Association

“Exhibit D”

#### IV. REVIEW PROCESS

- A. Vermilion Lagoons residents are encouraged to attend a preliminary meeting with the Architectural Review Committee to review the current Architectural Standards prior to submitting any formal plans. This is highly recommended in order to avoid any misinterpretation of the current standards and to avoid unnecessary time, effort, and expense on behalf of the resident.
- B. New home construction and any alteration and replacement\* of the exterior of existing properties in the Vermilion Lagoons requires compliance with the following review process before construction may begin;
1. Professionally prepared design documents are submitted to the Architectural Review Committee by home owner.
  2. The Architectural Review Committee review submitted project documents and formulates a recommendation for approval or disapproval based upon the project's compliance with the Architectural Standards.
  3. The Architectural Review Committee submits its' conclusions to the Board of Trustees with recommendations and support for the Trustees' final approval.
  4. The Board of Trustees accepts and approves the recommendations and gives final approval of the submitted design documents.
  5. After the final approval by the Board of Trustees, homeowners may initiate application for required permits through the Vermilion Building Department.

\*Alterations and replacements include, but are not limited to: docks, bulkheads, retaining walls, hydrohoists and boat lifting devices, flotation docks, fences, patios, driveways, walks, windows, doors, roofs, shutters, siding, gutters, downspouts, chimneys, exterior lighting, satellite dishes, landscaping, and all exterior changes to any existing structure, house, or garage.

- C. Once plans have been approved, any subsequent changes to those plans must be approved. Actual construction may not vary more than 3" from approved drawings. Construction of approved projects must start within six (6) months from the time of final approval, be continuous, and be completed in a reasonable time period. Those projects not started with six (6) months will become void and therefore will need to be resubmitted for re-approval.

- D. Six copies of the plans shall be submitted to the Chairperson of the Architectural Review Committee a minimum of seven (7) days prior to the Committee's standing monthly meeting. This will provide ample time for the Committee members to review the plans and to formulate any questions and/or clarifications to reduce the risk of delay. If the plans are for a remodeling project, two (2) photographs of the affected elevations are also required. (Illustration VIII K. Required for Submission for New Construction or Major Renovation Review)
- E. Design documents shall include: site plan, floor plans, all exterior elevations, details of all exterior constructed elements (fences, light posts, docks, etc.), and a list of materials. All major dimensions of the architectural plans shall appear in feet and inches. This includes all exterior dimensions of the structures, including porches, distance from all lot or building lines, height of floor elevations, height above present grade, height above road, existing flood plain elevation (USGS) at property, dimensions of windows and doors, and height and pitch of all roofs. All exterior details shall be drawn to scale in a definite and consistent manner. This includes cornice and eave overhangs, chimney caps, shutters, dormers, windows, doors, porches, patios, driveways, walkways, curbing and drains. Style and color of roofing material, siding, doors, and shutters shall be noted on the plans.
- F. Handicapped access shall be consistent with the guidelines of the American with Disabilities Act 5 and all other applicable Federal, State, and Local laws. Due to the unique nature of the needs of the person and the design of the residence, the Architectural Review Committee will consider each plan on an individual basis.
- G. Any application for a city zoning variance to the Board of Zoning Appeals shall immediately be called to the attention of the Chairperson of the Architectural Review Committee by the resident making application.
- H. The Architectural Review Committee typically meets the last Monday of each month. If no projects have been submitted within the given time frame, meetings are canceled.

# Vermilion Lagoon Architectural Request Form

## Requesting Resident's Information

Signature \_\_\_\_\_  
 Print Name \_\_\_\_\_ Date \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 email \_\_\_\_\_

## Description of Request

Check the appropriate box  
 New Construction  Renovation

Brief Project Description

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Project Documentation Provided by Requesting Resident

(Project approval is contingent upon complete compliance with the attached documents or required modifications for approval listed in the Conditions of approval listed in the Conditions of approval section below)

Site Plan with final grade elevations <input type="checkbox"/>	Dockside line axon <input type="checkbox"/>
Landscape plan with details <input type="checkbox"/>	Existing 1st & 2nd floor plans <input type="checkbox"/>
First floor plan <input type="checkbox"/>	New 1st and 2nd floor plans <input type="checkbox"/>
Second floor plan <input type="checkbox"/>	New elevations all sides <input type="checkbox"/>
All four elevations <input type="checkbox"/>	Street side photo <input type="checkbox"/>
Street side line axon <input type="checkbox"/>	Dockside photo <input type="checkbox"/>

## Disposition

Project Not Approved  Reasons for Rejection  
 Incomplete Documentation   
 Noncompliance with Standards   
 Additional Comments \_\_\_\_\_

Project Approved   
 Conditions of Approval

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Architectural Review Committee Approval Signatures

Robert J. Larsen, Chairman Architectural Review Committee \_\_\_\_\_ Date \_\_\_\_\_

Roland Van Rijn, Chairman Vermilion Lagoon Trustees \_\_\_\_\_ Date \_\_\_\_\_

Vermilion Lagoon Trustee \_\_\_\_\_ Date \_\_\_\_\_