



## **Policies, Procedures and Responsibilities with Regards to Grounds Maintenance, Improvements and Replacements**

Adopted by the Board of Directors of the Waterscape Homeowners Association  
August 6, 2012

***THE BY-LAWS OF  
WATERSCAPE HORIZONTAL PROPERTY REGIME  
AND OF  
WATERSCAPE HOMEOWNERS ASSOCIATION, INC.***

***ARTICLE V***

***Section 5.01. Maintenance, Repairs and Replacements***

*(e) Common Areas and Limited Areas. All maintenance, repairs and replacements to the Common Areas and Limited Areas (except as otherwise provided in the Declaration, any Supplemental Declaration, or these By-Laws) shall be furnished by the Association as part of the Common Expenses.*

***Section 5.03. Alterations and Additions***

*No Person shall make any alterations or addition to or which would affect the Common Areas or Limited Areas ... without the prior written approval of the Board of Directors, ...*

***ARTICLE VII***

***Section 7.01. Restriction, Entry and Rules and Regulations***

*(i) No Owner shall be allowed to plant trees, landscape, or do any gardening in any of the Common Areas, Boat Docking Facilities and Limited Areas, except with express permission from the Board.*

The following clarifications of the above By-Laws provide details of the many aspects of maintaining and protecting the Grounds of Waterscape and the responsibilities shared by the Association and the owners of the 101 condominium units:

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**Section A**  
**Grounds Committee / Mission Statement**

The purpose of the Grounds Committee is to preserve and enhance the integrity of the landscaping and hardscaping throughout the Common and Limited Common Areas of Waterscape's 11-acre property. Its mission is to maintain and enrich the character, design, consistency and quality of the property in a manner that protects and enhances long-term property values for all the owners of the 101 condominium units.

The Grounds Committee assists the Board in the development and oversight of the operating and reserve budgets for the Grounds Fund, including the important maintenance contracts for mowing, weed and pest control, pruning and other landscape maintenance activities; ponds and fountains maintenance; and snow removal services.

Since the By-Laws prohibit ANY landscaping activities without prior approval from the Board, the members of the Grounds Committee members are available to consult with owners and other residents about personal gardening activities they may wish to pursue. Requests are submitted to the Grounds Committee for consideration and recommendations to the Board regarding their approval.

*For Grounds Committee names and contact information, visit the Waterscape website  
<http://waterscapehoa.com/committees/>  
or contact the Managing Agent*

## **Section B Asphalt Streets and Parking Areas**

Maintenance of asphalt streets and parking areas is an HOA responsibility. Substantial cracks and sinkholes are repaired as required. Routine cracks are repaired approximately every 3 to 4 years when the surface is sealed and lines are painted.

All Waterscape streets are private and their mill and overlay and eventual replacement are HOA responsibilities, the costs of which are forecast and funded by the Waterscape Reserve Plan.

The asphalt bike and pedestrian path parallel to Carrigan Road is located on the property of the City of Noblesville, which is responsible for its maintenance. Classified as a "trail", the City does not remove snow from the path. Waterscape plows the section between our entry and Clarendon Road for the safety of its residents.

*Direct Maintenance Requests to the Managing Agent*

## **Section C Concrete Driveways and Sidewalks**

Repair of concrete driveways, sidewalks and curbs is an HOA responsibility. By its nature, concrete develops cracks fairly regularly. While most are cosmetic, some can create safety hazards. The annual HOA operating budget contains funds for repairing concrete that poses a hazard to safety. Costs for replacing a small amount of concrete are forecast and funded approximately every 4 years by the Waterscape Reserve Plan.

Individual owners are responsible for removing stains, such as those caused by vehicles that leak fluids, on the pavement in driveways.

*Direct Maintenance Requests to the Managing Agent*

## **Section D Wood Retaining Walls, Boardwalks, Pavilion, Steps, Benches**

All of these structures and furnishings are the HOA's responsibility to maintain. Approximately every 3 years or so they are pressure-washed and stained. (Exterior building steps, the responsibility of the Architecture/Building Committee, are maintained in the same manner and on the same schedule.)

Loose or damaged boards can pose safety concerns. They should be reported promptly for repairs and replacements.

*Direct Maintenance Requests to the Managing Agent*

## **Section E** **Signage**

The HOA installs and maintains protective and cautionary signage throughout the property. All signage was replaced in 2010 and has an estimated lifespan of about 12 years. Touch-up needs should be reported promptly as should suggestions for any additional signage that might be helpful.

*Direct Maintenance Requests to the Managing Agent*

## **Section F** **Shoreline and Beaches**

Waterscape has two sandy beaches. One is a protected swimming area accessed via the boardwalk by the overflow parking area at the south end of Waterscape Way. A second is located behind the Newport Drive building. Every year or two the sand is augmented by the HOA.

Metal and concrete seawalls protect some areas of the Waterscape shoreline. Their maintenance is an HOA responsibility. Other sections of the reservoir shoreline are reinforced with rip-rap. While the seawalls have fairly lengthy lifespans, the Waterscape Reserve Plan calls for augmentation of rip-rap about every 5 years.

Several times each year geese repellent is sprayed on the grass along the shoreline (and around the retention ponds). There is no spray that can be put on the sand beaches. Waterscape strictly enforces its policy of "No Waterfowl Feeding" as the best deterrent.

It should be noted that Waterscape benefits greatly from activities of the non-profit Morse Waterways Association, which each year oils geese eggs to prevent population growth.

*Direct Maintenance Requests to the Managing Agent*

## **Section G**

### **Snow Removal / Ice Melt Application**

The HOA contracts for snow removal when the accumulation reaches 2 inches. The entry drives at Waterscape Way and East 209<sup>th</sup> Street are salted when the accumulation reaches approximately 1 inch.

An “Ice Melt” type product is applied to sidewalks, exterior steps and driveways when the accumulation reaches 2 inches. In addition, free “Ice Melt” is supplied to residents so these areas can be kept safe when there is melting and re-freezing.

*Direct Maintenance Requests to the Managing Agent  
Free Ice Melt Distribution During Winter Season 20761 Waterscape Way*

## **Section H**

### **Landscaping Consistency/ “Protected Areas”**

While a condominium community promises to take care of exterior maintenance such as mowing lawns, it also promises owners to maintain the character and consistency of the landscaping in general. It is reasonable for owners to expect the HOA to maintain the appearance of the property in a way that is consistent with the appearance it had when they decided to buy a condominium at Waterscape.

At Waterscape certain areas are “protected areas,” which means they are deemed essential to maintaining that consistency. Suggestions for improvements/enhancements in these areas by the HOA are welcomed from individual owners.

The Board may not grant approval for any personal gardening to take place in any of the following highly visible “protected areas” of the Waterscape common property:

- Waterscape entrances from Carrigan Road
- Lawns
- Trees and tree beds
- Beds adjacent to community facilities, for example, mail stations, public sidewalks, boardwalks/steps, ponds, signs, utility boxes and “protective” boulders
- Medians in cul-de-sac parking areas
- Beds adjacent to driveways, specifically “Driveway Islands” (small strips between driveways) and “Corner Insert Beds” (11 beds inserted in concrete adjacent to driveways located at the “inner L” of buildings 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 12)
- “Inner Courtyard Beds” (14 beds located between the sidewalks leading to front doors of lower 2-bedroom units and the sides of neighboring garages)

*Direct Maintenance Requests to the Managing Agent*

## **Section I**

### **Personal Gardening**

Requests for advance Board approval of personal gardening may be submitted for projects in areas other than the “Protected Areas” of the Waterscape grounds. The “Personal Gardening Approval Request” is available for downloading from the Waterscape website.

The Waterscape By-Laws, like those of virtually every condominium community, prohibit any individual landscaping in “Common Property” without prior Board approval.

In a condominium community, ALL exterior property is “Common Property”, meaning its ownership is shared by every owner of a condominium in the community. As a result of that, ALL personal gardening and landscaping (planting, removal, trimming, or any modification) requires prior Board approval. Likewise, placing pots, decorative objects, and any other personal items in common areas requires advance Board approval.

While there are special considerations in certain areas, for example, to allow access for maintenance equipment or to avoid general safety hazards, the goal is to preserve the consistency of the landscaping in immediately visible areas, but try to accommodate requests for personal gardening in more isolated areas near individual condominiums.

In submitting requests for personal gardening, all owners need to be aware that, if their request is approved by the Board, they are being granted permission to use common property, but that property still belongs to all owners and someday it may be required for the proper operation of the overall Waterscape property. In a sense, that property is being “loaned” to an individual owner for a personal garden.

Also, anything put in these areas is placed there at the individual owner’s risk; the HOA and its contractors cannot be held responsible for any damage to it. And all costs of maintaining the personal plantings are the responsibility of the individual owner and future owners of the condo unit granted permission.

At Waterscape, requests are considered first by the Grounds Committee, whose members are available to assist homeowners contemplating personal gardening projects. The Committee advises the Board, which per the By-Laws must approve in advance any landscaping (planting, removal and/or modification) by homeowners.

It is the responsibility of the Board to consider and protect the interests and the deeded rights of the owners of 100 other condominium units when evaluating a request from the owners of one unit for individual use of “Common Property”.

*Download the “Personal Gardening Approval Request” at*  
*<http://waterscapehoa.com/wp-content/uploads/2011/12/WS-Personal-Gardening-Request-20.04.02.pdf>*

## **Section J**

### **Landscape Maintenance**

The HOA contracts for maintenance of the landscaping throughout the common property. Among the activities covered by the annual contract are mowing, pruning, fertilizing and application of weed- and insect-repellants.

Like every condominium association, Waterscape must carefully evaluate the desires for additional maintenance activities, which some owners want, and the concerns for keeping HOA monthly fees reasonable, which everybody wants. Waterscape attempts to balance adequate maintenance with cost-effective planning to stay within a moderate budget for maintenance of the landscaping.

Mowing of the property occurs weekly during the season of approximately 28 weeks. It is essential that common areas be kept free of personal property. Maintenance crews are not permitted to move any such items, and must skip mowing these areas. Waterscape's By-Laws are very clear that personal property may not be left in common areas.

Shrub pruning occurs in the spring and in the fall. An enhanced program of tree pruning began in 2012 and the HOA is playing "catch up" in this area. Individual owners should not prune (or remove) any plantings; direct maintenance requests to the Managing Agent.

Other contracted activities include edging and mulching beds each year and planting annuals at the Waterscape entry sign each spring, summer and fall. Weeding of planting beds is done on an on-going basis throughout the season. One major leaf removal is scheduled each fall, as is the clean-up of planting beds throughout the property.

The activities of the landscaping maintenance contractor are augmented weekly by another contractor who does general clean-up of the property from early spring through late fall. Residents can assist greatly in helping maintain the property by picking up and disposing of any trash they spot in the common areas.

The annual operating budget includes funds for a modest number of replacements of shrubs and trees and lawn repairs. Larger replacement and renovation projects are funded about every 2 years within the Waterscape Reserve Plan.

*Direct Maintenance Requests to the Managing Agent*

## **Section K Street and Public Sidewalk Lighting**

The HOA maintains lighting along the streets, adjacent to the cul-de-sacs and beside the two public sidewalks leading to the docks. In the interest of safety, burned out lights need to be reported immediately to the Managing Agent.

Lighting fixtures on the building exterior are the responsibility of the HOA to repair and replace. Light bulb replacement is a homeowner responsibility, but the only bulbs that may be used are those specified by the HOA and provided free of charge to owners.

The HOA requires that all owners leave exterior lights illuminated at night and provides, free of charge, low-energy, dusk-to-dawn LED bulbs to owners for use in these fixtures. Switch controls for garage and front door lighting fixtures must be left in the "On" position at all times in order for the bulbs to illuminate automatically.

*Direct Maintenance Requests to the Managing Agent  
Free Light Bulbs 20761 Waterscape Way*

## **Section L Mail Stations**

All mail stations at Waterscape were replaced in 2010 as a Reserve Plan Project. Their maintenance is an HOA responsibility and nothing may be posted on them by individual owners. HOA notices are placed on them occasionally, using a product that will not damage the surface.

Each station includes at least one compartment for package deliveries. The postal carrier puts the key for that compartment in the regular mailbox of an owner who has a package. The key is retained by the compartment lock once the owner has removed the package.

For the privacy of the US Mail, the HOA keeps no copies of keys for individual mailboxes. Owners are encouraged to keep one key in a safe place and make copies as required.

Replacement of individual locks and keys is an owner responsibility. All requests for service must be directed to:

*Information is being updated.  
Contact Managing Agent for most recent guidance available.*

### **Section M** **Ponds and Fountains**

All 5 ponds at Waterscape are retention ponds and they are part of the overall Morse watershed plan. Signs by each pond advise residents and visitors of hazards and these cautions need to be strictly observed.

Waterscape contracts for maintenance of the ponds and fountains. Residents should note any burned-out bulbs in the fountain lights and report them promptly to the Managing Agent.

This contractor applies approved chemicals to control weeds and algae in the ponds approximately every 2 weeks during the season. It should be noted that the growth of algae cannot be prevented; it can only be controlled after it appears.

In addition, the HOA applies colorant to enhance the appearance of the ponds ... and to prevent some of the light from extending below the pond surface where it encourages the growth of algae. Colorant applications occur as required and follow the strict reporting requirements of Hamilton County.

*Direct Maintenance Requests to the Managing Agent*

### **Section N** **Parking / Vehicles and Trailers**

All vehicles parked at Waterscape must bear current license plates and the parking of commercial vehicles is prohibited anywhere on the property. Trailers, with or without watercraft, may be parked on the property (including in driveways) for a maximum of 72 hours when launching or removing watercraft.

Fire lanes, marked with yellow lines, must be kept clear of parked vehicles at all times. This is essential to the safety of residents.

Residents are encouraged to park seldom-used vehicles in the "overflow" parking area at the south end of Waterscape Way. This courtesy is appreciated by neighbors, since parking in the cul-de-sacs is limited.

Vehicles and trailers parked in violation of Waterscape's regulations are subject to immediate towing.

*Waterscape Parking Policy is available at*  
*<http://waterscapehoa.com/wp-content/uploads/2011/12/WS-Parking-Policy-20.07.14.pdf>*

## **Section O**

### **Trash and Recycling Services**

Trash and recycling services are provided by the City of Noblesville, and Waterscape residents must place all refuse inside the containers provided by Republic. Requests for replacement containers need to go to Republic.

Containers may be placed outside any time after 4 PM the day prior to pick-up. They must be stowed back inside garages no later than 8 AM the day following pick-up. Containers may not be stowed anywhere except inside garages at Waterscape.

*Waterscape Trash Policy is available at*  
*<http://waterscapehoa.com/wp-content/uploads/2011/12/WS-Policy-Trash-A-11.03.22.pdf>*

*Direct Inquiries regarding Trash Collection to Republic*  
*1-800-234-6881 / [www.indywaste.com](http://www.indywaste.com)*

## **Section P**

### **Fire Hydrants and Utilities**

**Fire hydrants** are the responsibility of the HOA to maintain. They are serviced and cleaned annually and painted as required.

**Utility boxes** are the responsibility of the individual companies to maintain. The placement of these boxes by the utility companies requires residents to park carefully to avoid damaging the boxes that serve Waterscape's buildings and grounds.

**HOA water service** is limited to a few meter pits where hoses are available for servicing needs at certain times of the year.

*Direct Inquiries to the Managing Agent*