

LAKE BELLA VISTA IMPROVEMENT ASSOCIATION
(Resolution No. _____)

At a _____ meeting of the Board of Directors for the Lake Bella Vista Improvement Association held at _____, on _____, 2022 at _____ p.m., Board Member _____ made a motion to adopt this Resolution, which motion was seconded by Board Member _____:

A RESOLUTION TO AMEND RESOLUTION NO. 88-05 OF MARCH 21, 1988 REGARDING IN-GROUND SWIMMING POOLS, POOL COVERS AND RELATED MATTERS.

RECITALS

A. For many years, the Lake Bella Vista Improvement Association (the “Association”) has allowed the installation and use of in-ground outdoor swimming pools within the Lake Bella Vista development subject to certain rules and requirements and after architectural control review and approval by the Lake Bella Vista Association Architectural Control Committee (the “ACC”).

B. In the past, fences around outdoor swimming pools have generally been required by local municipalities for primarily safety reasons.

C. Due to technological advances and the desire to avoid often unsightly swimming pool fences, an increasing number of outdoor swimming pool owners utilize mechanical, retractable pool covers (“Pool Covers”) instead of security fences around swimming pools. Pursuant to the Michigan Building Codes, Pool Covers of a certain type and with compliance specifications can be utilized to protect against the unauthorized entry or use of outdoor swimming pools instead of fencing.

D. The Association's Board of Directors (the "Board of Directors") believes that the use of Pool Covers is aesthetically preferable to fencing around in-ground swimming pools.

E. Via this Resolution, the Board of Directors intends to partially amend prior Resolution No. 88-05 (dated March 21, 1988) pursuant to this Resolution.

RESOLUTION

BE IT RESOLVED as follows:

1. Subsections C(1) and (3) of prior Resolution No. 88-05 are hereby amended to state and read as follows:

C. The Architectural Control Committee shall take the following into consideration as follows:

1. **FENCES**

No border line fences should be permitted. Small fence-like structures that enhance or set off landscaping, fences that add privacy to patios and a fence around garbage cans can be permitted. The Architectural Control Committee should have a drawing dimensioning and showing the position of the proposed fence on the lot. No chain link fences are permitted. All fences should be in harmony with the external design and fit into the location so as not to be considered obtrusive. Pool fences are generally not allowed.

. . .

3. **POOLS**

Only in-ground pools may be permitted. Above ground pools shall not be approved and all in-ground pools require architectural review and approval by the Architectural Control Committee. Every pool shall have a working automatic locking top or cover ("Pool Cover") and must be approved by the Architectural Control Committee. Each Pool Cover must meet all applicable building codes, Cannon Township ordinances and state laws. Every Pool Cover must be fully maintained in good condition and be in fully working order at all times. All swimming pool apparatus and equipment (including, but not limited to, pumping equipment, purifier or filtration machines, etc.) must be concealed naturally with plants, bushes, etc. If the property owner proposes that such swimming pool apparatus be

enclosed and in a structure, the structure must be integrally attached to the house and shall be approved by the Architectural Control Committee. Alternately, such swimming pool equipment and appurtenances can be buried in a pit or similar ground vault as approved by the Architectural Control Committee.

. . .

2. A new and additional Subsection C(10) is hereby added to Resolution No. 88-05 as follows:

10. HOT TUBS AND SPAS.
Outdoor hot tubs, spas, outdoor bathtubs and similar items (collectively, “Hot Tubs”) require Architectural Control Committee review and approval unless the Hot Tub is on a deck or patio integrally attached to the house. If it is unclear whether or not a Hot Tub is integrally attached to a deck or patio, the Architectural Control Committee shall make that determination. A Hot Tub shall not have a fence around it, but shall have either a secured cover or some type of structure wrapping around it (and with such structure approved by the Architectural Control Committee) for safety and limiting access purposes.

3. Except as expressly changed and amended by this Resolution, the balance of former Resolution No. 88-05 remains unchanged and in full force and effect.

4. This Resolution will become effective immediately upon its adoption.

The vote to adopt this Resolution was as follows:

YEAS: _____

NAYS: _____
ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above Resolution was adopted by the Board of Directors of the Lake Bella Vista Improvement Association at the time, date and place pursuant to the required procedures.

Respectfully submitted,

By _____,
_____, Secretary for the
Lake Bella Vista Improvement Association