

Gable Oaks Property Owners' Association Inc

POLICIES AND PROCEDURES

**ARTICLE I - ENFORCEMENT OF COVENANTS.**

**Section 1. Imposition of Fines.**

1. A property believed by Board Member(s) to be in violation of the covenants for any reason other than non-payment of dues may, in the discretion of the Board, be issued a Violation Letter. If the house is rented, both the tenant and the owner of record will receive a copy of the letter. The letter will state the nature of the violation. Multiple violations may be listed in the same letter.
2. A copy of the Violation Letter will be sent either by hand delivery, USPS, or some other reasonable means, including e-mail or the posting of same on the front door of the residence.
3. In addition to the aforementioned, the Letter will inform the recipient that the Board will meet to consider the violation and may vote to fine the owner for non-compliance. The Letter shall also inform the owner that he/she has the right to appear before the Board, to attempt to present an acceptable defense of the alleged violation, and may present evidence in that regard. It will state the date, time, and location of the meeting.
4. The Board may require that anyone planning to address the Board provide notice of such intent to be placed on the agenda. If the Board requires such notice, the Letter shall also contain the relevant information.
5. At the meeting, the Board will consider all relevant information, including any testimony or explanation offered by the resident or owner if present. The Board will then determine if the condition constitutes a violation. This determination will be made by a majority vote of the Board. The Board shall not be required to make a determination at any given meeting.
6. The resident/owner shall be notified in writing of the determination made.
7. If a violation has been determined, and if the violation still exists at the time of the Board meeting at which the determination of a violation is made, the Board may vote (majority vote) to impose a fine on the owner of the Lot. The Board shall have the discretion to elect to defer the imposition of a fine. Such an election on the part of the Board shall not preclude the imposition of a fine or other measures at any point thereafter, and shall not preclude the Board from pursuing other remedies.

8. If a fine is imposed, the amount shall be \$50.00 per day. The sixth day after the Meeting on which the violation is determined shall be day one for the purposes of calculating the fine (“Determination Date”)(Pursuant to N.C.G.S. § 47F-3-107.1). The fine shall constitute an assessment secured by a lien under N.C.G.S. § 47F-3-116, though this shall not preclude the Board from filing suit against the owner personally to effect payment. For the purpose of calculating the fine, additional days begin as of 12:01AM each subsequent day that the violation remains uncured. For each day a fine is imposed, a Board Member shall physically inspect the condition on the Lot and keep a paper log of the dates and times of inspection.
9. In the event that a condition which has been determined to be a Violation is corrected, and then a subsequent violation of the same nature occurs within the two-year period (seven hundred thirty (730) days) following the determination date (“Subsequent Violation”); the Board shall notify the owner and/or resident of that the condition has been determined to be a violation and that the owner and/or resident has forty-eight (48) hours to cure the violation. If the violation remains uncured after five days, the Board may impose (or re-impose) the fine as of 12:01 AM the next morning. Violations shall not be deemed “Subsequent Violations” hereunder if, during the relevant time period, the ownership of the Lot has changed.
10. This section deals only with the enforcement of the covenants through the imposition of fines. Nothing herein preclude the Board from use of any other lawful enforcement mechanism available, and the imposition of a fine shall not preclude the Board from simultaneously pursuing any or all other remedies available at law, equity, or otherwise.

## **ARTICLE II - POOL RULES AND REGULATIONS.**

### **Section 1. Access.**

1. Each GOHA pool member shall be issued 1 key. Replacement keys will be provided at a charge of \$5.00 each.
2. Delinquent GOHA dues shall cause pool privileges to be revoked.
3. A parent, adult or legal guardian must accompany all children, under 14.
4. Members under 18 (14 to 17) are limited to 1 guest if unaccompanied by a parent.
5. By virtue of pool use, all parents and members agree to release and indemnify GOHA from all claims, losses, or liability arising out of the use of the pool.

6. Pool Schedule: First Saturday In May to last Sat. in Sept.; 9 A.M.- 9 P.M or dusk, whichever occurs earlier.
7. The pool may not be closed for private parties.
8. No pets shall be allowed in the pool area at any time. (NC State Law)
9. Guests shall be permitted if accompanied by a GOHA member. The pool committee & or Board reserves the right to limit guests if necessary.
10. Intoxicated persons will be denied access to the pool areas.
11. Any board member may request anyone on premises for ID and anyone unable to produce satisfactory evidence of identity shall be required to leave.

## **Section 2. Safety.**

1. Adults should not swim alone. (NC State Law)
2. NO DIVING. Diving is not permitted due of the shallowness of the pool.
3. Toys: Crowded conditions may prohibit the use of some toys.
4. No glass of any kind is permitted in the pool area. (NC State Law)
5. Only designated pool committee members are permitted in pump house.
6. No extension cords of any kind shall be used in the pool area.
7. The pool shall be evacuated if lightning is seen or thunder is heard. Swimming will resume if weather conditions clear for 20 minutes. In the event of inclement weather, pool opening / reopening will be evaluated by the pool committee &/or Board.
8. Persons in kiddie pool shall be maximum of 5 years of age, except supervising parents.

## **Section 3. Health and Cleanliness.**

1. Swimmers shall shower before entering the pool.
2. Swimmers must wear appropriate apparel (bathing suits only) and may not enter the pool with cut-offs or similar street clothing.
3. Children not toilet trained must wear bathing suits or cloth diapers and rubber pants that are fitted around the legs and waist. (County Health Dept.)

4. Caution your children to use the toilet facilities at the pool area.
5. No rocks, debris, gum or spitting is allowed in the pool or pool area.
6. Admission to the pool will be denied to all persons having infectious disease. Persons with excessive sunburn, open sores, bandages, inflamed eyes, colds, nasal or ear discharge, or any other ailments, which could adversely affect water cleanliness, and/or endanger the well being of others will not be permitted in the pool.
7. No food, drink, or gum is allowed in the pool. This constitutes a health hazard and interferes with the drainage and pump equipment.
8. Deposit all trash into appropriate trash receptacles.

#### **Section 4. Personal Conduct.**

1. No running, horseplay, wrestling, splashing and/or boisterous conduct.
2. Inappropriate language shall not be permitted in or around the pool area.
3. NOISE: Radios, tape & CD players and other music sources are permitted to be played at a reasonable volume so as not to disturb other pool users or homeowners within a close proximity.
4. All cigarettes/ cigars must be disposed of properly. There is no smoking in the bathrooms or covered areas.
5. No controlled substances of any kind are allowed in pool & common areas.

#### **Section 5. Pool Equipment Preservation.**

1. No playing with pool cleaning tools or lifesaving equipment.
2. Pool furniture may not be removed from pool area at any time.

#### **Section 6. Parking.**

No vehicles shall be left after pool hours. Vehicles in violation will be towed.

#### **Section 7. Enforcement of Rules.**

In addition to any other remedies available to the Association, enforcement of these rules shall be appropriate by any pool committee member and shall include any GOHA pool member, as well as the Board of Directors.

1. First offense – verbal warning followed by written notification.
2. Second offense - \$50 fine plus restitution for damages (if applicable).
3. Third offense - \$100 fine plus restitution for damages (if applicable).

**Section 8. Miscellaneous.**

- \* **GOPOA Board reserves the right to change or adjust rules at any time.**
- \* **No one permitted in the pool area other than during pool operation hours.**
- **All persons using the pool or pool area do so at their own risk.**
- \* **The pool area is under 24-hour camera surveillance.**

**ARTICLE III - COMMON AREAS OTHER THAN POOL.**

**ARTICLE IV - OTHER PROVISIONS.**

**Section 1. Signs.**

1. No sign shall be erected or allowed to remain on any lot, with the exception that one For Sale sign of not greater than five square feet may be placed on the lawn of a lot that is for sale as denominated in the Covenants.
2. Without limitation, no For Rent signs shall be placed on the lawn of a lot that is for rent or lease. Subject to Board approval, one sign of not more than 4 square feet may be placed in one window of a dwelling on a lot that is for lease, so as to be visible from the outside, which sign may contain access and/or contact information for the dwelling that is for rent or lease.
3. Violation of this policy shall subject the lot owner(s) to the provisions Article I Section 1 of the Gable Oaks Policies and Procedures, in addition to and concurrent with any other recourse the Association may have under the Bylaws, Covenants, applicable law, or otherwise.
4. No sign shall be erected or placed in any Common Area, except for signs that may be placed in the Common Area by the Association or by its explicit approval. The Association reserves the right to remove and discard any sign found in any Common Area.