

**SWIFT ISLAND PLANTATION (SIP)
HOMEOWNERS' ASSOCIATION (HOA)
RULES AND REGULATIONS**

1. APPLICATION AND AUTHORITY

1.1 Purpose. These rules and regulations ("Rules") have been established to ensure the maximum enjoyment of the neighborhood by all residents, protect the investment of the Homeowners and make the neighborhood, as a whole, a place where owners take pride in the property.

1.2 Authority. These Rules have been approved by the Board of Directors in accordance with the North Carolina Planned Community Act (Article 47F of the NC General Statutes), the HOA's Articles of Incorporation, the HOA's Bylaws, and the Restatement of Covenants, Conditions and Restrictions (CCRs).

1.3 Supplemental to CCRs. **These Rules are intended to supplement and provide clarification to SIP HOA CCRs. ALL OWNERS ARE ENCOURAGED TO BE FAMILIAR WITH BOTH THIS DOCUMENT AND THE CCRS in order to fully understand the rules in which SIP is governed.**

1.4 Publication. A copy of the Rules shall be provided to or sent to all owners at their last known address.

1.5 Universal Application. All owners, tenants, guests and pets are subject to these Rules. It is the responsibility of the owner(s) to notify guests of these rules, and the owner shall be held responsible by the Board of Directors for actions of the residents/guests in violation of these rules.

2. GENERAL RULES

2.1 Leasing or renting. While Article II, Section 1 of the CCRs "prohibits the use of any lot or home for any business or business pursuit," homeowners may lease no less than an entire home nor may a home be leased for transient or hotel purposes (i.e. daily, weekly, monthly rentals). However, leasing for greater than six (6) months is permissible with the approval of the HOA Board. Sub-leasing is strictly prohibited.

2.2. Vehicle Repairs. No repairs or service to any vehicle will be permitted on the premises; provided, however, that minor routine maintenance work on the owners' own vehicles or emergency service such as tire and battery repairs is permitted. Toxic fluids from vehicles, such as anti-freeze or oil, may not be discharged into the sewer or drainage systems.

2.3 Pets. Free roaming pets are strictly prohibited. Owners must keep their pets under control at all times and on the owner's property, except when properly leashed. The owner of every animal shall be responsible, whether on owned

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property or common areas, for the removal and sanitary disposition of excreta deposited by the pet.

2.4 Telephone numbers and/or email addresses. All homeowners are required to provide current phone numbers and/or email addresses to the Board and /or Secretary. Only the Board will use this information for their own purposes.

2.5 Contractor/Vendor construction gate entrance off Deerfield Road. It is the responsibility of each property owner to 1) Obtain a 4-digit code that is only used to allow contractors, vendors, etc. entrance through the construction gate. No vendors, contractors, laborers, etc. are allowed entry through the front gate, nor are they allowed to exit the front gate. There are video cameras at the front entrance on Plantation Way that are checked regularly to see if violations of this rule occur. If a contractor is coming in through the front entrance – then you or someone in your household has given them your personal gate code, which is against all rules and regulations. Vendors codes do not work at the front gate. Going forward, there will no courtesy notices given (as provided by Section 5.4a) – a \$100.00 fine will be imposed by the HOA for any contractor/vendor seen entering the front gate, and seen exiting the front gate. [added 02/27/2023]

3. ARCHITECTUAL, EXTERIOR APPEARANCE, CHANGES AND IMPROVEMENTS

3.1 ARB Authority. The Board has delegated to and the Architectural Review Board (ARB) has the authority to enforce the rules of the CCR related to improvement projects and to levy fines on non-compliance to these provisions. Fines shall be consistent with the schedule outlined in Section 5.7 of these Rules and Regulations.

3.2 Changes to existing exterior. If a property owner plans to make changes and/or improvements to the property/yard, including landscaping, retaining walls, play ground equipment, driveways, patios, fire pits, etc., owner must submit plans to the ARB and pay a fee established at the discretion of the ARB but in no case exceed \$100. Fees will consider size and scope of the project as well as the anticipated time involved by the ARB to review and approve.

3.3 Routine maintenance. Improvements to an owner's lot excluded from the ARB review and fee would include normal, routine maintenance of the home and/or yard. While the list cannot be entirely inclusive of every item, items such as the planting of bushes and flowers would be excluded as well as small items such as bird houses or bird baths, placement of mulch and pine needles, etc.

3.4 Contractor Working Hours. Contractors, performing outside services, shall not begin prior to 7 a.m. on weekdays and before 8 a.m. on weekends. All such services must terminate each evening no later than dusk.

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4. LANDSCAPES AND YARD MAINTENANCE

4.1 Yard Maintenance. Each owner is required to maintain the yard in a manner consistent with the standards of the SIP community. These standards include: keeping lawn mowed, raked and weeded; edging and sweeping the sidewalks; weeding and edging the flower beds and pruning the shrubs and trees. Materials used for flower beds such as bark, mulch, or soil cannot be stored on the property for more than 10 days unless previously approved by the ARB.

4.2 Care of Roads, or Right of Ways in Swift Island Plantation – If an owner is having work done on his lot (either new construction or maintenance on the lot), the owner is responsible for making sure all mud or other debris deposited on the right of way road by the owner, or contractor/worker employed by the owner, is removed within 24 hours of being deposited on the right of way. It is the owner's responsibility to notify the contractor or worker being employed by the owner of this requirement. The owner of a lot is also responsible for the grass area of the shoulder of the right of way if damaged by the owner, or contractor/worker employed by the owner. [added 02/27/23]

4.3 Care of Road Shoulders, and Right of Ways in SIP If an owner is having a group of people over to his or her lot and there is not sufficient room for parking, the owner can allow people to park in the right of way in front of the owner's lot only, as long as parking in the roadway can be done safely and does not block the roadway. If the grass area on the shoulder of the right of way is well established, the owner can allow people to park on the shoulder of the road in front of the owner's lot only. However, if the grass area on the shoulder of the right of way is damaged by anyone parking on the shoulder, the owner of the lot is responsible for repairing the grass area. Parking in the right of way or on the shoulder of the right of way shall only be for a brief period of time not to exceed 8 hours. [added 02/27/23]

5. ENFORCEMENT OF CCRS AND RULES AND REGULATIONS

Violation of these rules and regulations or the CCRs can arise at any time, whether by self-reporting, owner complaint, management inspections, or Board observation.

5.1 Self help. The most neighborly method of resolution of any complaint is neighbor speaking to neighbor. The Board encourages direct person-to-person contact rather than email or social media. Often the offending party is unaware of the potential violation and a friendly reminder brings that owner into compliance.

5.2 Written complaint to the Board. Should “self help” not be successful, an owner who desires the Board to take enforcement action against another owner, including a guest, visitor, or occupant of the Alleged Offending Owner, may submit a complaint to the Board. The complaint must be in writing and signed by the Complaining Owner and include:

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- a. name and address of the Complaining Owner,
- b. name and address of the Alleged Offending Owner,
- c. a description of the non-compliant behavior or activity, including the date and approximate time and,
- d. whether or not the Complaining Owner contacted the Alleged Offending Owner and if contact was made, citing the date and approximate time the Complaining Owner contacted the Alleged Offending Owner/Offender.

5.3 Investigation. Upon initiation of a complaint, the Board or a person authorized by the Board will conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.

5.4 Notice of Violation.

a. Courtesy Notice: The Board, or designated Management Company, at its discretion, will call or will send the property owner a Courtesy Notice with a request to resolve the identified potential violation. The owner will be asked to respond within 7 days of the notice with a date they expect to be in compliance.

b. First written notice. If the Offending Owner ignores the Courtesy Notice and/or the Board is unable to resolve the matter informally, then a warning letter will then be mailed to the property owner. The letter will contain the nature of the potential violation, the action required to abate the violation and a date by which the potential violation needs to be resolved. The offending owner will have 7 days from the date of the letter to respond and provide a resolution to the violation, complete with timeline. Resolution of the violation must be completed within 30 days.

c. Second written notice. If the Offending Owner does not respond within 7 days of the warning letter, a second letter will be mailed via certified mail with return receipt.

d. Violations that cannot be mended. When a violation has occurred, which cannot be mended, the Board will notify the Offending Owner and may seek to conduct a hearing that may determine the amount of a fine, or other action, for the violation.

5.5 Hearing Procedure and Decision

a. Requesting a hearing. At any point in this process, the Offending Owner may request a hearing on the merits of the matter provided that such hearing is requested in writing within 14 days of the date of the second written notice.

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The hearing will be established in a reasonable time, presided by the President of the Board or designee, and include the majority of the Board. The presiding officer will read aloud the violation of the pertinent Bylaw, CCR provision, or Rule and Regulation. The Offending Owner will have ample opportunity to present evidence and witnesses. The presiding officer may limit testimony and evidence as determined as reasonable, generally 3–5 minutes.

b. Open meeting. Deliberations of the decision shall be in open meeting.

c. Decision. The Board shall either render its decision at the conclusion of the hearing or take the matter under advisement and render the decision at a later meeting. All decisions of the Board must be in writing and provided to both the Complaining Owner and Offending Owner. The Board may take a variety of actions, including but not limited to finding for either party, fines for the Offending Owner (according to the Board approved Schedule of fines), dismissal, or filing of lawsuit to force compliance.

d. Legal Action. The Board may take legal action, as it deems reasonably necessary to enjoin conduct that it determines is in violation of the Bylaws, CCRs, Rules and Regulations, or applicable state or federal law.

5.6 Collection of Fees and Costs. Any fees and/or costs incurred by the HOA under any provision herein shall be collectible by and through any means authorized by law including, but no limited to, the placement of a lien upon Owner's property in accordance with applicable North Carolina statues. The lien amount shall include the accrued fines, interest, and attorney's fees. The section shall in no way limit the enforcement powers of the Board under the By Laws.

5.7 Fines.

a. Fines and assessments for damage or violation of these Rules and Regulations become due and payable on or before thirty (30) days from the date that notice of such fine or assessment is sent to the party concerned. Unpaid fines or assessments will accrue interest at the annual rate of 12% until paid in full. Should the HOA incur the expense of remediating the violation, these fines shall be in addition to those expenses.

b. Fines will be implemented per day for each day more than five (5) days after the decision that the violation occurs. Fines will be levied in the following amounts:

(i) Landscaping, Yard Maintenance, and Grounds Violations

1st Violation – Courtesy notice with defined cure period.

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Subsequent violations for the same offense: \$15 - \$100 until cured to the HOA's satisfaction. After the 2nd violation, each subsequent violation for the same offense will double the minimum fine, e.g. \$30 - \$100 per day, \$60 - \$100 per day, etc. The daily fine will not exceed \$100.

(ii.) Non- construction Violations

1st Violation – Courtesy notice with defined cure period.

Subsequent violations for the same offense: \$10 - \$100 until cured to the HOA's satisfaction. After the 2nd violation, each subsequent violation for the same offense will double the minimum fine, e.g. \$20 - \$100 per day, \$40 - \$100 per day, etc. The daily fine will not exceed \$100.

(iii.) Construction Violations

1st Violation – Courtesy notice with defined cure period.

Subsequent violations for the same offense: \$10 - \$100 until cured to the HOA's satisfaction. After the 2nd violation, each subsequent violation for the same offense will double the minimum fine, e.g. \$20 - \$100 per day, \$40 - \$100 per day, etc. The daily fine will not exceed \$100.

(iv.) Fines for violations that cannot be mended (e.g. excessive tree removal, completion of visible construction/renovation projects without ARB approval will be \$100 per day for a period of time determined by the Board in consultation with the ARB.

Effective Date: 03.02.2019

1st Amendment: 02.27.2023