

## **Villages at Berwick Rules and Regulations**

**Architectural Review Board (ARB)** - The board will consist of three (3) or more persons who are Villages at Berwick homeowners. The ARB is appointed by the Homeowners Association (HOA) Board members. ARB vacancies shall be filled by a majority vote of the Board members. The ARB shall regulate the external design, appearance, use, location and maintenance of the Property. The ARB will review submissions and make decisions using their best judgment of what will be compatible with the character and appearance of the community.

If a homeowner proceeds with an improvement without requesting permission from the ARB, they risk the potential of redoing or removing the improvement. If the ARB disapproves a request, the homeowner may not proceed with the improvements. Approval or disapproval will be granted within 30 days as long as all requested information is submitted. It will be the homeowner's responsibility to provide all additionally requested information in a timely manner.

**ARCHITECTURAL CHANGES** - The ARB will not consider or approve new construction that cites precedents or exceptions to the current published rules. Any changes to the exterior of the home are subject to review by the ARB. The ARB will speak directly with homeowners or their contractors when the nature of existing construction dictates a variance from the current published ARB rules.

**ARB ENFORCEMENT OF RULES** - All Association Rules and Regulations and all rules set forth in the Community Covenants and Restrictions shall be vigorously enforced by the Association, its members, the Board of Directors, and the Managing Agent, and all committees of the Association. The managing agent will do periodic inspections of the community and record violations to be reviewed by the Board of Directors. Homeowners will be notified in writing of the alleged violation. In the case of a costly repair or correction, they will be given 30 days from notification of the violation to state how they will repair or correct that violation. In the case of something minor (i.e. garbage can visible, pets not leashed, or on-street parking) the correction must be made immediately.

**First Offense:** Written letter of warning. A written notice is sent to homeowner giving nature of alleged violation. The homeowner has 30 days to respond to the complaint and begin repairs to amend the violation.

If the homeowner **does not respond** to the HOA complaint, or fails to comply within 30 days, the HOA owner's voting rights and rights to the use of recreational facilities by the Owner, owner's family; tenants and guests will be suspended or limited in addition to fines being levied.

**Second Offense:** If there was no response from the homeowner within the 30 day time period, a \$100.00 fine will be levied for that violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's property.

**Third Offense and Subsequent Notice of Violation:** The HOA, after the 30 day period, may chose to fix or repair the problem at the owners' expense or impose an additional \$175.00 fine for the same violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's property.

Prior to determination of violation and levying of fines, person or persons liable for the payment thereof will be provided an opportunity for a hearing. Persons entitled to a hearing shall have the opportunity to be heard at the next regularly scheduled meeting of the Board of Directors unless

other arrangements for a hearing are made with approval of the board. In the event any person entitled to a hearing fails to appear, he or she will be presumed to have acknowledgement of the violation and will be subject to all penalties.

Owners may be required to remove any exterior improvement (at their expense) which did not receive ARB approval.

A violation by a rental tenant or guest shall be treated as a violation by the homeowner. The owner shall receive the letters cited above which shall outline a complaint for a rules violation committed by their resident.

Rules and Regulations may be amended, repealed, and adopted from time to time by the board of directors. Proposed amendments may be published, but are not required to be published, in the Association's newsletter or community website.

## **AMENITY RULES AND REGULATIONS-**

### **Fitness Center Rules**

- This facility is for the use of Chapel Park and Villages of Berwick residents and their guests. A resident must accompany all guests.
- No one under 18 years old is permitted in the fitness center without an adult.
- No food or tobacco products are allowed in the fitness center.
- Fitness center equipment may not be altered, moved or adjusted in a manner not pre-approved by management or the manufacturer.
- Benches and vinyl must be wiped down after use.
- If others are waiting to use equipment, please limit time to 20 minutes.
- You must obtain permission from a medical doctor to use this equipment or participate in any fitness program.
- Use of this facility is always at the risk of the individual; the Home Owners Association assumes no responsibility or liability for any accidents or injuries.
- Please wear proper attire, including footwear.
- Management reserves the right to restrict the use of this facility.
- Please turn the Television(s) off, when you are finished with your workout, and place the remote in a highly visible area.
- Please refrain from using profanity in or around the fitness center.

### **Playground Rules**

- Do not use equipment when wet.
- No smoking in or around the playground.
- No running, pushing or shoving.
- Do not use play equipment improperly.
- No bare feet. Proper footwear required.
- Adult supervision required.
- Do not use play equipment unless designed for your age group.
- Play at your own risk.
- If you notice any broken equipment or playground hazards please report it to the HOA.
- Play area is closed from dusk to dawn.
- No pets are allowed in the playground area.
- No glass allowed in the playground area.

- Playground is for the residents of Chapel Park and Villages of Berwick and their guests. A resident must accompany all guests.
- Please close gate after entering and exiting the playground area.
- Please refrain from using profanity in or around the playground.

### **Swimming Pool Rules**

- No lifeguard on duty, swim at your own risk.
- No diving.
- Unattended solo bathing is prohibited.
- Children under the age of 18 shall not use pool without an adult in attendance.
- Children, three years old and younger, as well as any child not potty trained, must wear snug fitting plastic pants or a water resistant swim diaper.
- No glass articles allowed in or around pool.
- Smoking is permitted at the tables and chair areas.
- Please leave the pool area clean, remove all personal belongings and trash before exiting the pool area.
- When entering the pool area if you notice any damage please call your HOA manager immediately.
- No food, drink, or wrappers shall be permitted within ten feet (10') of the swimming pool.
- No running or rough play allowed.
- No swimming allowed during heavy rain or when thunder and lightning can be seen or heard.
- Swimming pool is for the residents of Chapel Park and Villages of Berwick and their guests. A resident must accompany all guests.
- Gates must be closed after entering and exiting the swimming pool area.
- Emergency telephone is located at poolside.
- Please refrain from using profanity in or around the swimming pool.
- Please return all furniture to its original location before leaving the pool area.

**ANTENNAS AND SATELLITE DISHES** - Satellite dishes are limited to 18" in diameter and one dish per home site. All antennas and satellite dishes must be placed on the back or side of the home if possible, and mounted on a pole mount, or on the roof of the house.

**ARCHITECTURAL CHANGES** - The ARB will not consider or approve new construction that cites precedents or exceptions to the current published rules. Any changes to the exterior of the home are subject to review by the ARB. The ARB will speak directly with homeowners or their contractors when the nature of existing construction dictates a variance from the current published ARB rules.

**BASKETBALL HOOPS AND BACKBOARDS** - Only temporary portable basketball hoops are acceptable but must be placed in such a manner that they do not block sidewalks or streets. Temporary portable basketball hoops do not require the ARB's approval, but must be removed and stored from sight after use, and must only be used on the homeowner's property. All other recreational equipment must be approved by the ARB.

**BIRDHOUSE OR BIRDFEEDER** - Birdhouses and birdfeeders are generally acceptable when installed in the backyard. Any other location will require approval of the ARB.

**CARPORTS, ENTRANCE DOORS, AND SHEDS** - No structure or modification of the home will be made without prior ARB approval. No structure, shed, tent, shack, carport, garage, barn, or other outbuilding shall be erected by the Owner or Occupant, on any portion of the Property, at any time, either temporarily or permanently, without the prior written approval of the ARB.

**CLOTHESLINES** - Visible clotheslines are not permitted. Fences, garage doors, or other visible structures will not be used as a clothesline.

**DECKS, PATIOS, SCREENED PORCHES AND COVERS** - All decks, patios, pergolas, screened porches, or covers will require prior approval by the ARB. Dimensions of the proposed completed structure with a clear statement of the materials to be used, plans, colors, a photograph of what the proposed project will look like when completed, and all specifications or options must be submitted to the ARB. Decks and patios must be natural in color, and should not extend past the width of the house.

**DOGHOUSES** - Doghouses meeting the following guidelines will not require ARB approval. Doghouses are restricted to (16) square feet and must be located in a fenced backyard. Doghouses must be installed at ground level, and must not be visible above the fence or from any public or Private Street. Dogs may not be tethered unattended.

**DRAINAGE DEVICES** - All drainage devices must be approved in writing by the ARB. Any modification impeding the flow of water is prohibited. Each owner shall maintain the grading upon his or her lot. A change in any drainage pattern must be approved by the ARB.

**FENCES** - All fencing MUST be approved by the ARB. Fence dimensions with materials, colors, and specifications must be submitted with the plans for ARB approval (Please include a drawing to show where the fence will go in relation to your property). Please remember that you must receive a fence permit from the city/county after ARB approval but before proceeding with any fence construction. Fences must be wood and natural in color, a uniform 6 feet high without scalloping, and pickets must be shadow box style. If a lot is located on a lagoon, fencing must be 4 feet high, and picket style on all sides. Fences must be constructed in such a manner that the exposed side is finished. Fences must begin at the rear of the home. If the home site is located on a corner site that abuts common property, the fence may not extend past the building setback line on the side that abuts the common areas. Any installation of fencing which abuts another property, by nature of its existence, allows the abutting homeowner to tie-in, regardless of who paid for the original fencing. All fences along common property should be landscaped in front of the fence to maintain the beauty of the community. After the homeowner has received ARB approval, it is the responsibility of the homeowner, or their contractor, to obtain a building permit from the appropriate municipality prior to starting any fence

**FIREARMS AND FIREWORKS** - The display or discharge of firearms (including B-B guns, pellet guns, or other guns) is forbidden unless the display or use is by law enforcement or a resident is legally transporting firearms to his/her home. Residents must abide by Chatham County Laws in regards to fireworks.

**FLAGPOLES** - Flagpoles that are freestanding are prohibited, except as approved by the declarant for new home marketing. Flagpoles attached to the front of the house do not require approval as long as the length of the pole does not exceed 6 ft. Flags shall not be tattered or faded.

**FLOWERBOXES ON WINDOWS** - Window flower boxes that are the same base color of the house or trim color are permitted. All others need approval from the ARB.

**FOUNTAINS/PONDS** - Fountains and ponds of any kind will not be allowed in the front yard unless approval is received from the ARB. Approved items must be maintained in appearance and functionality.

**HOME BUSINESSES** - Home business occupations are permitted provided such businesses are undetectable from the street by sight, sound, odor, or noise. The following must also apply. 1. The business shall operate in its entirety within the dwelling and only by the person residing in the dwelling. 2. The business shall not have a separate entrance. 3. The operator shall not display any external evidence of the operation of the home business. 4. The business shall not exclusively utilize more than 20% of the gross square floor area or 300 square feet, whichever is less. A garage shall not be utilized for, or in conjunction with a home business. 5. The home business shall clearly be incidental and secondary to the use of the dwelling or of the neighborhood by excessive noise, lights, traffic or other disturbances. 6. A business license must be acquired if it is required by the city/county and the business must meet zoning and business regulations.

**HOLIDAY DECORATIONS** - All holiday decorations must be removed within fifteen (15) days of the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (30) thirty days before the holiday and must be removed within (15) fifteen days after the holiday. Decorations may not include any audio that can be heard beyond the limits of the lot.

**HOUSE NUMBERS** - House numbers as installed by the builder may be maintained. No alternatives are allowed without ARB approval.

**LANDSCAPING, TREE REMOVAL, VEGETABLE GARDENS** - All landscaping must be approved by the ARB in advance of installation. Eighty percent of the lot area, exclusive of the portion occupied by the house and original driveway, shall be covered with live vegetation cover. Gravel, mulch and similar materials shall not be considered live vegetation. Rubber mulch may be used if it is a dark, natural color (example: dark brown). No artificial plants or flowers shall be part of the landscaping. Living plants that are part of the landscaping that are being replaced because a plant or plants have died does not need ARB approval if they are similar species and size of existing plants. Each owner shall exert their best efforts to keep and maintain attractive, healthy, live and growing conditions for any and all grass, shrubs, trees, etc. on the property.

**LIGHTING** - Removal of existing lighting installed by the builder is prohibited without approval from the ARB. Additional lighting installed must be approved by the ARB. Any and all exterior lighting installed on the lot shall either be indirect, or shall be of such controlled focus and intensity that it will not unreasonably disturb the neighbors or neighboring lots.

**MAILBOXES** - Mailboxes must remain in the original standard of the builder. The original vendor is Steel Craftsman at 912-826-3062. After a mailbox is damaged, the ARB should be contacted within 30 days, and a reasonable period is allowed for repair and replacement, if needed.

**PAINTING** - ARB approval is required for repainting of any house that is painted differently than the original color. A sample paint swatch must be submitted with the request. The ARB may require that a sample area is painted with new color and trim before approval is granted.

**PATIO FURNITURE** - All patio furniture in the front or side of home must have ARB approval. Patio furniture must not be in landscaped or grass areas. Wood and/or wrought iron are encouraged.

**PETS** - No non-domesticated animals, live stock or poultry of any kind shall be raised, bred, boarded, or kept on any site. No owner or occupant may keep, breed or maintain any pet for any commercial purpose. No animal of any kind shall be permitted to remain on the property that is found by the ARB to make an unreasonable amount of noise or odor. Each owner shall be financially responsible and liable for any damage caused by their pet. All local ordinances concerning pets must be obeyed at all times. No pets are allowed in any amenity area. All cats or dogs over 3 months must be vaccinated for rabies yearly. All pet owners must clean up promptly after their pet(s) and dispose of the pet waste in suitable containers. Owners who do not clean up promptly after their pet(s) can be warned for first violation, fined \$25.00 at second violation, and third violation they will be fined \$100.00. All pets shall be leashed at all times and shall not be allowed to roam free in the neighborhood. Pets may not be tethered unattended. Each household is limited to 4 pets.

**POOLS** - ARB approval is required before a pool is installed. Above-ground pools will not be permitted.

**PONDS, LAKES, MARSHES AND BODIES OF WATER** - All boats, rafts or sailing craft are expressly prohibited. All ponds, lakes and bodies of water are declared "no swimming" areas. Due to slippery banks and muddy shores, parents are required to maintain constant supervision of their children. The natural area of ponds should not be disturbed.

**PRESSURE WASHING** - The coastal Southeastern climate is conducive to molds or fungal growth on the home's exterior. To maintain the beauty of the neighborhood, it is recommended that exterior cleaning, using power washing or other methods, should occur at least once to twice yearly.

**RECREATIONAL EQUIPMENT** - All permanently installed exterior recreational equipment including play yards (swing sets, slides, tree houses, trampolines, etc.) must have the ARB approval. The maximum height of the equipment should not exceed 8 feet, with the exception of the community amenity area. Recreational equipment shall be located on any lot as not to be visible from any public street, and the homeowner must have fence prior to equipment being installed. No equipment installed for children's recreational use, shall be installed or placed within the front or side yard of any lot or in any easement or common area adjacent to a lot.

**RESIDENTIAL STRUCTURES** - No residential out structures are permitted and all expansions/additions must be approved by the ARB. It is the responsibility of the homeowner, or their contractor, to obtain a building permit, after ARB approval, from the appropriate municipality prior to any building.

**ROOF VENTS AND SHINGLES** - All roof vents shall be painted a color to match the color of the roof. Roof shingles, if replaced, must be the same color and style as the shingles replaced unless otherwise approved by the ARB.

**SCREENS** - To maintain the beauty of the neighborhood, bushes or plants may be used to act as a 'screen' for trash receptacles, heat pumps, or propane tanks. However, shadowbox fencing that is 48 inches high by 48 inches wide by 48 inches long may be used to screen heat pumps, propane tanks, or outdoor trash receptacles from view. Due to the original builder's installation of the above, a variance to these measurements may be requested from the ARB. Approval from the ARB is required for the construction of any screens that would be used to cover heat pumps, propane tanks, or outdoor trash receptacles. Wooden fence materials must match existing fence materials, natural in color, and be shadowbox style with an unscaloped, uniform height (See Architectural Changes, above).

**SECURITY DOORS, STORM DOORS, SECURITY SYSTEMS** - High quality, full panel glass doors, decorative wrought iron doors, or decorative aluminum doors may be installed after approval by the ARB. Any other door, any enclosure, or changes of the original builder's design requires ARB approval. All other security systems or measures which are installed on the exterior of the house require the ARB approval.

**SHUTTERS** - Exterior shutters on windows need ARB approval. Shutters must match or accent the house trim color and be consistent with other homes in the community. Shutters must be maintained and should be replaced if damaged.

**SIDING** - Any replacement siding requires ARB approval.

**SIGNS** - Residents are permitted to display one (1) neatly painted "For Sale" or "Open House" signs no larger than six (6) square feet. One (1) "For Rent" or "For Lease" sign may be placed in a window ONLY and must be 18" x 12" or less. Builder lot signs are permitted. Political signs may be placed in your yard as part of your first amendment right. However, in order to protect the aesthetic harmony of the neighborhood, only one (1) political sign not more than six (6) square feet is permitted to be placed in the front yard (as defined above) two (2) weeks prior to the election date. The sign must be removed within three (3) days after the election. Except for security alarm systems, all other commercial and advertising signs, including signs of contractors performing work at residence, are prohibited. Placement of signs and notices on fences, trees and other objects are prohibited. The Board of Directors reserves the right to periodically place signs in the common space for the benefit of the community. Such signs include, but are not limited to informational signs and warning signs.

**SPAS** - Spas must be approved by the ARB. The equipment must be located in such a way that it is not immediately visible to adjacent property owners, i.e. hidden by fence, shrubs, etc.

**TRASH AND DEBRIS IN YARDS** - It is the homeowner's responsibility to pick up trash and litter in their yard. This includes newspapers, fliers, or any type of promotional material that might be thrown in the yard, attached to the mailbox or stuffed in the door. Anything left laying in the yard, parking strip in front of the property for more than 24 hours or kicked into the street will result in a fine of \$50.00.

**TRASH CONTAINERS, RECYCLE BINS AND ENCLOSURES** - No refuse, garbage, trash, lumber, grass, shrub, tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse, or debris of any kind shall be kept, stored, or allowed to accumulate on any site except within an enclosed structure or appropriately screened from view. All trash receptacles and/or yard waste to be emptied must be placed at curb and removed from curb within 24 hours. Items placed out for collection must be secured such that animals can not get into trash or such that litter is caused.

Trash and recycling containers shall be stored and placed in the homeowner's garage, behind a fence, or a screen may be constructed so they are not visible from the street (see Screens, above).

**VANDALISM** - Any vandal destroying improvements located upon Common Area within the community will be prosecuted to the fullest extent of the law. Owners are responsible for any vandalism committed by their family members, invitees and guests and shall be subject to cost for repairs and a fine equal to the cost of repairs to reimburse the association. In addition if a reward is paid for information leading to an arrest, that reward must also be reimbursed.

**VEHICLES** - Vehicles must be parked in driveways or garages. No vehicles may be parked in landscaped areas. Parking on the street should be temporary and is not permitted overnight. Recreational vehicles such as motorcycles, mini bikes, go-carts, golf carts, mopeds, motorized scooters, 4 wheelers, lawn cutting equipment, maintenance equipment, boats, commercial vehicles, towed trailer units, unoccupied motor homes or any other type or recreational equipment, shall be parked or stored in a garage except on a temporary basis not to exceed 48 hours. Discharge from any engines, motors, drive trains, and holding tanks shall not be allowed into the street, storm drain, or sanitary sewer storm drain. Vehicles can not be maintained, repaired, serviced, rebuilt or dismantled on any lot except within the confines of the garage. This does not prevent a vehicle from being washed or waxed in the driveway of any lot. Commercial vehicles must be parked in garage areas and are defined as vehicles with company logos, vehicles displaying roof racks or obvious additions used for a specific purpose. Vehicles with more than 6 tires are prohibited with the exception of delivery or maintenance vehicles requiring short trips within the community.

**WATER FILTRATION SYSTEMS** - Water filtrations systems must be at the back of the house and out of your neighbor's view.

**WELLS** - No wells are permitted. This does not prevent the Association from keeping a well for landscape purposes.

**WEATHERVANES** - ARB approval is required for any weathervane.

**WINDOWS** - ARB approval is required for the replacement of all windows not originally installed by the builder. Nothing may be placed in the window, which could be viewed from the exterior, such as window air conditioning, window HVAC units, or fans.

**WINDOW TREATMENTS** - Window tint used as an energy saver or for privacy issues must be approved by the ARB. No tinted, mirrored, brightly colored or other such window treatment may be installed which cause attention to themselves by virtue of these features. White lined draperies are strongly encouraged.

**WOOD STORAGE** - Storage of fireplace logs must be in the backyard. Stored firewood must be neatly stacked, below the fence line, and not visible from any public or private street. Wood storage must not be located in an area so as to block any existing drainage pattern on the lot. Wood remnants from demolition or construction must be removed from premises within one month.

**HOA Rules** January 1, 2007

**Amended** March 18, 2010

Proposals to board March 18, 2010 by ARB Chair, reviewed by ARB and HOA officers and presented to committee on March 18, 2010.

Amended March 19, 2010, ARB, line 1, and ARB Enforcement of Rules.