

**BYLAWS**  
**OF**  
**HIDDEN LAKE POA OF MCDOWELL**  
**COUNTY, INC.**

**JUNE 14, 2009**

**Official signed and stamped copy of these By-Laws is on file with the  
Hidden Lake POA Secretary**

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**Attachments**

**Attachment “A”                      Architectural Guidelines                      14-22**

## Revisions

Revision 1 Architectural Guidelines added on this date \_\_\_\_\_

The undersigned have reviewed and approve the following changes

- Architectural guidelines of Attachment "A"
- Change to article X to reference the Covenants and restrictions
- Change article VII to reference new arc Guidelines

Stephen Shary, President \_\_\_\_\_

Theresa Carr, Secretary \_\_\_\_\_

Rod Lilly, member \_\_\_\_\_

Renea Bolick, member \_\_\_\_\_

BYLAWS  
OF  
HIDDEN LAKE POA OF MCDOWELL  
COUNTY, INC.

ARTICLE I

NAME, LOCATION AND MISSION

**Section 1. Name and Location.** The name of the Corporation is Hidden Lake POA of **McDowell County, Inc.** hereafter referred to as the “Association”. The principal office of the Corporation shall be located at 216 Double Eagle Drive, McDowell County, Nebo, NC 28761. Meetings of members or directors may be held at places in North Carolina as designated by the Board of Directors.

**Section 2. Mission.** The mission of the Board of Directors is to conduct the business of the Hidden Lake community, with emphasis on the following

- Provide a safe and secure community for the resident
- Preserve and enhance the value of the owners’ investments
- Maintain the infrastructure as needed
- Be financially responsible by providing for both current expenses and long term repairs and replacement
- Improve and develop the common areas, including the lake, pool, parks, entrance and walking trails, for the enjoyment of all owners
- Maintain the natural environment that attracted owners to the community

ARTICLE II

DEFINITIONS

**Section 1. “Association”** shall mean or refer to the **Hidden Lake POA of McDowell County, Inc.** and its successors.

**Section 2. “Properties”** shall mean and refer to real property described in the Declaration of Covenants and Restrictions, and any additions brought within the jurisdiction of the Association.

**Section 3. “Common Area”** shall mean all real property owned by the Association for the common use and enjoyment of the Owners.

**Section 4. “Lot”** shall mean and refer to any numbered plot of land shown upon any recorded subdivision map of the Properties, with the exception of the Common Area and shall include all improvements.

**Section 5. “Owner”** shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

**Section 6. “Declaration”** shall mean and refer to the Declaration of Covenants and Restrictions.

**Section 7. “Member”** shall refer to those persons entitled to vote as provided in the Declaration.

### **ARTICLE III MEETING OF MEMBERS**

**Section 1. Annual Meeting.** The regular Annual Meeting of the members shall be held<sup>1</sup> once per year. The exact date will be established by the Board of Directors, with due notice being provided to the members of not less than thirty (30) days, nor more than sixty (60) days in advance of the said annual meeting.

**Section 2. Special Meetings.** Special Meetings of the members may be called at any time by the Board of Directors, or upon written request of members, owning one-fourth (1/4) of the lots entitled to vote. The date will be established by the Board of Directors, with due notice being provided to the members of not less than fifteen (15) days in advance of the special meeting.

**Section 3. Quorum.** Members, owning fifty one (51) percent of the lots entitled to vote, voting either in person or by proxy, constitute a quorum for holding a meeting of members. If the required quorum is not present, another meeting may be called subject to the same notice requirements, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum of the preceding meeting.

**Section 4. Absentee Voting.** At all meetings of members, each member shall vote in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Corporation.

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<sup>1</sup> Revision 1  
Revision 1

## **ARTICLE IV**

### **BOARD OF DIRECTORS**

**Section 1. General Powers.** The business and affairs of the Corporation shall be managed by the Board of Directors, pursuant to these Bylaws.

#### **Section 2. Members and Terms.**

- A. The initial Board of Directors shall consist of five (5) directors. The number of Directors in each subsequent year shall be determined by the Board of Directors based upon need.
- B. The initial Board of Directors shall consist of three (3) groups: Group 1 has one Director Whose term shall expire at the first annual Property Owner 's Association meeting (2008) after their election; Group 2 has two Directors Whose terms shall expire at the second annual Property Owner's Association meeting (2009) after their election; and Group 3 has two Directors Whose terms shall expire at the third annual Property Owner's Association meeting (2010) after their election.
- C. Beginning with the first annual Property Owner 's Association meeting and at each annual Property Owner 's Association meeting thereafter, Directors shall be elected for a term of three (3) years to succeed those whose terms expire.

**Section 3. Election.** Directors shall be elected at annual meetings by the members and those receiving the highest number of votes shall be deemed elected. In the event any Director so demands, election of Directors shall be by ballot.

**Section 4. Vacancies.** A vacancy occurring in the Board of Directors, for any reason, shall be filled by a majority vote of the remaining Directors. The Director so appointed shall serve the unexpired term of the Director being replaced.

#### **Section 5. Removal.**

- A. Directors may be removed from office with or Without cause by a vote of a majority of the Directors.

- B. Directors may be removed by a vote of members owning 67% of the lots entitled to vote, at a special meeting or a regular meeting.
  
- C. In the event any Director is removed, a new Director or Directors will be appointed by a majority vote of the remaining Directors. The Director so appointed shall serve the unexpired term of the Director being replaced.

**Section 6. Special Meetings.** Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors.

### **Section 7. Notice of Meetings.**

- A. Regular meetings of the Board of Directors may be held without notice. The person or persons calling a special meeting of the Board of Directors shall, at least two days before the meeting, give notice thereof by any usual means of communication. Such notice need not specify the purpose for which the meeting is called.
  
- B. Attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called.

### **Section 8. Action by Directors.**

- A. Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as an act of the Board
  
- B. Informal Meeting. Action taken by a majority of the Directors without a meeting is nevertheless Board action if written consent to the action in question is signed by all the Directors and filed with the minutes of the proceedings of the Board, whether done before or after the action so taken

**Section 9. Compensation.** No Director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.



## **ARTICLE V**

### **POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

**Section 1. Powers.** The Board of Directors shall have the power to:

- A. Adopt and publish rules and regulations governing the use of the Common Area and facilities, the personal conduct of the members and their guests, and to establish penalties for the infraction thereof;
- B. Suspend the voting rights and right to use Common Area of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;
- C. Exercise for the Association all power, duties, and authority vested in or delegated to the Association and not reserved to the membership by other provisions of these Bylaws, or the Declaration;
- D. Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;
- E. Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties; and
- F. Employ attorneys to represent the Association when deemed necessary.

**Section 2. Duties.** It shall be the duty of the Board of Directors to:

- A. Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meetings when such statement is requested in writing by members owning one-fourth (1/4) of the lots entitled to vote;
- B. Supervise all officers, agents, and employees of the Association, and to see that their duties are properly performed;
- C. As more fully provided in the Declaration, to:
  - 1) Fix the amount of the annual assessment and any special assessments against each lot at least thirty (30) days in advance of each annual assessment period;

- 2) Send written notices of each assessment to every Owner at least thirty days in advance of each annual assessment period;
  - 3) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same.
- D. Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. The Board may make a reasonable charge for issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- E. Procure and maintain adequate liability insurance covering the Association, its Directors, officers, agents and employees and to procure and maintain adequate hazard insurance on the real and personal property owned by the Association;
- F. Cause all officers or managers having fiscal responsibilities to be bonded;
- G. Cause the Common Area to be maintained; and
- H. Cause the exterior of dwelling and out-buildings to be maintained.

## **ARTICLE VI COMMITTEES**

The Board of Directors shall appoint an Architectural Review Committee (ARC) for the purpose of establishing and preserving a harmonious design for the community and to protect the value of the Properties. The ARC will review applications for new construction to ensure compliance with standards for the community, approving or not<sup>2</sup> approving as appropriate. (see Attachment "A" Architectural Guidelines)

The Board of Directors shall appoint a Nominating Committee consisting of one Board member and 2 or more members from the owners. The purpose of said committee shall be to assist the Board in researching candidates to serve on the Board of Directors of the Corporation. Members of the nominating committee shall serve until their function of assisting with said nominations have been completed.

The Board of Directors may form other committees as deemed appropriate in carrying out its purpose.

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<sup>2</sup> Revision 1  
Revision 1

## **ARTICLE VII OFFICERS**

**Section 1. Officers.** The officers of the Corporation shall consist of President, Vice-President, who must both be Board members, Secretary, Treasurer, and other officers as the Board of Directors may from time to time elect. Any two or more offices may be held by the same person, except the President and Vice-President, who may not hold other offices.

**Section 2. Election and Term.** Officers shall be elected at the first Board Meeting following the annual meeting by the Board of Directors. The Nominating Committee may assist the Board in researching for suitable candidates. Except for President and Vice-President, it is not required that a candidate for officer be a current member of the Board of Directors. The slate of officers shall be presented to the entire Board for consideration and election.

**Section 3. Vacancy.** Any vacancy occurring shall be filled by the Board of Directors at a special meeting duly called for such purpose. The appointed officer shall serve out the remaining term of the officer replaced.

**Section 4. President.** The President shall preside at all meetings and appoint committees as deemed necessary. He shall work closely with the Directors and keep abreast of the needs of the Corporation and will serve as a liaison between the Corporation and the Board of Directors to assure smooth and accurate communication. The President shall be principal executive officer of the Corporation and subject to control of the Board of Directors, and shall supervise the control and management of the Corporation in accordance with these Bylaws.

**Section 5. Vice-President.** The Vice-President, unless otherwise determined by the Board of Directors, shall, in the absence or disability of the President, perform the duties and exercise the powers of that office. In addition, he shall perform such other duties and have such other powers, as the Board of Directors shall prescribe.

**Section 6. Secretary.** The Secretary shall keep accurate records of the acts and proceedings of all meetings of officers and directors. He shall give all notices required by law and by these Bylaws. He shall have general charge of the corporate books and records and the corporate seal, and he shall affix the corporate seal to any lawfully executed instrument requiring it.

**Section 7. Treasurer.** The Treasurer shall have custody of all funds and securities belonging to the Corporation and shall receive, deposit or disburse the same under the direction of the Board of Directors. He shall keep full and accurate accounts of the

finances of the Corporation in books especially provided for that purpose, and he shall cause a true statement of its assets and liabilities as of the close of each fiscal year and of the results of its operations and of changes in surplus for such fiscal year, all in reasonable detail, to be made and filed at the registered or principal office of the Corporation within four months after the end of such fiscal year. The statement so filed shall be kept available for inspection by any Director for a period often (10) years, and the Treasurer shall mail or otherwise deliver a copy of the latest statement to any Director upon his written request. The Treasurer shall, in general, perform all duties incident to his office and such other duties as may be assigned to him from time to time by the President or by the Board of Directors.

## **ARTICLE VIII**

### **CONTRACTS, LOANS, CHECKS, DEPOSITS**

**Section 1. Contracts.** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instruments on behalf of the Corporation, and such authority may be general or confined to specific instance.

**Section 2. Loans.** No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

**Section 3. Checks and Drafts.** All checks, drafts or other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

**Section 4. Deposits.** All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories, as the Board of Directors shall direct.

## **ARTICLE IX**

### **BOOKS AND RECORDS**

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, and the Bylaws of the Association shall be available for inspection by any member at the office of the manager, where copies may be purchased at reasonable cost.

**ARTICLE X  
ASSESSMENTS**

<sup>3</sup>See Article 10 of the Covenants and restrictions.

**ARTICLE XI  
GENERAL PROVISIONS**

**Section 1.** Seal the Corporate seal of the Corporation shall consist such seal as is impressed on the margin hereof.

**Section 2. Waiver of Notice.** Whenever any notice is required to be given to any Director under the provisions of the North Carolina Nonprofit Corporation Act or under the provisions of the North Carolina Nonprofit Corporation Act or under the provisions of the charter of By-laws of this Corporation, a waiver thereof in writing signed by the person or persons entitled to such notice whether before or after the time stated herein, shall be equivalent to the giving of such notice.

**Section 3. Fiscal Year.** Unless otherwise ordered by the Board of Directors, the fiscal year of the Corporation shall be from January 1 to December 31.

**Section 4. Amendments.** These Bylaws may be amended or repealed and new Bylaws may be adopted by the affirmative unanimous vote of the Directors then holding office at any regular or special meeting of the Board of Directors.

These By-laws were adopted on the 14 day of June, 2009

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Stephen Shary, President of Hidden Lakes  
Property Owners Association

Note  
The signed copy of this  
Documents on file with the Hidden Lake Secretary

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<sup>3</sup> Revision 1  
Revision 1

Attachment "A:  
**Architectural Guidelines for  
Hidden Lake POA of McDowell County, Inc**

Applications will only be accepted by the ARC (Architectural Review Committee) from members of the Hidden Lake POA, or those with a contract to purchase land.

Any applications to be considered must be received by the 15<sup>th</sup> of each month.

Approval/denial will only be issued at the monthly ARC meeting, and not during other times of the month.

Those submitting applications are welcome to attend the ARC meeting to answer questions on their project and/or provide samples of items such as: exterior siding/covering, stain colors, etc. If submitting an application for "natural or natural appearing materials" other than Logs, it is recommended that samples be provided.

If the design/project is not approved, there will be an appeal process available. Appeals shall be submitted in writing to the POA Board President. Appeals will be heard at the next scheduled meeting of the POA Board. Overturning a decision of the ARC Committee will require a majority decision of the POA Board members attending the meeting.

- Construction within Hidden Lake is restricted as follows:
  - All new construction (Homes, Garages, Outbuildings, Fences, etc.) must be approved by the Hidden Lake POA Architectural review Committee (ARC).
  - All structures built in the community shall be log or conventional construction with log siding. Other natural or natural appearing materials will be considered, on a case by case basis, by the ARC.
  - Singlewide, doublewide, and triple wide mobile homes are not allowed. Manufactured housing is not allowed.
  - Modular homes, with log or log sided construction, may be approved, on a case by case basis, by the ARC.
  - Other standards for size, set back, etc. are covered in other sections that follow.
  
- No recorded lot in Hidden Lake will be allowed to have more than two (2) single family residences constructed on it. One Detached out-outbuilding will be permitted as long as the materials used to cover the outside match the outside covering of the residence, subject to Architectural Review Committee (ARC).
  
- No "large" satellite dishes will be allowed. Only the small 18-inch round or oblong satellite dishes for tv or internet are permissible.
  
- Utility easements, road rights of way, and minimum building set-backs pertaining to any Phase of development, shall be as shown on plats thereof of record. Unless otherwise shown on plats of record to any future development or Phases of development, the utility easements, road rights of way, and minimum set back lines shall be as follows:
  - A utility easement of 30 feet is reserved along the interior Lot lines, 15 feet either side of the line. A utility easement of 15 feet on the interior side of the line is reserved on exterior lines.
  - A right of way of all roads is 45 feet unless shown otherwise on the plat. A 30-foot right of way is reserved along all Lots fronting North Carolina State Secondary Road, No. 1775, which is also known as Cowan Loop Road, for use by North Carolina Department of Transportation.
  - Unless otherwise shown on the recorded plat, building setbacks are as follows: 20 feet from all street right of way lines; 20 feet from all rear lines; 20 feet from all outside boundaries; 50 feet from all creek boundaries; and 15 feet from side lot lines that are not outside boundaries.

\*Set-back for building on the water shed lake lots are delineated on the plat map and are well marked by flagging tape on the lots themselves.

- As to building restrictions on Lots in Hidden Lake Subdivision, restrictions are as follows:
  - Custom built or modular homes constructed on the property must have the exterior completed within Six (6) months of the start of construction. No home shall be erected on any Lot having less than 1,200 square feet of heated floor space. The floor space required above shall not include basements, porches, verandas, breezeways, or garages. No asbestos siding shall be used and no concrete blocks shall be used unless the exterior walls are faced with brick or covered with some other material approved by the Architectural Review Committee (ARC).
- The Owners of Lots which border on the water of the pool elevation as shown on the plat of record in Plat Book 8 at Page 50 of the McDowell County Registry, (referred to herein as Lake Front Lots) may build or construct a dock extending into said lake no farther than 16 feet from the edge of the water, However, any residence or other buildings must be beyond the 1328 foot flood easement elevation;
- No signs except for those signs approved by the Property Owner's Association will be allowed – see our Sign Restrictions document for details.
- As to cutting hardwoods and the ground repair thereof Restrictions are as follows:
  - The cutting of any hardwood trees, Ten (10) inches in diameter or larger, is prohibited on any Lot except within Fifty (50) feet of house site including swimming pool area or other construction (such as driveway or septic tank systems) directly relating to the house. Other hardwood trees more than Fifty (50) feet from the house site may be topped (no more than 1/3 of the height of the tree) without having to obtain permission from the Developer or the Property Owner's Association. The cutting of any other hardwood trees more than Fifty (50) feet from the house site maybe done by securing written permission from the Developer up until the Property Owner's Association has been established at which time permission must be obtained from the Architectural Review Committee (ARC).. Clean up and reseeding, replanting or landscaping will be required as stated in paragraph 23 above.
  - Necessary precautions must be taken when any ground is disturbed so as to prevent erosion and sediment from reaching any stream, creek, lake, roadway, walking easement, common area or other Lot.
  - Any damage done to any Association roads, ditch lines, grassed or Common Areas by Lot Owners, their guest, or general contractors, must be promptly repaired by said Owners or if the repair is done by the Association, the Lot Owners will be financially responsible to reimburse the Association for said repairs.



## **Fences**

No fence or wall shall be erected without an ARC application being filed and approved.

### **Allowed Fencing:**

- Wooden Agricultural fences – Farmers use agricultural fences to keep predators away from their livestock and to keep their livestock from getting out, getting lost, or causing damage. Permitted agricultural fences include wooden fences.
- Boundary Fences – These are typically used to show exact property lines. These are permitted provided they are an approved style.
- Pet Fences – These are used to keep animals inside the yard or within the property. Pet fences can be, wood with welded wire mesh, or invisible electric fences that are activated by the collars the pets wear.
- Post and Rail Fences – These are very common. Basically, as the name indicates, they are made from digging a hole, erecting posts, and then inserting rails between the posts. This type is permitted.
- Round Pole Fences – As the name suggests, these are just made from round poles as opposed to square poles. This type is permitted.
- Split-Rail Fences – You can see a lot of these in country areas. These are decorative fences made of wood or timber and stacked in a zig-zag pattern. This type is permitted.
- Live Fences – Hedges and hedgerows are often used to create live fences. It takes a lot of pruning, trimming and maintenance to maintain a live fence, but they are inexpensive and can be a beautiful addition to any landscaping project. Hedges aren't the only type of live fence. You can also make fences out of cactus and shrubs.

## ALLOWED



Agricultural / Farm



Post and Rail with mesh



Round rail with mesh



Live Fence



Split rail



Split rail corner fencing



Rustic split rail



Wooden post with gate



Split rail with mesh



Split rail with mesh

**Fencing allowed on a case-by-case basis:**

- Privacy Fences – Privacy fencing is used anywhere people want to keep others from seeing in. Privacy fence types often include perimeter fences. Privacy fences may be approved on a case-by-case basis.
- Pool Fences – These fences usually go around the outskirts of the pool area. Pool fences can be approved by the ARC on a case-by-case basis. Ornamental wrought iron or metal fences are commonly used. Brick columns can be a form of fence for pool areas as well.
- Vinyl Fences – These are beautiful. The big advantage to using vinyl fencing is that you don't have to paint it and you don't have to replace it very often. The posts and rails last for long periods of time and usually come with good warranties. This type may be approved on a case-by-case basis.



**May be ALLOWED on case-by-case basis**



Privacy



Pool



Vinyl

**Fences NOT Allowed:**

- Chain-Link Fences – chain link fencing is wire woven together. This type is not permitted
- Concrete Fences – These are fences where concrete is poured in such a manner that it hardens into the shape of a fence. This type is not permitted.
- Close Board Fences – These are very strong fences made from feather edge boards, morticed posts and rails. This type is not permitted.
- Wire Fences – Wire fencing comes in all kinds of varieties. Electric fences are wire fences. So are barbed wire fences, woven wire fences, chicken wire fences, and welded wire mesh fences. Wire fences are often used for agricultural purposes to protect livestock, to keep pets in, and to keep predators out.

Note: Welded wire fences are permitted only if accompanied by a wood fence.

**NOT ALLOWED**



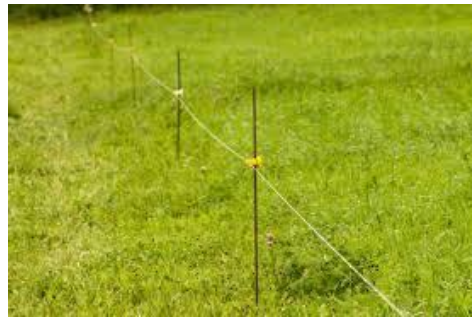
Chain link



Barbed wire



Wire mesh



Electric



Concrete

## **Solar Panels**

Solar panels are allowed in Hidden Lake.

- Roof Mounted Solar Panels -

If alternative locations for roof mounted solar panels exist, with essentially equal efficiency, the location least visible from the street should be used.

- Ground Mounted Solar Panels

If alternative locations for ground mounted solar panels exist, with essentially equal efficiency, the location least visible from the street should be used. Ground mounted solar panels need to be screened from the street and the adjacent homes to the best extent possible without reducing the efficiency of the system. Fast growing trees such as the leyland cypress or arborvitae are possible ways to accomplish this requirement. If screening is not completed within 30 days after solar panels are in place, there will be a fine for non-compliance.

## **Propane Tanks**

Above ground propane tanks should be shielded by some type of bushes or lattice work, if it can be seen from the road or neighboring home.

## **Large exterior street lights**

These are the type you may see mounted on high poles within the county, usually for security reasons or on farms. These are not permitted within the development.

## **Private outdoor pools**

These are permitted only by the McDowell County Health Department, and will usually require a fence around the entire perimeter.

**BYLAWS OF HIDDEN LAKE POA OF MCDOWELL COUNTY, INC. Attachment "A"**