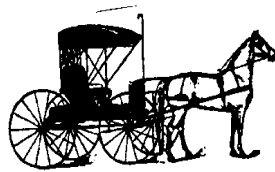


WINDOVER FARMS OF MELBOURNE



Homeowners
Association, Inc.

Rules &
Regulations
Handbook

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HANDBOOK OF RULES AND REGULATIONS

The Board of Directors of Windover Farms Homeowners Association wishes to extend a “Big Welcome” to all existing and new property owners. This booklet was developed to assist all property owners with the numerous questions that arise regarding the Homeowners Association. We hope that you will find it to be of help.

INTRODUCTION

This handbook has been prepared for the express use of the Windover Farms of Melbourne Homeowners Association. It is intended to assist in maintaining property values, community aesthetics, and a desirable quality of life in Windover Farms.

These rules and regulations have been derived from the Covenants, Conditions, and Restrictions; the Bylaws of Windover Farms; and subsequent Board actions on behalf of the homeowners. The rules and regulations are intended to provide a more comprehensive explanation of the governing documents. These Rules and Regulations are to be used as a continuation of and in conjunction with the use restrictions.

One of the more sensitive issues in a planned community is the enforcement of Covenants, Conditions and Restrictions, CC&R's and other governing documents when they are violated, intentionally or unintentionally. Through implementation and enforcement of the governing instruments, the Association provides for and promotes the recreation, health, protection, safety and welfare of all Windover residents; the improvement and maintenance of the Common Areas; the uniform architectural aesthetics of the community and the common good of the Association.

For more detailed information regarding the Covenants, Conditions, and Restrictions; Bylaws; Amendments to the Covenants, please refer to the recorded copy of the documents. Copies are available in the association office.

The association office is open Monday through Friday from 10:00 a.m. to 3:00 p.m. Should you have any questions or need assistance, contact the **Association Manager** at **259-2216**.

Recreational Common Areas

The Recreational Common areas shall be operated and maintained by the Association for the use and benefit of Windover Farms property owners, subject to reasonable rules and regulations.

Use of the Pavilion

The pavilion is available for private parties held by adult residents and their guests. Some restrictions apply to the use of the pavilion. For more specifics contact the association office. An application form is required to reserve the pavilion, in addition to a refundable security deposit of \$50.

Use of the Racquetball Courts/Tennis Courts

The courts are available for use by residents and their guests. A fee of \$10 is required to obtain a key for the use of either of the courts. This key is available at the association office for Windover Farms property owners only. Guests are permitted; however a Windover Farms property owner must be in attendance at all times.

Use of the Sports Field

Use of the sports field is available for Windover Farms property owners. The field may be reserved by a Windover Farms owner for a league activity; however a certificate of insurance must be provided by the sponsoring league. Reservations must be coordinated through the association office.

Ponds and Docks

Use of the ponds and docks is available to all Windover Farms property owners. Fishing is permitted, however the fishing policy is catch and release.

Nature Trails/ Exercise Trail

Located in Windover Farms are several maintained nature trails. They are posted with a Nature Trail sign at each entrance. For the specific location please refer to the site map included in this booklet. The exercise trail is located adjacent to the pond behind the pavilion and is also shown on the map.

Playground

The playground is located behind the pavilion adjacent to the tennis courts.

Restrooms

Keys to the Restrooms are available to all Windover Farms property owners. Contact the office to obtain a key. A deposit is not required for a key to the Restrooms.

WINDOVER FARMS COMMITTEES

In addition to the Board of Directors, Windover Farms is fortunate in having a number of committees. These committees are made up of volunteers from the community and provide an invaluable service to the community. For more specific information about any of the committees please contact the association office.

Architectural Review Committee

The purpose of the Architectural Review Committee, ARC, is to provide for a systematic and uniform review of all proposed improvements and construction of any type or nature whatsoever within the Subdivision. The ARC shall review all plans for said improvements. The ARC shall assure itself of the soundness of the proposed improvements in order to prevent, to the extent possible, rapid and early deterioration. In addition, the ARC shall evaluate the proposed improvements with emphasis upon their harmonious incorporation into the community as a whole and with specific emphasis on external design, location of the improvement in relation to surrounding structures and/or improvements, topography, and conformity to the restrictive covenants imposed therein.

Budget Committee

The purpose of the Budget Committee, under the direction of the Board of Directors, is to propose a budget for each fiscal year. It shall contain estimates of the cost of performing the functions of the Association.

Bulletin Board

The bulletin board is the display case next to the association office. You may post your news and see what your neighbors have to sell, service, or advertise.

Compliance Committee

The purpose of the Compliance Committee is to ensure homeowner awareness of, and compliance with, the Covenants and Deed Restrictions, By-Laws, and Rules and Regulations of the Windover Farms Homeowners Association. The goal is to provide for an aesthetically pleasing community that blends harmoniously into the surrounding environment.

Maintenance Committee

The purpose of the Maintenance Committee is to oversee the maintenance of the common areas. These common areas include 8 lakes, docks, swales, greenways, Pavilion, Gatehouse, Racquetball and Tennis Courts, sports field, nature trails and the perimeter fencing of the community. The maintenance includes, but is not limited to, the mowing of the swales, greenways, sports field, recreation areas, around the lakes and plant control of the lakes.

Safety Crime/Watch Committee

The purpose of the Safety/Crime Watch Committee is to improve security within Windover Farms of Melbourne by conducting random patrols of the neighborhood and providing safety tips and current, pertinent information to homeowners.

Safety is a partnership between law enforcement and the community. Community programs such as ***Neighborhood Watch*** and the ***Citizen Observer Program*** help law enforcement and communities fight crime by establishing proven deterrents.

Neighborhood Watch Program: The neighborhood watch is a program linking residents in the community with the Sheriff's Community Liaison Officer.

Citizen Observer Program (C.O.P.): At the foundation of the C.O.P. program is our belief that the fight against crime can only be won with the help of private citizens who share the commitment to public safety. ***(Note: Individuals interested in the C.O.P. program should contact the Sheriff's South Precinct for an application)***

Important Numbers: Brevard County Sheriff's Department is part of the area wide 911 system. for fire, police, or medical emergencies, the appropriate county response agency can be reached through **911**.

For non-emergency calls, the Sheriff maintains a direct number to the Brevard County Sheriff's Department Communication Center. Non-emergency calls should be directed to **952-6371**.

Windover Farms of Melbourne is located in the Sheriff's Department West Precinct. Calls to specific deputies or West Precinct offices should be directed to **633-2123**. ***(Note: for more specific information regarding the Safety Crime Watch Committee activities, contact the association office.)***

Social Committee/Adult

The Adult Social Committee is responsible for orchestrating the following events:

Progressive Dinner Party - an event for adults, complete with cocktails, hors d'oeuvres, dinner and dessert at three different host homes.

Gourmet - An every other month adult evening of good food, shared cost and preparation, meeting at different host homes.

Family Barbecue & Picnic - an every *first Tuesday* each month at 6:00 p.m. at the pavilion. Bring your own meat for the grill, a dish to pass and your own place setting and plates. A hot grill and drinks are provided.

Neighborhood Garage Sale - a yearly event that is advertised in the local newspaper. A map is detailed by the association and provided to interested buyers. This map is highlighted with all the participating homeowners. A nominal fee is collected to cover the cost of advertising.

Welcome Neighbor - a periodic get together to welcome all new property owners. This event includes refreshments, games, community information, and an opportunity to meet your neighbors.

Bridge Groups - a "ladies" afternoon session that meets once a month and a "couples" evening session that meets once a month.

Mystery Book Club - a group discussion of a previously selected title. The group meets monthly.

Bible Study - a non-denominational weekly bible study for ladies.

Social Committee/Children

The Children's Social Committee is responsible for orchestrating a Halloween Party at the pavilion for the children of the community. The parties include crafts, games, goodies and occasionally special rides. There is a nominal fee collected to cover the expenses.

Windover Whispers

The Windover Whispers is the monthly newsletter that shares comments, ideas, and submissions and community news. The newsletter has a 20th of the month deadline for submission and articles may be dropped at the association office.

Windover on the Web

Windover Farms of Melbourne has a web page on the Internet. It is located at:

<http://www.windoverfarms.com> or <http://www.windoverfarmsmelbourne.com>

The site contains several different items associated with the community. Included in the site are:

1. Current and back issues of Windover Whispers, Windover Farm's community newsletter.
2. A current listing of Association officers.
3. A listing of active committees operating in Windover.
4. Some common forms that can be printed and submitted to the Association.
5. The Deed Restrictions.
6. Classified ads.

The site is set up for use by the residents of Windover. Any suggestions regarding changes or additions to the site are always welcome.

RESTRICTIONS

Homeowners Association

Annual Dues

The annual assessment is due January 1st and past due after January 10th. This date has been fixed by the Board of Directors. A late charge of \$25.00 is assessed after January 10th on all accounts past due. In addition, assessments and late fees unpaid for more than thirty (30) days after the due date shall bear interest at the rate of eighteen (18%) per annum until paid. The association shall place a lien against any property for which the annual dues are not paid. The delinquent owner shall be responsible to pay all cost, including reasonable attorney fees, for filing any action or suit enforcing and foreclosing a lien, and the lien shall be deemed to cover and secure all such costs and fees. [CC&R, as amended 1997]

Residential Use

Individual properties may be used for residential use only and no other purpose. No business or commercial building may be erected on any Lot and no business may be conducted on any part thereof. No building or other improvement shall be erected nor shall any improvements or construction commence upon any Lot without prior ARC approval thereof as elsewhere herein provided. No Lot shall be divided, subdivided or reduced in size. [CC&R, restrictions, section 1]

No Temporary Buildings

No tents, trailers, vans, shacks, sheds, tanks or temporary or accessory building or structures shall be erected or permitted to remain on any Lot without the prior written consent of the ARC. [CC&R, restrictions, section 2]

Building Type

No building shall be erected, altered, placed or permitted to remain on any Lot other than residential homes. [CC&R, restrictions, section 3]

***Note: This includes but is not limited to the following:**

1. New Construction/Full Plans
2. Erecting a fence
3. Swimming Pools and screen enclosures
4. Building additions to the residence
5. Attached or detached buildings
6. Garages
7. Potting Sheds
8. Gazebo
9. Decks
10. Tree Removal
11. Clearing or adding fill
12. Satellite dishes or antennas
13. Solar Panels
14. Basketball Hoop
15. Painting
16. Playset
17. Landscaping

****refer to Architectural Planning Criteria - Procedure before the ARC - page 14***

Boats and Motor Vehicles

“Personal Vehicles” (see 3. listed below) may be parked on the ***driveway overnight*** if the Lot Owner’s enclosed garage has two ***“vehicles” (see 1. listed below)*** stored in it at the same time. When space is available, all vehicles must be kept in an enclosed garage or similar enclosure.

A .For the purpose of this section, the following definitions shall apply:

1. ***“Vehicle”*** shall include any automobile, truck, motor home, camper, motorcycle, *tractor, boat, trailer or any other type of vehicle owned or otherwise used by the Lot Owner or a member of his family. ****1. defined as a powerful, motor-driven vehicle for pulling farm machinery, etc. 2. a truck with a driver’s cab and no body, for hauling large trailers***
2. ***“Commercial vehicle”*** shall be considered to be any vehicle which is used in the production of income, or for a commercial purpose, and displays any corporation, trade-name or trademark for the purpose of identifying a business.
3. ***“Personal vehicle”*** shall be considered any automobile, passenger van, or non-commercial pickup truck less than 3/4 ton.

No vehicles shall be parked on public right-of-way- or front or side yards, except in unusual circumstances or under very temporary conditions, e.g., a social gathering. No vehicle shall remain overnight in the road right-of-way or front or side yards of any lot.

No commercial vehicle shall be on any portion of any lot at any time, except for the purpose of rendering a service or making a delivery to the Lot Owner, unless it is parked in the Lot Owner's garage.

No unlicensed or inoperative motor vehicle, whether person or commercial, may be parked in the road right-of-way or upon any lot at any time.

Vehicle maintenance and minor repair only are permitted provided such maintenance or repair is limited to Owner's family vehicles and is being performed on the Owner's property within an enclosure or an area screened from adjoining streets.

No vehicle or any other type of equipment or vehicle shall be used for living, sleeping or housekeeping purposes when properly parked or stored on any Lot or property within the subdivision. [CV, as amended, 17th amendment]

Trees

No tree or shrub, the trunk of which exceeds three (3) inches in diameter at one foot (1') above the natural grade shall be cut down or otherwise destroyed without the prior express written consent of the ARC. The Board, in its sole discretion, shall have the right to assess a one thousand (\$1,000.00) dollar penalty per tree for a violation. [CC&R, restrictions, section 5]

Effective June 1, 1991, the Architectural Review Committee implemented the following tree replacement policy:

1. Owners of lots which are less than one (1) acre (less than 43,560 square feet) shall not be required to replace trees removed *due to the construction of their homes* if there are 20 or more trees remaining on the lot that are over three (3) inches in diameter as measured at one (1) foot above the natural grade.
2. Owners of lots one (1) acre or greater (43,560 square feet or mote) shall not be required to replace trees removed *due to the construction of their homes* if there are 40 or more trees remaining that are over three (3) inches in diameter as measured one (1) foot above the natural grade.
3. Replacement shall be required when a lot owner removes a tree not due to construction. Replacement shall also be required when less than the required number of trees are remaining on the lot due to home construction as required in paragraphs 1 and 2.

4. Twenty-five percent (25%) of the diameter of a removed pine (softwood) tree three (3) inches or greater in diameter shall be replaced by the lot owner within 30 days of removal of the tree pursuant to the guidelines listed in the table below. The lot owner shall notify the ARC in writing within 30 days of removal of the tree that has been replaced. More than one replacement tree can be used to meet the 25% requirement.
5. Fifty percent (50%) of the diameter of a removed hardwood (deciduous) tree three (3) inches or greater in diameter shall be replaced by the owner within 30 days of removal of the tree. The lot owner shall notify the ARC in writing within 30 days of removal of a tree that has been replaced. More than one replacement tree can be used to meet the 50% requirement.
6. All removed trees smaller than three (3) inches in diameter but larger than one (1) inch in diameter shall be replaced with a similar size tree.
7. After the lot owner has planted a replacement tree, the tree and site shall be subject to inspection of the ARC for compliance with this policy.
8. Lot owners who planted trees which were not replacement trees shall be given credit for those trees when replacement is required provided those trees meet the replacement policy requirement at the time of replacement.
9. No Palm trees or myrtles shall be credited as replacement trees.

Artificial Vegetation

No artificial grass, plants or other artificial vegetation is allowed to be placed or maintained upon the exterior portion of any Lot, unless approved in advance and in writing by the ARC. [CC&R restrictions, section 6]

Nuisances

Nothing shall be done or maintained on any Lot which may be or become an annoyance or nuisance to the neighborhood. In the event of a dispute or question as to what may be or become a nuisance, such dispute or question shall be submitted to the Board of Directors of the Association, which shall render a decision in writing, which decision shall be dispositive of such dispute or question. CC&R, restrictions, section 10]

Signs

No sign of any kind other than the name and address of the Owner shall be displayed to the public view on any Lot or improvements thereon except for the following:

- A. *Owners may display one sign per lot provided such signs do not exceed four (4) square feet in area, and provided such sign is approved in advance and in writing by the ARC. Notwithstanding*

this provision, however, owners may display one "standard" real estate type sign without consent of the ARC.

B. The size, design and color(s) of all signs shall be subject to ARC approval. [CC&R. restrictions, section 11]

The ARC has interpreted the "one standard real estate type sign" to consist of no more than one 24x18" sign plus one 24x6" "rider" listing the agent's name and/or phone or Open House information plus a container for fact sheets on the listed property. Additional riders listing features ("Pool," "Waterfront," etc.) or additional signs advertising financing information are considered unnecessary and excessive. [ARC 1/31/95]

Pets

No owner shall keep more than two animals on any one Lot without the prior written approval of the Board. In no event may any animal be kept on the property for any commercial use or purpose. All pets must be kept under control at all times and must not become a nuisance by barking or other acts. Upon receipt of written complaint from two or more Owners, the Board of Directors may order that any animal creating a nuisance be removed from Windover Farms of Melbourne. Horses shall not be kept on any lots less than one one-half (1 1/2) acre in size. [CC&R, restrictions, section 12] NOTE: Prior to referring to the board for action, contact Brevard County Animal Control @ 779-4020

Boarding Up

There shall be no "boarding up" of houses while the homes are vacant for a long period of time. There shall be allowed storm protection only in the event of and during the period of time of a storm likely to cause damage to the house. [CC&R. restrictions, section 13]

Topography

There shall be no change in the topography of any lot either for construction or landscaping without prior written permission of the ARC; however, neither the ARC nor any owner shall be permitted to fill any retention areas. [CC&R, restrictions, section 14]

Air Conditioning

No window or wall air conditioning units shall be permitted. [CC&R. restriction, section 15]

Exterior Stairways

Exterior stairways shall be permitted if approved by the ARC. [CC&R. restrictions, section 16]

Rentals

Owners shall not rent their property for periods of less than one year, and any homeowner desiring to rent his property shall first have the proposed tenant approved in advance and in writing. [CC&R, restrictions, section 17]

Filling-In-Prohibited

No Lot or parcel shall be increased in size by filling-in the waters on which it abuts. The elevation of the Lot shall not be changed so as to materially affect the surface grade of the surrounding Lots, or obstruct the drainage in any manner. This provision shall not apply to the Developer, its successors, or assigns. [CC&R, restrictions, section 18]

Miscellaneous

No refuse pile or unsightly objects shall be allowed to be placed or suffered to remain upon any lot; and in the event that any Owner shall fail or refuse to keep his Lot free of weeds, or refuse piles or other unsightly growths or objects, then the Association may enter upon the Lot and remove the same at the expense of the Owner, and such entry shall not be deemed a trespass. *All garbage or trash containers must be placed in walled-in areas so that they shall not be visible from adjoining Lots or public areas. [CC&R, restrictions, section 21] * *detailed information regarding garbage/trash service is available in the association office.*

Roofs

All roof structures shall be composed only of materials that are approved in advance by the ARC. [CC&R, restrictions, section 22]

Note: refer to construction application for more specifics.

Block

There shall be no unfinished exposed block in the construction of a home. [CC&R, restrictions, section 23]

Square Feet

The minimum square footage, under air, of a residence must be at least 1800 square feet. [CC&R, restrictions, section 24]

Driveways

Driveways must have a culvert with proper engineering and drainage. [CC&R, restrictions, section 25] ***Any exceptions must be approved by the ARC in advance.***

Satellite Dishes/ Antenna Installation

Satellite dishes are permitted. A notification form (available at association office) detailing the specifics of the installation are required to be completed and forwarded to the ARC. [CC&R, restrictions, section 26]

Wireless Cable Installation

Wireless Cable installation must adhere to the agreement made between WBS and Windover Farms of Melbourne Homeowners Association. For specifics of this agreement contact the association office. (A copy will be furnished upon request)

Garage Doors

No garage door shall be made of fiberglass. [CC&R, restrictions, section 27]

Off-Terrain Vehicles

No "three-wheelers," dune buggies, motor cross type motorcycles or other off-terrain vehicles shall be operated on the property. [CC&R, restrictions, section 28]

ARCHITECTURAL CONTROLS

Architectural Planning Criteria

Procedure before the ARC.

Prior to the commencement of any work on the premises contemplated for improvement, an applicant must submit to the ARC for approval. This type of work includes but is not limited to the following:

1. ***New Construction/Full Plans*** (contact office for detailed application)
2. ***Erecting a fence*** (contact office for detailed application)
3. ***Swimming Pools and screen enclosures*** (contact office for detailed application)
4. ***Building additions to the residence*** (contact office for detailed application)
5. ***Attached or detached buildings*** (contact office for detailed application)
6. ***Garages*** (contact office for detailed application)

7. **Potting Sheds** (contact office for detailed application)
8. **Gazebo** (contact office for detailed application)
9. **Decks** (submit letter with specifics detailed on survey)
10. **Tree removal** (contact office for detailed application)
11. **Clearing or adding fill** (submit letter with specifics detailed on survey)
12. **Satellite dishes or antennas** (contact office for detailed notice form)
13. **Solar Panels** (submit letter with specifics of materials and location noted on site plan)
14. **Basketball Hoop** (submit letter with proposed location detailed on plan. Refer to 14th amendment to Declaration of Covenants, Conditions and Restrictions.)
15. **Painting of residence** (submit letter and enclose proposed color samples)
16. **Play set** (submit letter, include picture and proposed location detailed on site plan)
17. **Landscaping** (submit plan from certified landscape.)
18. **Tennis Courts** (submit plans for ARC review) [CC&R, Exhibit B]

MISCELLANEOUS

Mailboxes

Mailboxes must be standard size, painted black with the address in white paint or lettering. The box shall be supported by a 4 x 4 post. Materials for the post shall be rough-cut cedar, stained or painted dark brown. [CC&R, exhibit B]

Note: Paint is available in the association office!

Setback

Front and rear lot lines will have a 40-foot setback unless otherwise approved by the ARC. [CC&R, exhibit B]

Lakes and Ponds

Any pond or lake, dug, constructed or maintained, must provide for constantly flowing water, proper drainage so the water will not become stagnant, and shall be kept free at all times of snakes and other aesthetes nuisances. [CC&R, exhibit B]

Garages

No garage door shall face the road unless expressly approved by the ARC. [CC&R, exhibit B]

Culverts, Ditches and Swales

Owners are required to preserve and protect the existing ditches and/or swales located in the road right-of-way. At the location where the driveway crosses the ditch or swale, the owner shall place a corrugated metal pipe, with a mitered end section, at each end. The pipe will be placed at an invert elevation to match existing ditch or swale elevations. Only mitered ends will be allowed, headwalls are prohibited. The pipe will be steel, asphalt coated of a size designated by the ARC and Brevard County. The pipe shall be not less than five (5') feet wide on each side from the edge of the pavement to the start of the mitered end section. All areas between road pavement and the property line which have been disturbed due to construction shall be re-sodded and restored. No other structure, sign or decorations shall be erected in the road right-of-way except one mailbox. [CC&R, exhibit B]

Exterior Color Plan

The ARC shall have final approval of all exterior color plans and each owner must submit to the ARC a color plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARC shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the color scheme of Windover Farms of Melbourne and the surrounding environment. [CC&R, exhibit B]

ARTICLE IV. Noise

The following is declared to be public nuisances and in violation of the article:

Operation of equipment at night, on Sundays: the operation between the hours of 8:00 p.m. and 7:00 a.m., on any day or at any time on Sunday, of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other appliance, machine or equipment, the use of which is attended by loud and raucous noise.

Construction or repairing of buildings. The erection, including excavating or demolition, alteration or repair of any building so as to create a loud and raucous noise between the hours of 8:00 p.m. and 7:00 a.m. the following day, or at any time on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building division. Such permit may be granted for a period not to exceed three working days or less while the emergency

continues and may be renewed for successive periods of three days or less while the emergency continues. If the building division should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 8:00 p.m. and 7:00 a.m., or on Sunday, the building division may grant permission for such work to be done between such hours or within a shorter time period during such hours, upon application being made at the time the permit for work is issued or during the progress of the work; provided, however, that the making of minor repairs and alterations to a building by the owner or occupant thereof between the hours of 9:00 a.m. and 6:00 p.m. on Sundays shall not be within the proscription of this subsection. [Sec. 46-131 (2)] County noise code

Sec. 46-127. Exceptions

The operation of lawn mowers, edgers, trimmers and power driven hedge shears in a residential zone or within 500 feet thereof is allowed between the hours of 7:00 a.m. and 8:00 p.m. (**Note: More detailed information regarding the county noise ordinance available in the association office. Call sheriff's department to report violations**)