



THE OFFICIAL NEWSLETTER OF THE FOREST BEACH OWNERS ASSOCIATION, INC.

FALL, 2006

Annual Meeting

Our next Annual Membership Meeting will be held on Saturday, October 28th, 2006 from 10am – Noon in the Parish Hall at St. Luke's Episcopal Church on Pope Avenue. Please plan to attend this meeting.

We will have invited guest speakers from Palmetto Electric Cooperative to discuss the undergrounding of our utility lines. A representative from the Town of Hilton Head Island will update us on the upcoming roadway resurfacing projects and take any questions as well as a representative from the Sheriff's Office to update us on the safety of our community.

These presentations are all in addition to our regular agenda which will review the activities of your Association over the last year, a presentation of our year-end financial report, update on our ongoing legal affairs, elections of the 2007 Board of Directors and a question and answer session with your current Board Members.

Please plan on attending this important meeting.

It's Never Too Late!

Your 2006 Dues payments can still be made. If you have not already sent in your check, please do so today. Your dues support your organizations' efforts in maintaining property values through covenant enforcement actions, education, architectural review and community involvement. The 2006 Dues Schedule is as follows:

Residence (Primary, Secondary or Rental)	\$80 each
Business	\$80 each
Vacant Land	\$40 each lot
Timeshare Developments	\$40 per unit
Hotel / Motel / Inn	\$10 per room

Our dues remain the lowest on Hilton Head Island, and our community continues to be among the most active. We need your support, so please send in your dues today!

Payments should be sent to:

Forest Beach Owners' Associations, Inc.
P O Box 6442
Hilton Head Island, SC 29938-6442

What We Do For You

We are frequently asked, "What Does the Association Do for Me?" The answer to this question can be very lengthy and complex, depending on your point of view. However, we will try to provide you some benefit information of Association Membership here.

The Forest Beach Owners' Association, Inc. is the recognized community organization to which the Town of Hilton Head Island looks for input on civic projects. When there is a need for feedback on proposed public projects, your Association is among the first contacted.

We provide covenant enforcement for all of the Forest Beach subdivisions. We will investigate any alleged violations and determine the appropriate course of action.

We inspect and document, then refer, all LMO violations to the Town.

We work closely with our County and State officials, along with the Town on matters concerning our roadways and public safety.

We work with the Sheriff's Office on matters relating to public safety and crime in our area.

We administer the Architectural Review process to ensure compliance with our covenants. This includes the initial review, site inspections and completion approvals. This process also helps ensure that our projects are completed in accordance with the LMO Guidelines specific to Forest Beach.

We review all new commercial signs and businesses as required by our covenants.

We act as a clearing house for all questions from our membership. We are presented with a unique variety of problems, from who fixes street signs, to how do we get the grass trimmed along side the road.

Where appropriate, your Association will also undertake legal action to protect your investment by ensuring that all persons comply with our covenants.

The Town of Hilton Head Island is a limited service government by design, and your Association is here to pick up where they leave off. Without your membership and support, our efforts will be limited.

Suggestions? Questions?

In preparing our Newsletters, we try to cover topics of interest to all property owners in the Forest Beach community, and on occasion, topics of Island wide interest. Many of you have provided positive feedback on the informational value of our Newsletters. We recognize, however, that there is always room for improvement. Our Newsletters are designed to keep you up-to-date on the activities of your Association and present topics of community interest. We always welcome suggestions for topics that you would like to see covered or questions you would like for us to answer. Don't be shy – send them in to us so we can include them in future issues. You can mail, fax, email or telephone us. Let us here from YOU!

Open Burning of Yard Debris

The Town of Hilton Head Island has requested that we help inform our members of the rules and regulations regarding several major problems that they have had to deal with over the course of the last year. The first of which is the open burning of yard debris. The applicable Town ordinance covering this act is as follows:

Chapter 7 OPEN BURNING

Sec. 9-7-10. Definitions.

- (a) Applicants(s). Person(s) seeking an open burning or recreational fire permit.
- (b) Commercial burn. Burning performed for the purpose of commercial profit, land clearing, and all other burning not classified as residential burning or recreational fire.
- (c) Fire chief. The individual in charge of the town fire and rescue division, who directly reports to the town manager. For the purpose of this chapter, the fire chief may designate a member of the fire and rescue division as his designee.
- (d) Fire-extinguishing equipment. A garden hose connected to a water supply or other approved (by the fire chief) equipment.
- (e) Natural vegetation. Grass, pine straw, pine cones, six caliper inch limbs, branches, leaves and similar items grown on the property of the designated burn location.
- (f) Open burning. Burning natural vegetation, outdoors, not contained within an incinerator, outdoor fireplace, barbecue grill, or barbecue pit with a total fuel area equal to or less than three feet in diameter and two feet in height.
- (g) Permit. A legal document issued by the fire chief on behalf of the town granting temporary permission to conduct open burning or recreational fires.
- (h) Person. Any individual or group of two or more persons granted a permit allowing open burning or a recreational fire.
- (i) Recreational fire. A fire contained within a pit, barrel, or other non-combustible enclosure for the purpose of pleasure, religious, ceremonial, or other similar purposes.
- (j) Residential burn. Open burning performed with the approval of the fire chief at the site of a one or two family dwelling unit for the purpose of disposing of natural vegetation generated at that location.
- (k) Rubbish. All waste material not defined as natural vegetation.
(Ord. No. 99-18, § 1, 6-15-99)

Sec. 9-7-20. Permit not required.

A permit is not required for outdoor fixed and portable barbecues located at public parks and residential properties. Also exempted are approved outdoor fireplaces, food smoking units, and outdoor cooking stoves.
(Ord. No. 99-18, § 1, 6-15-99)

Sec. 9-7-30. Permit required.

- (a) Applicant(s) are required to obtain an open burning permit from the fire chief.
 - (1) Open burning may occur on the date listed on the permit between the hours of 9:00 a.m. and 6:00 p.m. or sunset, whichever occurs first. All open burning fires shall be fully extinguished by 6:00 p.m. or sunset, whichever occurs first.
 - (2) Open burning permits may be issued for the first Sunday through Saturday and the third Sunday through Saturday of each month. The fire chief shall have the discretion to adjust this schedule in response to drought conditions.
 - (3) Open burning permits may be applied for any day of the week at any town fire station between the hours of 8:00 a.m. and 5:00 p.m. No more than one permit shall be issued at a time to a property address. Any person, who obtains an open burning permit prior to the actual burn day, shall call the fire and rescue division's automated burning permit telephone line on the day they intend to burn to determine if burning is allowed on that day.
- (b) Applicant(s) are required to obtain a recreational fire permit from the fire chief.
 - (1) Recreational fire permits are valid for the day of burning between the hours of 9:00 a.m. and Midnight. All recreational fires shall be fully extinguished by midnight.
 - (2) Recreational fire permits may be applied for any day of the week at any town fire station between the hours of 8:00 a.m. and 5:00 p.m. No more than one permit will be issued at a time to a property address. Any person, who obtains a recreational fire permit prior to the actual fire day, shall call the fire and rescue division's automated burning

permit telephone line on the day he intends to burn to determine if burning is allowed on that day.

- (c) The fire chief shall be allowed access to inspect the property relevant to any open burning or recreational fire permit issued. The fire chief is authorized to revoke a permit for any open burning or recreational fire that is determined to be a public safety or health hazard.
- (d) Open burning and recreational fire restrictions.
 - (1) The person performing the open burning or recreational fire shall have an approved permit in his possession at the site.
 - (2) Attendance by a competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times.
 - (3) The person performing the open burning or recreational fire shall maintain a garden hose connected to a water supply where water is available. If water is not available, then on-site fire extinguishing equipment shall be on-hand to control and extinguish the burn/fire.
 - (4) Open burning and recreational fires are restricted to burning natural vegetation, commercially prepared fireplace logs, and charcoal, but does not include rubbish.
 - (5) Open burning shall not be conducted within 50 feet of any structure or stored combustible material except that burning shall be allowed if in an approved waste burner located greater than 15 feet from any structure or combustible material.

No open burning permit shall be issued for a total pile fuel area greater than three feet in diameter and two feet in height. Only one total pile fuel area may burn at a time.

(Ord. No. 99-18, § 1, 6-15-99)

Complaints related to burning have been unattended burn piles, piles too large under the ordinance, burn piles too close to structures and burn piles not located on the owners' property, along with failure to obtain the proper burn permit.

Golf Carts in the Community

Your Association, along with the Town, receive numerous complaints each year regarding the operation of golf carts in the neighborhood. Here are the applicable ordinance sections regarding golf carts and pathway usage:

SECTION 56-3-115. Golf carts; permit to operate on highways and streets. [SC ST SEC 56-3-115]

The owner of a vehicle commonly known as a golf cart, if he has a valid driver's license, may obtain a permit from the Department of Motor Vehicles upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

- (1) operate the golf cart on a secondary highway or street within two miles of his residence or place of business during daylight hours only; and
- (2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours only.

ARTICLE 5. PATHWAYS

Sec. 12-1-511. Motor vehicles prohibited on pathways.

Any publicly owned pathway or lane designed for pedestrians or bicycles shall not be traversed or utilized in any way by any of the following:

- (1) Cars, trucks, tractors, or any other motorized vehicles, with the exception of emergency vehicles, authorized maintenance vehicles, or electric-powered wheelchairs for the handicapped.
- (2) Motorcycles, motor-assisted bicycles such as mopeds, motorscooters, golf carts, lawn mowers, all-terrain vehicles, go-carts, or any other similar, small motorized vehicles.
- (3) Horses or any other large animals, except for small pets such as dogs and cats on a leash.
- (4) Surreys and other types of carriages.
(Ord. No. 90-25, § 1, 9-17-90)

The two major problems most frequently reported are golf carts on the pathway and golf carts being operated by minors. Golf carts (as well as any other motorized means of transportation, except those designed for use by the disabled) are prohibited on the Island pathways. And, as noted in the ordinance, the operator must have a valid driver's license and the golf cart must be permitted for street use by the South Carolina Department of Motor Vehicles.

On Street Vehicle Parking

Many years ago, the Town designated the entire Forest Beach (North, South and Central) community a No Parking district. This designation means that no vehicle may be parked on the street or within a street buffer or right-of-way at any time (there are some exceptions along a portion of North Forest Beach Drive adjacent to Coligny Plaza and the Sea Crest and along Lagoon Road adjacent to Coligny Plaza). In order for a person to legally park their vehicle on the street in Forest Beach they must obtain a permit from the Town. Once this permit is affixed to their vehicle, it will allow them to park on the street in front of their own residence without being considered in violation of the No Parking District ordinance. Note, however, that these parking permits are restricted to the owners of the property and apply to vehicles only. Boats and trailers, for example, may never be parked on the street.

In addition, parking on the street is not permitted, even with a permit, if it impairs the use of the roadway. Emergency vehicles must be able to pass down the street at all times and, if by parking a vehicle on the street the road becomes impassable to emergency vehicles, parking is prohibited.

Here is the applicable ordinance regarding parking on Hilton Head:

ARTICLE 2. PARKING RESTRICTIONS

Sec. 12-3-211. Parking in violation of town signs.

- (a) When signs are erected giving notice of no parking or other parking restrictions, no person shall park his vehicle at any time upon any of the vehicular ways or portions thereof so designated.
 - (b) When time limits are designated on signs, no person shall park a vehicle upon a vehicular way or portion thereof between the hours so designated on any day, or for longer than the period and between the hours so designated.
 - (c) When yellow lines or markings are painted, or otherwise affixed to the curbs, or appear upon any vehicular way or portion of same, giving notice thereof, no person shall park at any time upon any of the vehicular ways or portions thereof so designated.
- (Ord. No. 90-12, § 1, 5-7-90)

Sec. 12-3-212. Responsibility of vehicle owner for violations.

No person shall allow, permit or suffer any vehicle registered in his name, or which he has leased or rented from another person, to park in any street in the town in violation of any of the ordinances of this town regulating the parking of vehicles.

(Ord. No. 90-12, § 1, 5-7-90)

In addition, parking in the buffer areas of a property is not allowed, except parking within the buffer area on a permitted driveway is allowed.

This final section of Town Code references several different types of violations which we have covered before in our Newsletters. Along with the applicable restriction on buffer usage, note that there are restrictions on signage, land usage in violation of its platted use and non-permitted construction.

Sec. 16-8-102. Violations

Any of the following shall be a violation of this Title:

- A. To use or attempt to use land or a building in any way not consistent with the requirements of this Title;
- B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Title;
- C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Title;
- D. To transfer title to any lots or parts of a development unless the land development plan or subdivision has received all approvals required under this Title and an approved plan or plat, if required, has been filed in the appropriate County office;
- E. To submit for recording with a County office any subdivision plat or other land development plan that has not been approved in accordance with the requirements of this Title;
- F. To install or use a sign in any way not consistent with the requirements of this Title;
- G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Title without obtaining all such required approvals or permits
- H. To engage in the use of a building or land, the use or installation of a sign,

the subdivision or development of land or any other activity requiring one or more approvals or permits under this Title in any way inconsistent with any such approval or permit and any conditions imposed;

- I. To use land for any purpose other than as specifically identified on an approved site development plan (e.g. using designated open space, parking spaces or walkways for display or storage; parking in open space or buffer areas) or as otherwise required by this Title;
- J. To violate the terms of any approval or permit granted under this Title or any condition imposed on such approval or permit;
- K. To obscure or obstruct any notice required to be posted or otherwise given under this Title;
- L. To violate any lawful order issued by any person or entity under this Title; To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

Debris on Lots and Around Houses

We continue to receive complaints regarding the accumulation of piles of yard debris on properties throughout the Forest Beach area, along with cluttered and unkempt properties. While these conditions, if left unattended, are a violation of our covenants, they also are a violation of Town Code. The Town has again requested that we remind everyone in the community of the applicable ordinance involved. We have copied it for you from the Municipal Code Section of the Town's Web Site, and here it is:

Sec. 9-1-112. Unsanitary, unsightly and unsafe conditions.

- (a) All premises within the town, whether vacant, improved or occupied, shall at all times be kept in a sanitary condition. All trash, garbage, debris and building materials, dead animals, junk, scrap, animal excretions, or other similar materials not contained or otherwise properly stored are hereby deemed unsanitary and declared to be a nuisance. The occupant or lessee of any premises and/or the owner, his agent, representative or employee having control of any vacant premises within the town, who shall permit or tolerate the existence of any of the conditions condemned in this section, upon conviction, shall be guilty of a misdemeanor.
 - (b) It shall be the duty of any owner and any lessee, occupant, agent or representative of the owner of any lot or parcel of land to remove all garbage, dead animals, animal excretions, trash and other debris and building materials, junk, scrap or other similar materials, as often as may be necessary to prevent the development of any of the conditions prohibited in this section.
- (Ord. No. 84-3, 2-6-84)

Sec. 9-1-113. Conditions affording food or harborage for rats.

- (a) It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building, vehicle and their surrounding areas in the town so that the same shall or may afford food or harborage for rats. Any violation of this subsection shall constitute a nuisance.
 - (b) It shall be unlawful and constitute a nuisance for any person to permit to accumulate on any premises, improved or vacant, or on any open lots or streets in the town, any lumber, boxes, barrels, bricks, stones or similar materials and permit them to remain thereon unless the same shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked, so that these materials will not afford harborage for rats or violate any other provisions of this chapter.
- (Ord. No. 84-3, 2-6-84)

The code section further states the abatement and right to enter parts of the code.

Don't fall victim to a municipal code or covenant violation. Rake up the debris and haul it away, or call the fire department for a burning permit.

FBOA Directors Listing

Dr. Gabe Fornari, President
3 Myrtle LN - '06

Eleanor O'Key, Vice President
6 Egret ST - '06

Debbie Urato, Secretary/Treasurer
13 Park RD - '06

Alan Jackson
26 Pelican ST - '07

Trevor Howard
16 Dove ST - '06

Johnnie Lee Witt
32 Mallard ST - '06

Rick Trenary
5 Park RD - '07

Bill Taylor
12 Cassina LN - '06

Bob Spear
313 Fort Howell DR - '08

John Snodgrass, Executive Director
2 Sandpiper RD
(H) 842-5331 (O) 785-5565
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Forest Beach Owners Association, Inc.

6 Lagoon Road, Suite 5, Forest Beach, SC 29929

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ADOPT A SPOT

You have heard of the "Adopt-a-Highway" program. Well, that is hard to do in Forest Beach, but the solution to pollution might be an "Adopt-a-Spot" program. Are you interested?

If so, maybe you would like to clean up the trash on your street. Maybe your neighbor wants to join you. Maybe, if your street is already adopted, you might want to tackle the trash on Lagoon Road, or North or South Forest Beach Drive—or maybe just a portion of it. If you are interested in participating in this effort to make our little corner of the world a prettier place to live, just let us know at the Association. We will be mapping out those spots chosen by residents, and we will find a place for you too. With any luck we might get every spot adopted. Call your Association Office at (843) 785-5565 or email us at FBASSN@AOL.COM to sign up. We will print a listing of those members who have volunteered for this noble project in an upcoming newsletter.

REALISM in the Real Estate Market

By: Eleanor Lightsey Okey, EVP, Hilton Head Area Association of Realtors

Following are excerpts from Okey's article, published recently in local print media. As Vice President of the Forest Beach Owners' Association, she has adapted it to the Forest Beach area.

Are you a Forest Beach home owner, hoping to sell your house but refusing to reduce your listed price? Are you seeing your neighbor's home sell instead of yours? There are buyers, lurking in our marketplace, waiting for the right time to buy their dream home. Smart sellers are pricing their properties below comparable homes in order to attract those buyers. That is Economics 101 (supply and demand). What we have now in Forest Beach, as in most of this area, is a real life lesson in economics, as it relates to real estate—when there is a large supply and not enough demand. In order to achieve equilibrium, prices have to fall. Sellers must get real!

Smart buyers will not buy overpriced properties, and their Realtors will not let them. If you are a homeowner who thinks you can put your house on the market and enjoy the bidding wars that were prevalent about a year ago, you need to change your strategy and be more realistic. If your Realtor suggests reducing the price of your listing so that you can attract more prospects, consider that option. Realtors understand that the market determines prices—not individuals. The market is real—you and I are too subjective.

Your Realtor is the expert—why not listen to his/her advice? How much reduction in price you need to make may depend on how badly you need to sell. Again, basic economics dictates that if you are in a big hurry to sell or if there are several houses similar to yours on the market, the greater the need to lower the price—and lower it a lot. Your Realtor will help you with this and all the other marketing strategies you need to employ in this market.

And if you're thinking about listing your home now, with so many competing homes for sale, do not choose the Realtor who will list it at the highest price. Find an agent who is realistic—one who can explain just where the price point should be in order to attract those lurking buyers. If your home has been on the market for a long time, consider taking it off until the sales pace picks up. The pace will pick up because real estate markets, as most markets, are cyclical. Forest Beach is where buyers will always be looking to buy.

Dumping on Right of Way and Town Property

With increasing frequency, piles of yard debris are being dumped on street rights-of-ways in our neighborhood and on vacant lots in the community. This act is illegal! All lots in Forest Beach are owned by someone, and when an individual enters upon that land to leave their yard debris they have committed trespass and violated the Town's litter ordinance. Similarly, when depositing yard debris along the side of the road or within the road buffers the same laws are being broken. These selfish acts cost the lot owners or the Town countless dollars to have the debris removed. Ultimately, in the case of the Town's clean-up efforts, it costs us all as our tax dollars are being spent needlessly to clean up the trash left by some uncaring individual.

Both the Association and the Town are actively working to identify the individuals who are breaking these laws. We are seeking your assistance in this regard. If you have any information regarding these activities please contact the Association office at (843) 785-5565 or Connie Pratt, Code Enforcement Officer, Town of Hilton Head Island at (843) 341-4642.

Stay Up to Date by Email

The Association has an email system to notify our members of important happenings within the organization and the community. We send notices of upcoming Board Meetings, the minutes of those meetings, and important announcements concerning the Forest Beach Community. This email list is optional, so you must sign up for it as we will not add your email address automatically.

To become a member of this group, you must request membership by sending a blank email to: forestbeach-subscribe@yahoo.com. Once you join you will begin to receive more timely information from us. Please note that only the Association can post messages to this group, so you WILL NOT be bombarded with SPAM or unrelated communications.