

RULES & REGULATIONS FOR SANTA CATALINA

The Board of Directors of the **SANTA CATALINA HOMEOWNERS ASSOCIATION, INC.**, (the “Association”) have adopted the following rules and regulations in accordance with the provisions of the Declaration of Covenants and Restrictions for **SANTA CATALINA** and the Articles of Incorporation and By-Laws of Association

1. QUIET ENJOYMENT

(a) No owner or renter shall make or permit any disturbances that will interfere with the rights, comforts, or conveniences of others.

(b) Owners are responsible for the actions of their tenants and their guests.

(c) This being a family-oriented community, any person intoxicated or appearing to be intoxicated shall be barred access and use of all recreational facilities. The term “intoxicated” is not restricted to the legal definition and shall be extended to mean anyone who is abusive, physically or verbally offensive, lewd or otherwise embarrassing to other owners, residents or their guests.

(d) Playing football, baseball, basketball, golf or any other activity outside the designated areas that could interfere with the quiet enjoyment of other residents or cause physical injury or property damage within the community is hereby prohibited.

(e) No soliciting is allowed without the Board’s permission.

(f) No business or professional activity for remuneration may be operated within the community. Notwithstanding the foregoing, professional health and physical instructors may provide such instruction provided that any such instructors obtain the prior written consent of the Board of Directors in its sole, exclusive and arbitrary discretion. In addition, professional instructors wishing to give instruction within the community must present the Board of Directors with appropriate credentials and insurance and execute whatever release of liability may be required by the Board. Any and all participants must also sign appropriate releases absolving the Association of any and all liabilities. It shall be the responsibility of the instructor to see that these releases are read, understood, and signed by the participants, and submitted to the Board, before any instruction or activity commences. The Board of Directors may revoke the right to provide instruction without cause and without notice.

2. DRIVING AND PARKING

- (a) Boats, RVs, or recreational vehicles shall only be permitted if parked in the garage.
- (b) Parking in the recreational spaces shall be limited to no more than twenty-four (24) hours.
- (c) No trucks or commercial vehicles with a payload capacity larger than a one (1)-ton designation or any vehicle having more than two (2) axles are permitted.
- (d) Only two (2) vehicles shall be parked in the driveways overnight.
- (e) All vehicles must park in designated spaces. No vehicles shall be permitted to block any streets or sidewalks at any time.
- (f) No vehicles including mopeds and any other motorized vehicles, whether consisting of two, three or four wheels, are permitted to drive or park on grassy areas or sidewalks at any time. This includes, but is not limited to, service and delivery trucks. No vehicles shall be operated or parked anywhere on the common elements other than the roads and parking areas specifically marked for such use.
- (g) No unlicensed driver shall be permitted to operate any type of motor driven vehicle on Association property. Unlicensed shall not refer to drivers holding restricted licenses complying with the rules of those restrictions.
- (h) Joyriding, reckless driving or unnecessary racing of engines is hereby prohibited.
- (i) Violation of any of the above driving and parking rules will result in the vehicle's being removed at the owner's expense.

3. VEHICLE MAINTENANCE

- (a) Motor vehicles of all types must be properly muffled, licensed and maintained so as not to create any unnecessary disturbance in the community.
- (b) No major repair or maintenance work may be performed on motor vehicles within the community. Any damage caused to the road surface as a result of oil and/or cooling system leaks shall be repaired at the owner's expense.
- (c) Cars may be washed only between the hours of 8:00 a.m. and 8:00 p.m.

4. PETS

- (a) All pets shall be carried or walked on a leash not exceeding ten (10) feet in length at all times when outside the residence. Any feces left by any pet on Association property shall be

picked up immediately by the person walking the pet who shall carry the means to clean up said feces effectively.

(b) Owners shall not permit pets to be a disturbing nuisance to other residents. Animals determined to be offensive to residents may be cause to be removed by the Board of Directors.

(c) In the event any owner or tenant violates the provisions of this Section 4, the Board of Directors shall have the authority to enforce the provisions of this Section 4, by causing the owner or tenant who has violated the rules to remove the pet from the community or by imposing reasonable fines on the owner or tenant.

5. **LANDSCAPING:**

(a) Residents shall be required to maintain the appearance of their property to conform to the standards of the community. This includes regular mowing and pruning of shrubs and trees not maintained by the Association.

(b) There shall be no planting of trees, shrubs, or planters in the utility easement / right-of-way located in Tracts L1 and D1 on the Plat of Santa Catalina.

6. **TRASH PICK-UP AND LITTER**

(a) No trash will be placed on the common elements unless it is in a heavy duty, securely covered garbage container.

(b) No trash containers will be placed on the common elements prior to the morning of the day of a regularly scheduled garbage pick-up. Residents should arrange for a neighbor to put their garbage out if they are going to be away on that day or they should leave the container inside their residence until the next scheduled pick-up day.

(c) Residents are responsible for keeping the lawn and parking areas surrounding their residence free of litter, regardless of the source of the litter.

7. **OTHER RULES**

(a) Bicycles, toys, clutter or other personal property shall not be left outside of the homeowner's front lawn. Items left in the common elements will be subject to confiscation by the Association.

(b) Parents will be held responsible for the proper conduct of their children, guests or the children of their guests. Residence Owners will be held liable for damage and repairs to the

Association property as a result of the activities of their children or the children of their tenants and guests.

(c) Resident occupancy by more than seven (7) people, adults and children inclusive, is considered to be a health hazard and is hereby prohibited.

(d) All owners and lessees of units in the community shall abide by the provisions of the Declaration of Covenants the Articles of Incorporation, and the By-Laws of the Association.

8. **PENALTIES AND ASSESSMENTS**

(a) Any expense incurred by the Association in enforcing these provisions shall be charged against the residence Owner violating these provisions.

(b) The Board of Directors shall have the power to levy assessments, and under its authority shall enforce the above restrictions and regulations. Assessments not paid when due, together with interest and cost of collection, shall become a continuing lien on the offending residence as per the Declaration of Covenants.

(c) Fines imposed for specific violations shall automatically increase for each new occurrence of the same violation. Fines can be appealed at the next duly convened meeting of the Board of Directors.

(d) On all payments, except assessment payments, due the Association not received within seven (7) calendar days after due date, a late charge of up to Twenty-Five and No/100 Dollars (\$25.00), and payable immediately, will be assessed. For the assessment payments, that is, after the Twenty-First (21st) calendar day of the period for which the payment is due; for all other payments, it is the date given in the notice. Principal and late charges accrue interest at the rate of eighteen percent (18%) per annum and are lienable according to the provisions of the Bylaws and the Declaration of Covenants unless prohibited by law.

(e) The following procedure shall apply prior to the Association levying a fine against any Owner:

- i. The party against whom the fine is sought to be levied shall be afforded an opportunity for hearing in from of the fine review committee consisting of other residence owners, after reasonable notice of not less than fourteen (14) days and said notice shall include:
 - a. A statement of the date, time and place of the hearing;
 - b. A statement of the provisions of the declaration, association bylaws, or association rules which have allegedly been violated; and

c. A short and plain statement of the matters asserted by the association.

ii. The party against whom the fine may be levied shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the association.

iii. Interest charges for nonpayment of assessments are not a late fee, fine or other penalty where such charges are calculated over the actual period of deficiency.

9. **COMPLAINTS**

Complaints alleging violation of any of these Rules and Regulations shall be made in writing to the Board of Directors. The Board will act only upon receipt of a written, signed complaint.

10. **VIOLATIONS**

Observance of these rules by owners, lessees, their families, guests, and employees of owners is the responsibility of the owner. Violations will be called to the attention of the violating owner or other person. Disagreements concerning violations will be presented to and judged by the Board of Directors for action. Should the conduct be deemed in violation of the provisions of the Declaration of Covenants or the Articles of Incorporation, or the By-Laws of said Association, or these rules, then the Board of Directors will notify the individual owner that the conduct is in violation of the above-described cited authority. If the conduct deemed to be in violation does not cease and desist upon notification by the Board of Directors, then the Board of Directors shall have the right to enforce the provisions of the Declaration, By-Laws or Rules and Regulations through the institution of legal proceedings by seeking an injunction from a court of competent jurisdiction.

Owners are obligated to follow these rules along with the Declaration Covenants, conditions and Restrictions. The Board of Directors have a responsibility to enforce these rules under the Declaration. The Board, in most instances, enforces the rules by:

1. Compelling the owner and/or their tenant to rectify or correct any violation;
2. The Board can rectify the violation themselves at the owner's expense;
3. Fine the homeowner up to \$100 per day for a maximum of \$1,000 per existing violation or higher as permitted at law, subject to fining committee approval.

4. Homeowner may, at the Board's discretion, be sent to the attorney for further legal action.

12. **SALES**

No sale of any residence in SANTA CATALINA shall be valid unless:

(a) All assessments due the Association are current;

(b) All violations of the Declaration of Covenants, By-Laws, Articles and these Rules have been cured; and

(c) The Purchaser, including a Purchaser from the Developer, has paid a capital contribution in an amount equal to two (2) months of Assessments.

13. **POOL USE**

(a) The pool is a common area amenity of the Association. Anyone using the pool must wear appropriate bathing attire. Before entering the pool everyone must shower to remove excess oil, sunscreen, perfumes, and similar items

(b) Use of the swimming pool area is restricted to residents and their guests with the limitation that not more than five (5) persons identifying with a single home may use the swimming pool or pool deck area unless approved in advance by the Board of Directors. This limitation is made because of an endeavor not to overburden the swimming pool and other facilities and thereby deprive other owners, residents and guests of the same from being able to use these amenities. Use of the swimming pool and deck area is restricted to residents and their guests.

(c) **Use the pool at your own risk. No lifeguard is on duty at any time.**

(d) Residents are responsible for their guests' behavior. Anyone exhibiting poor behavior will be warned once and asked to leave the pool area upon a second occurrence of poor behavior.

(e) Towels must be placed on chairs if using sunscreen, lotions, or oil based skin products.

(f) No one under the age of fourteen (14) shall be permitted at any time in the pool area unless accompanied by a supervising adult.

(g) No nudity or partial nudity is permitted in the pool area.

(h) No alcoholic beverages are allowed in the pool or clubhouse area. No glass containers are permitted in the pool area.

(i) No more than a reasonable number of persons are allowed in the pool at one time.

(j) No loud noise or radio playing in the pool area is permitted.

(k) Any individual suffering from incontinence must wear protective clothing (e.g. swim diaper or waterproof underwear) before entering the pool.

(l) No pets are permitted in the pool, on the pool deck, or within the clubhouse at any time (except service animals).

(m) No roller skates, skateboards, inline skates, motor scooters, or bicycles are permitted within any of the common amenities.

(n) Chairs, tables, and lounges are provided for the use and enjoyment of residents and their guests. These may not be reserved, or removed from the pool deck area.

(o) All posted pool rules must be obeyed at all times.

(p) No diving or jumping, excessive splashing, horseplay, boisterous conduct or running will not be permitted and shall be cause for ejection from the pool.

(q) Use of scuba equipment, or Styrofoam items are not permitted in the pool. Use of safety devices, masks, and snorkels are permitted.

(r) The emergency life rings are to be used only in the case of an emergency; these are not to be used as a recreational device by anyone in the pool.

(s) The Association reserves the right to deny the use of the pool and pool deck area to anyone, at any time.

(t) The pool opens at dawn daily and closes at dusk.

(u) Any umbrellas must be closed prior to your leaving the pool area

14. **VALIDITY**

If any By-Law, rule or regulations contained herein shall be deemed to be invalid by a court of law, such fact will in no way affect the validity of any other By-Law, rule or regulation.

Adopted by the Board of Directors on the ____ day of May, 2017.

Santa Catalina
Homeowners Association, Inc.

By: _____
John P. Reichard, III, President