

AMENITIES AREAS (LAKE, POOL & TENNIS) RULES AND REGULATIONS

The Elk Run amenities are here for use by all residents' current in association dues. The following rules and regulations have been adopted by the Elk Run Board of Directors under Sub-Section 3.18 of the Association Bylaws, and will be adhered to by all Homeowners for the safety and enjoyment of everyone further they were adopted at the regular Elk Run Board of Directors Meeting on August 13, 2015 and noted same in the said minutes: As per the By Laws the Board of Directors under Article III Section 18- (D) making and amending use restrictions and rules and regulations;

Disclosure: Monitoring

of entry, and usage

by cameras and other electronic devices

PLEASE NOTE THAT ALL AMENITIES AREAS ARE MONITORED BY PAID ELK RUN ASSOCIATES, VOLUNTEERS, AND BOARD MEMBERS AS APPOINTED, AS WELL HOMEOWNERS CAN ADDRESS ISSUES AS IT RELATES TO THE RULES BELOW. ADDITIONALLY CAMERAS ARE MONITORING REMOTELY AND CAN BE MONITORED OFF SITE, AS WELL, THE KEY CARD ENTRY SYSTEM MONITORS WHO ENTERS, AND WHAT TIME.

Disclosure: Board of Directors Authority

to take action and Sanctions against violators

The Board of Directors has the authority to sanction bad behavior by revoking amenities privileges regardless of dues status. You could have a verbal or written warning. Your privileges may be revoked from one day to expulsion for the season depending on the severity and if the behavior is repeated after warnings. Additionally any labor for the investigation, and repairs required will be assessed to the homeowners account as a fine and possibly doubled if it is determined that it is a gross refusal to comply with the rules. If your amenities privileges are revoked you will also be required to pay for the labor of deactivation of your key card of \$25.00 and Reactivation of your key card after your suspension is over with of \$25.00 as per the rules passed on 07/02/2015 meeting of the Elk Run Board of Directors. You may request a hearing within 10 days after notification of said violations. All rights to have the fine or suspension reconsidered are waived if a hearing is not requested within the 10 days of the notice. Sanctions will be determined at a Board of Directors Executive Hearing to be set. 3.21; 3.21A

The Governing Documents, Articles and Subsections that give the Elk Run Board of Directors the power to take such action are below:

Covenants and Restrictions Documents

ARTICLE III PROPERTY RIGHTS

- (a) the right of the Association to adopt and publish rules and regulations governing the use of the Common Area;
- (b) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility now or hereafter situated upon the Common Area;
- (c) the right of the Association to suspend the voting rights and right to use of the recreational facilities by an owner for a period during which an assessment against his Lot remains unpaid; and for a period not to exceed sixty (60) days or for any infraction of its published rules and regulations;

Bylaws Documents

3.18 Powers. The Board of Directors shall be responsible for the affairs of the Association and shall have all of the powers and duties necessary for the administration of the Association's affairs and, as provided by law, may do all acts and things as are not by law, the Declaration, Articles, or these Bylaws directed to be done and exercised exclusively by the members. In addition to the duties imposed by these Bylaws or by any resolution of the Association that may hereafter be adopted, the Board of Directors shall have the power to and be responsible for the following, in way of explanation, but not limitation:

- (d) Making and amending use restrictions and rules and regulations;
- (h) Enforcing by legal means the provisions of the Declaration, these Bylaws, and the rules and regulations adopted by it, and bring any proceedings which may be instituted on behalf of or against the Owners concerning the Association;

3.21 Fining or Suspension Procedure. The Board shall not impose a fine (a late charge shall not constitute a fine) or suspend a member's right to vote or to use any part of the Common Property unless and until the following procedure is followed:

- (a) Notice. Written notice shall be delivered to the member by first-class or certified mail sent to the last address of the member shown on the Association's records, specifying:
 - (i) The nature of the violation, the fine or suspension to be imposed and the date, not less than fifteen (15) days from the date of the notice, that the fine or suspension will take effect;
 - (ii) That the violator may, within ten (10) days from the date of the notice, request a hearing regarding the fine or suspension imposed;
 - (iii) The name, address and telephone numbers of a person to contact to challenge the fine or suspension;

(iv) That any statements, evidence, and witnesses may be produced by the violator at the hearing; and

(v) That all rights to have the fine or suspension reconsidered are waived if a hearing is not requested within ten (10) days of the date of the notice.

(b) Hearing. If a hearing is requested, it shall be held before the Board in executive session, and the violator shall be given a reasonable opportunity to be heard. 11 The minutes of the meeting shall contain a written statement of the results of the hearing. No fine or suspension shall be imposed prior to the date that is five (5) days after the date of the hearing.

1. Children Supervision: No children under the age of 14 will be allowed to use the pool or tennis facilities without adult supervision. Adult supervision is defined as a resident over the age of 18. Parent or supervising adult will have responsibility to protect non-swimming children. For their own safety, unaccompanied children under the age of 14 will be asked to leave the amenities area.

2. Swim Attire and Swim Diapers, Tennis Attire: ALL children under the Age of 3 or still in diapers are required to wear a swim diaper specifically designed for pool use per Douglas County Health Codes. If feces are released into the pool you are to notify a Board member immediately. For those children under the Age of 3 or still in diapers you are required to change them in the Women's bathroom where the changing station is located, not in the public area. It would be preferable to include proper swim attire over swim.

3. Showering: All swimmers **must** shower before entering the pool.

4. Closing of Facilities due to maintenance, repairs, or Inclement Weather: The pool or tennis facilities may be closed for necessary maintenance, or for adverse weather conditions or for any other reason deemed necessary by the Board of Directors. It is mandated by Douglas County Health Department that there is no swimming allowed during lightning storms where lightning is visual or Thunder can be heard.

5. Unauthorized items: No skateboards, roller blades, bicycles or anything else that may damage the court surface is allowed inside the pool, pavilion/clubhouse or tennis court areas. No motorized vehicles (i.e. ATV's, Mopeds or scooters) on lake trails or any other amenity area.

6. Guests (those not residing in the Elk Run Community): Must be accompanied by a HOMEOWNER at all times. NO RESIDENT OF ELK RUN CAN BE A GUEST OF ANOTHER ELK RUN RESIDENT. THIS IS A METHOD USED TO SURCOMVENT PAYING HOMEOWNERS DUES AND IS UNACCEPTABLE AND WILL RESULT IN SUSPENSION FOR 1 YEAR OF ALL SECURE AMENTIES FOR BOTH PARTIES. IF ONE OF THE PARTIES IS NOT CURRENT THEIR SUSPENSION WILL BEGIN AFTER THEY BECOME CURRENT AND WOULD NORMALLY HAVE ACCESS TO THE AMENTIES. *Reminder your key card notes when you enter the amenities as well as your on file photo and it can be traced if you are abusing the system.*

Homeowners are limited to 5 guests at one time at the pool facility.

7. Private use and rental of pool, tennis courts: There is no "Private Use" of the Pool or Tennis Court amenities. The Clubhouse, and Pavilion are available for rent to accommodate large gatherings.

8. Propping of Gates: The entry gates to either the pool or tennis courts WILL NOT be propped open, or left slightly cracked or open in any manner or the person determined to have left them in an accessible state will be subject to sanctions from the Board of Directors.

9. Key Cards: If you do not have an amenities key, the Homeowner will need to contact the Association at elkrun.hoa@elkrunhoa.net or call 770-489-1222 below to obtain an appointment for a key card.

The fee schedule is as follows and as voted on and noted in the minutes of the 2015-07-02 Elk Run HOA Board of Directors Monthly Business Meeting. Rental Homes in Elk Run as per the Rental Cap Amendment are consigned automatically to the tenant, so unless noted by the actual owner the key card will be turned over to the tenant. If the Tenant does not return the key card to the owner after the rental agreement has concluded there will be fees as noted below in the rental section. An amenities Pool/Tennis Key Card information Sheet mandatory for all residents using the amenities and must be filled out at the time of key exchange. Along with Photo ID to prove you are the owner or the tenant, a Rental Agreement that must already be on file with the association, and photos of all household members must be taken prior to issuance of a key card to the amenities. Failure to provide ALL household members photo will result in immediate revocation of access until compliance is met, no hearing is required if you are not in compliance to have the key card to start with. Homeowners are not permitted to loan their key to another homeowner who is not current with HOA dues or a non-resident. Homeowners caught in violation of this rule will have their amenities-privileges immediately revoked for the season. Random Pool Key Card inspections will be performed by appointees or even homeowners.

First Time Key Purchase-----	\$50.00
Additional Key (after original is issued) You must bring all keys issued so it can be confirmed they are not lost or stolen or an additional key will not be sold. -----	\$20.00
Lost, Stolen, or Damaged Key Cards-----	\$50.00

Deactivation for revocation of privileges and found to be at fault by the Board of Directors, or failure to pay dues on time (Late if paid after January 31 of each year) -----\$25.00
 Reactivation after a Deactivation -----\$25.00

Rental Property in Elk Run if key is not returned to owner after rental agreement concluded

Lost, Stolen, or Damaged Key Cards-----\$50.00
 Deactivation-----\$25.00
 Reactivation after deactivation -----\$25.00
 Total----- \$100.00

10. Proper etiquette: Proper etiquette required for use of Pool and Tennis facilities. You will be asked to leave for inappropriate or disruptive behavior. Music must be kept to a volume level not disturbing to others. No throwing of inappropriate objects in or around the pool or tennis courts. No weapons, threatening behavior or talk will be tolerated. Violators will be required to leave the area immediately, and may face further prosecution under law.

11. Consumables at Pool: No glass containers allowed in the pool or tennis court areas. **ABSOLUTELY NO FOOD WILL BE PERMITTED IN THE POOL AREA.** Members of the Board of Directors or their appointees will inspect all bags and coolers for food, if you have food you will be asked to remove food from the pool area and use the covered pavilion to eat. Homeowner’s who chose to ignore this rule, will receive an immediate 30-day suspension and/or revocation of privileges. Homeowners are asked to please clean the general area after swim or tennis play and place trash in appropriate receptacles prior to leaving the area. No gum or smoking allowed in the Pool area or Tennis courts.

12. Pets: No Pets are allowed inside the Pool or Tennis Court areas. All Animals must be on leashes and properly restrained by the homeowner at all times while using the lake trails or any other common area including the sidewalks AS PER COUNTY ORDINANCE NOT HOA RULES AND REGULATIONS. THIS IS A VIOLATION OF LAW. The Association will not be held responsible for any injuries sustained or damages awarded as a result of a homeowner's negligence or failure to properly restrain an animal wherein the animal bites, threatens or attacks another person or animal in any common area that is property of the Elk Run HOA.

13. AMENITIES Hours: The Lake and Tennis Court Common Areas are open year-round during the hours of 5:00 AM to 10:00 PM. The Swimming Pool is open 9:00 AM to 9:00 PM during swim season. THESE HOURS ALSO INCLUDE THE PARKING LOT. Anyone found trespassing after hours WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

14. Abuse of Property: Any person found vandalizing the Elk Run facilities or property WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

15. All Federal, State Laws, Local Ordinance: All Federal, and State Laws, and Local Ordinances currently stands and / or passed in the future are hereby adopted by the Board of Directors as a rule as well, and we reserve the right to fine and suspend based on violations of laws and ordinances.

16. Right to Fine, Suspend, and Recoup Costs: The board of directors has the right to fine, including but not limited to: the cost for repairs materials, all labor cost related to the repair, investigation, and have the fines and other associated cost DOUBLED depending on the severity. Suspend amenities usage privileges as well as voting privileges until your account becomes current and your rights are restored. Repeated or Serious Offenses will be referred for criminal prosecution depending on the severity and the decision of the Board of Directors.

Disclaimer ~ *Homeowners and guests use the Elk Run amenity facilities at their own risk. You are hereby notified NO LIFEGUARD OR SECURITY OFFICER IS ON DUTY A phone to call 911 for LIFE THREATENING Emergencies is located at the pool bathhouse. Use your CELL PHONE to reach a Board Member at 770-489-1222 or 1-888-415-8666. LEAVE A MESSAGE –The Board is notified immediately*

ELK RUN HOMEOWNERS ASSOCIATION