



Property Owners Association

Rules & Regulations Handbook

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RULES AND REGULATIONS

Preface

The Rules and Regulations Handbook was compiled by the Pointe West Property Owners Association ("PWPOA") for the purpose of providing the property owners with an easy to understand document. The rules and regulations contained herein are intended to serve as guidelines that will enhance everyone's quality of life and the Pointe West community experience.

The basis of the Rules and Regulations and the authority for enforcement are contained in the "Master Declaration of Covenants, Conditions, Restrictions and Easements" (CC&Rs), and the "Architectural Design Standards and Guidelines" for Pointe West. These limitations, restrictions, covenants and conditions are binding on all parties having acquired any right, title or interest in property within the Pointe West community. Owners are encouraged to read these documents as they set forth, in complete and detailed form, the rights, duties, and obligations of each property owner and are the official governing documents, which cover these rights.

Rules and Regulations for Pointe West

Observing the provisions contained within this booklet is the responsibility of every owner, whether a resident or a nonresident, tenant and/or guest. We encourage you to read them carefully and be sure your family and guests understand them fully. If you are an owner and are leasing your property, you must provide a copy of this handbook to your tenants and ensure they fully understand all Rules and Regulations contained. Ignorance or unfamiliarity of these Rules and Regulations is not an acceptable reason for noncompliance. If you do not have copies of the above mentioned documents, they are available from the PWPOA. Please send your request in writing to the following address:

Pointe West Property Owners Association
Post Office Box 6895
Ocean Isle Beach, NC 29469

The Pointe West Property Owners Association falls under the jurisdiction of Brunswick County, North Carolina and all ordinances and codes apply.

Property Owners

Property owners named in the recorded deed automatically become members of PWPOA. Relatives whose names do not appear on the deed are neither Property Owners nor are they considered members for the purpose of these Rules & Regulations.

Mailing addresses, contact numbers and email addresses of the property owners must be filed with the PWPOA, through the management office, within ten (10) days of recording the Title Deed, so that official notices can be mailed to the property owner and contact can be made in case of emergency. It is the responsibility of each property owner to notify the PWPOA of any change in their mailing address, contact numbers or residency status (i.e. renting their property).

Violation of Rules and Regulations

It is the obligation and duty of each property owner to report observed violations either by calling/notifying or writing to the PWPOA. Each property owner is responsible for the conduct of and

any violations by such owner's family members, guests, agents, contractors and tenants, and for the family members, guests, agents and contractors of any tenant.

Should a violation be observed, the PWPOA management office has been instructed to do any or all of the following:

- Obtain the name and address of the violators and report the violation to the PWPOA Board.
- In the case of children, every reasonable and responsible effort should be made to contact the parents, guardians, or host immediately, prior to taking further action.
- Call upon a law enforcement agency for assistance, if necessary.

Rules Enforcement

PWPOA's Rules Enforcement Policy adopted by the Board of Directors defines the process by which the Rules and Regulations are to be enforced. Any property owner, resident, guest or tenant violating these Rules and Regulations may be subject to corrective action in accordance with the "Rules Enforcement Policy" contained herein.

Disclaimer

The material in this handbook is not intended to be a substitute for the stipulations contained in the documents cited in the "Preface". Please consult your professional advisor regarding your obligations and rights of Property Ownership in this common interest community. The laws and their interpretation governing common interest communities are constantly changing. This, in tandem with changes and additions in our community, will dictate modifications, additions and deletions to these Rules and Regulations from time to time.

COMMUNITY SAFETY AND SECURITY

An important priority of Pointe West Property Owners is the maintenance of safety and security measures that will assure a safe environment for the entire community. These Rules and Regulations, adopted by the Pointe West Property Owners Association, are intended to protect rights and interests of all Pointe West owners. Safety and security encompass every aspect of community life, including community access, vehicular conduct and use of common facilities.

Vehicle Use and Parking

All automobiles, trucks, motorcycles and scooters must be licensed and shall be driven in a safe and reasonable manner, driven only on designated roadways and observe all posted traffic signs. Only licensed drivers shall operate vehicles on Pointe West property.

Only personal passenger-type vehicles shall be visible on the premises of any lot except during construction or repairs. Buses, trailers, campers, ATVs, watercraft, etc. shall not be parked in a manner that will be visible from the street or adjoining lot. However, watercraft, including boats not in excess of twenty-five feet in length (25'), jet skis, boat and jet ski trailers may be parked in the open ground floor under the heated area of the principal residence, if capable. Should the open ground floor under the heated area of the principal residence not be capable of accommodating the parking of permitted watercraft, the watercraft may be parked in the driveway of the residential lot from the Friday before Memorial Day until the Friday after Labor Day. This "seasonal watercraft driveway parking proviso" shall only apply to those residential lots with completed improvements (houses). No

vehicle of any description shall be parked on any portion of the common property or the street right of way.

All vehicles shall be parked only in garages, carports, driveways or designated parking areas.

- No parking on lawns or on the street is permitted.
- No parking on community property or common area is permitted.

No unlicensed, junked, wrecked or stripped vehicles of any kind are allowed on any Pointe West property, street or right-of-way.

There shall be no ATVs of any kind (e.g., 3 or 4 wheelers, dirt bikes) allowed on any Pointe West property, street or right-of-way.

Golf Carts: Golf carts are permitted on the Pointe West property. They must be environmentally friendly, powered by electricity or a four-stroke gasoline engine. Golf carts are not allowed on walking/bike paths. Only unloading/loading at beach and ICW access is permitted (no parking). Drivers of golf carts must be a least 16 years of age.

Firearms, Hunting and Fireworks

Hunting: Pointe West is a wildlife sanctuary. No hunting of animals or birds of any kind is allowed.

Firearms: No discharge of firearms, including long guns or handguns, is permitted within Pointe West. This includes air guns, BB guns, pellet guns and paint ball guns of any description or size.

Fireworks: The use, discharge and display of firecrackers, flares, rockets and similar pyrotechnics are strictly prohibited within the Pointe West community.

PROPERTY USE, MAINTENANCE AND APPEARANCE

The "Master Declaration of Covenants, Restrictions and Conditions" for Pointe West governs the use and maintenance responsibilities of the property owner. Owners are urged to refer to Article II, "Architectural Control", of this document which stipulates design standards and the general requirements for the approval of plans. The Declarant serves as the Architectural Control Committee (hereinafter referred to as "ACC"). In addition, the "Declaration of Covenants, Restrictions and Conditions" (Article III, Section 4; Landscaping) stipulate property use and maintenance responsibilities of the property owner. The PWPOA Rules and Regulations stated here are not all inclusive and are primarily intended to be a quick reference for the benefit of the property owner.

Property Use

Residential Use: All home sites shall be used for single family living.

Detached Structures: No permanent or temporary tent, trailer, mobile home or any detached structures shall be placed on any homesite without prior approval of the ACC.

Restricted Activities: Any business, trade, garage sale, moving sale, or similar activity is not permitted. A resident or tenant may conduct business activities as long as:

- The activity is not apparent or detectable by sight, sound and smell from outside the home.

- The activity does not involve regular visitation of the home by clients, employees, agents, customers, suppliers, or other invitees, or door-to-door solicitation of other Pointe West residents.
- The activity is consistent with the residential character of Pointe West and does not constitute a nuisance, hazardous or offensive use, or threaten the security or safety of other residents, as may be determined at the sole discretion of the Executive Board.
- The activity does not materially disturb or destroy the vegetation, wildlife and water or air quality within Pointe West Property.

Storm Water Run-Off Rules: All residential home sites are subject to the State of North Carolina Storm Water Rules and Regulations. Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No owner or tenant shall obstruct or rechannel the drainage flows after location and installation of drainage swales, storm sewers, or storm drains are established.

Property Maintenance

Landscaping: Property owners are responsible for maintaining their property, grass and all plantings in a manner that will enhance the beauty and aesthetics of the community. It is the responsibility of all property owners to prevent the accumulation of trash, debris, and other unsightly litter that would detract from the cleanliness and beauty of the community.

Burning: Outside burning, of any kind, is not allowed.

Damage Removal: Any building or improvements wholly or partially destroyed must be rebuilt in such a way that it meets the standards of the ACC, and any debris must be expeditiously removed.

Storm Damage: Property owners are responsible for the removal of all debris resulting from severe weather conditions. Cleanup and stacking for curbside pickup must be completed within 30 days. If an unsightly appearance persists, the necessary cleanup and removal of debris will be performed at the expense of the property owner.

Painting and Exterior Alterations: Any owner may remodel, paint or redecorate the interior of their property without approval. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme. All other exterior modifications, additions, remodeling or painting must have prior approval of the ACC.

Tree Removal: No living tree four (4) inches or more in diameter at four (4) feet high from ground elevation, or any flowering tree or shrub, shall be removed without prior approval from the ACC unless it is in the area of a homesite approved for construction of a structure.

Dwelling:

Maintenance and repair of a dwelling shall be the responsibility of the dwelling owner. Such responsibility shall include the maintenance and care of all exterior surfaces of the dwelling. The dwelling owner will be given written notice of any observed violations. The notice will include a description of the violation, the maintenance and/or repair actions that are required to correct the violation, as well as a ninety (90) day period to complete the required work. If after notice, the dwelling owner does not comply with the completion of the corrective action(s), the Association can, but is not obligated to, complete the necessary maintenance and/or repairs and bill the dwelling owner for the cost of the same.

No Owner shall decorate, change or otherwise alter or modify the appearance of any portion of the exterior of any dwelling, including changing the exterior paint color, without first submitting the change and obtaining approval from the ACC.

Property Appearance

Garbage and Trash Removal: Property owners shall be responsible for the proper disposal of all garbage and trash. Each property owner shall utilize the garbage receptacles provided by the trash removal agency. Garbage and trash must be placed at the end of the residential driveway no sooner than the night before the day of collection and returned the day after collection, unless conditions dictate otherwise. Trash and debris should not be placed in the street, street right-of-way or undeveloped property. It is the responsibility of the property owner to prohibit the development of any unclean or unkempt condition of the buildings or grounds within their residential homesite.

Outside Antennas: No outside radio or television antennas shall be erected on a lot. The use of a satellite dish is restricted to a size three feet or less.

Outdoor Clothes Drying: Hanging of laundry is not permitted from any area. Outdoor clothes poles, lines or similar structures are not permitted on any homesite.

Playground Equipment: Playground equipment on any homesite must be approved by the ACC and must be located behind the rear line of the dwelling.

Decorative Objects, Displays and Signage

Decorative Objects: Flags, Flagpoles, Banners, Statuary, etc.: Flags, flagpoles, banners, fountains, statuary, birdbaths and anything of that nature, other than natural vegetation require ACC approval. The Flag of the United States of America and the Flag of North Carolina are allowed and regulated per statutes. No in-ground flagpoles will be allowed. One Decorative/Seasonal flagpole displayed from the house will be allowed.

Signs: No signs of any type shall be erected or maintained on any property without prior written consent of the ACC. The exceptions are; when such sign is required by legal proceedings, one professional security sign of such size deemed reasonable by the ACC in its sole discretion and a temporary construction sign. No signage, including balloons, posters, etc. will be allowed on properties listed for sale or rent.

Lighting

Exterior Lighting: Exterior lighting except for ACC approved lighting as originally installed on homesite structure and landscape design shall not be permitted.

Holiday Lighting: Exterior holiday lighting and decorations, Christmas, Hanukah, Thanksgiving, Easter, Independence Day, etc. can only be displayed one (1) month prior to and must be removed one (1) week after the holiday. Any exterior and interior window lights must be white and tastefully done.

Concealment, Screening and Fencing

Fencing: No fence or wall shall be erected or allowed to remain on any homesite without the prior written approval of the ACC. No chain link fences shall be approved.

Concealment and Screening: The placement, screening and maintenance of fuel storage tanks and outdoor receptacles for garbage, trash or lawn debris shall be governed by the Developer. Every fuel tank or storage tank must be EPA approved and buried below the surface of the ground. All exterior HVAC equipment, irrigation equipment and trash receptacles shall be screened or so placed and be kept as to not be visible from any street, recreation area or adjacent home sites.

Quiet Enjoyment

All property owners, tenants and guests are expected to act with respect and regard toward all members of the community. No obnoxious, vulgar, offensive, or illegal activities shall be tolerated within the confines of Pointe West. Efforts should be made to keep noise to a minimum on evenings, Sundays and holidays.

No horns, sirens, bell amplifiers or other sound devices, except such devices used for security purposes or approved by the ACC shall be located on the exterior of any homesite.

PETS

Common household pets, in reasonable numbers, such as dogs, cats, aquarium fish and birds may be kept within a residential unit, provided they are not kept, bred or raised for commercial purposes. Pens, dog runs and dog houses shall not be visible from the street.

Pet Owners' Responsibility: All pets must be kept and maintained in a manner that does not damage any private or common property or disturb the peace.

Unattended pets may not be loose outside the confines of any residential lot or in any of the common areas.

All pets shall be reasonably controlled by the owner whenever outside a residence and shall be kept in such a manner as to not become a nuisance by barking or other acts. Property owners, tenants and guests shall be responsible and liable for any personal injury and/or property damage due to the actions of their pets.

Pet Clean-Up: Property Owners shall make every effort not to allow pets to defecate or urinate on grass, plants, trees or shrubs situated on another property owner's property or on the common areas. It is the pet owners' responsibility to immediately remove any defecation that should occur.

County Leash Laws: County ordinances regarding leash laws will be in effect and enforced within Pointe West. All dogs must be on a leash at all times and under the control of the pet owner when outside the confines of the pet owners' private property. All pets must have the appropriate County license.

TENANTS

A tenant is anyone in possession of a property owner's home in exchange for any sort of consideration. Tenants (unless property owners) are not members of the Pointe West Property Owners Association (PWPOA). However, they are subject to all rules and regulations which govern the Pointe West community which includes the day docks and all common areas.

Property Owners' Responsibility: A tenant information sheet is required only for guests staying more than thirty (30) days. Prior to occupancy, it shall be the responsibility of the property owner to ensure that a Tenant's Information Sheet (sample attached) is completed and furnished to the

Pointe West Property Owners Association. The Information Sheet may be obtained by contacting the PWPOA Management Office. The property owner is responsible for the actions of their tenants and tenant's guests and will be held financially liable for any damage to any Pointe West common areas and equipment. The property owner will also be held liable, financially or otherwise for any violations of the Pointe West Rules and Regulations by their tenants and/or tenant's guests.

POINTE WEST COMMON FACILITIES

At this time, Pointe West common facilities consist of the Beach Access Walkway and the Day Docks and Pier. As additional facilities come on-line, these Rules and Regulations will be modified to reflect appropriate changes.

Facility Registration: Common facilities at Pointe West are open for use by property owners and their guests at all times.

Facility Conduct: Events are to be terminated by 10:00 pm, noise is to be modulated in consideration of surrounding residents, alcoholic beverages cannot be served to individuals under 21 years of age, decorations should not be attached to painted surfaces.

Fish Cleaning: All fish cleaning is to be done in the designated area with the remains disposed in the proper container. The cleaning area is to be thoroughly washed down, and when done, the fish remains should be removed. Fish parts are not to be thrown into the marina water.

ICW Day Dock: Normal day dock use rules apply. The ICW Day Dock is used at the owners' risk. The POA has no responsibility.

Access for Parties outside of the POA: A one-year renewable contract with a user fee, the equivalent of which shall be the regular Pointe West property owners' assessment which is determined annually, will allow an outside party access to the private beach access and the ICW access only. Each outside party must be approved by the Board on a case-by-case basis.

RULES ENFORCEMENT POLICY

Purpose

This policy is established for the purpose of defining the process by which the Rules of the Pointe West Property Owners Association (PWPOA) will be enforced.

Scope

This policy applies to all property owners, residents, tenants and guests of Pointe West and shall be enforced in a consistent and impartial manner. Each property owner is responsible for the conduct of and any violations by such owner's family members, guests, agents, contractors and tenants, and for the family members, guests, agents and contractors of any tenant.

Process

Discovery of Violation:

- PWPOA Management will log all violations discovered or reported through the use of the "Rule Violation Report".

- A violation is defined as an act in conflict with the CC&R's, the By-laws and/or the Rules & Regulations established by the PWPOA.
- Any alleged violation of the above mentioned governing documents of PWPOA will be processed according to the procedures outlined below.

Enforcement Procedures:

- The property owner may receive a Courtesy Notice (telephone call from PWPOA Management) but this is not required. Any such notice is considered a courtesy. Compliance obtained through the "courtesy process" will cease any further violation documentation and action.
- PWPOA Management will log the Rule violation in the Rules Violation Record for the particular property.
- An Initial Violation Letter/Email defining the (1) date of the violation, (2) the Rule that was violated and (3) a request to cure the violation will be delivered to the property owner or the tenant, if applicable. Delivery shall be defined as the "mailing" of the letter, with appropriate postage affixed, to the address then currently listed in the records of PWPOA for the property in question.
- This letter will also indicate whether this is FIRST, SECOND and SUBSEQUENT, etc. Rules violation.
- After the initial Rules Violation letter has been delivered, the property owner, resident, guest or tenant has four (4) days from the date of the initial violation letter to correct the condition. Failure to cure the violation within the four (4) days will be treated as a Second Rule Violation.
- If multiple Rules have been violated in a single incident, each violation will be considered as a separate infraction.
- The violation letter will include a summary of the PWPOA's appeal process.

First Rule Violation: No fine is levied on the property owner or billed to the property's assessment account. Should the violation not be cured following the delivery of the initial violation letter, the violation will automatically be considered a Second Violation and will be subject to the imposition of fines.

Second and Subsequent Rule Violations: In the event of a second or subsequent violation, the property owner will be given notice of a hearing date to occur within a thirty (30) day period, at which time the owner will have an opportunity to be heard and to present evidence to the Executive Board. The property owner will be advised of the Board's decision within fifteen (15) days of the hearing. The property owner has five (5) days to comply with the decision of the Executive Board. If it is decided that a fine should be imposed without further hearing, a fine not to exceed \$100.00 may be imposed for the violation for each day more than five (5) days after the decision on the violation is issued. Any such fine shall be an assessment secured by a lien against the owner's property. Suspension of community privileges or services may also be imposed until the violation is cured.

Considerations

Safety Violations: For violations that involve the endangerment or safety of any person or property, the Association may immediately take any necessary and appropriate action.

Property Damage Violations: For violations that involve property damage to the common area or another individually owned property, all parties involved will be held responsible for reimbursement to PWPOA and/or the individual property owner for the cost of all repairs.

As information, a sample copy of the RULE VIOLATION REPORT and the RULES ENFORCEMENT PROCEDURES follows.



RULES ENFORCEMENT PROCEDURES

HEARING PROCEDURES:

1. Statement of violation by Executive Board President
2. Violator's statement of appeal
3. Review of CC&Rs and Pointe West Rules and Regulations
4. Discussion with and/or questioning of violator by the Executive Board
5. Questions and final statement by violator
6. Violator excused
7. Discussion and decision by the Executive Board members
8. Advisement of the Executive Board's decision to violator
9. Adjournment

DOCUMENTATION:

Name of Violator: _____ Phone #: _____

Address: _____

Violated Rule Reference: _____

Description of Violation: _____

RULING:

Executive Board Findings/Decision: _____

Board President: _____ Date: _____



RULE VIOLATION REPORT

Date of Report: _____

I. PERSON MAKING REPORT:

Name: _____

Address: _____

Telephone No.: _____

Email Address: _____

Signature: _____

II. DESCRIPTION OF ALLEGED VIOLATION: (complete as fully as possible; attach separate sheet if necessary)

Date: _____ Time: _____ Location: _____

Explanation _____

III. DESCRIPTION OF ALLEGED VIOLATOR:

Name: _____ Phone No. _____

Address _____

*******FOR EXECUTIVE BOARD USE ONLY*******

BOARD ACTION TAKEN:

Date _____ Board Representative _____

Description of Action _____



TENANTS INFORMATION SHEET

TENANT INFORMATION: **Date:** _____

Last Name: _____ First: _____ MI: _____

Property Address: _____

Property Owner's Name: _____

Move in Date: _____

Length of Lease: From _____ To _____

Telephone: _____ Cell Phone: _____

Email: _____

ADDITIONAL OCCUPANTS:

Adults (Names): 1. _____ 2. _____ 3. _____

Children (Names/Ages): 1. _____ / _____ 2. _____ / _____ 3. _____ / _____

Pets (Type/No.): 1. _____ / _____ 2. _____ / _____ 3. _____ / _____

DRIVER'S LICENSES:

Name _____ License # _____ State _____

Name _____ License # _____ State _____

Name _____ License # _____ State _____

VEHICLES:

Make/Model _____ Year _____ Lic.Tag # _____

Make/Model _____ Year _____ Lic.Tag # _____

Make/Model _____ Year _____ Lic.Tag # _____

PASSES ISSUED:

Lic. Tag# _____ Period/Time _____ From _____ To _____

Lic. Tag# _____ Period/Time _____ From _____ To _____

Lic. Tag# _____ Period/Time _____ From _____ To _____

I/We hereby confirm the information provided is to the best of my/our knowledge true and accurate.
I/We further understand that all access cards/passes must be returned to PWPOA management office when lease is terminated.

Property Owner: _____ **Date:** _____

Tenant: _____ **Date:** _____

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