

# CHURCH POINT HOMEOWNERS ASSOCIATION

## RULES AND REGULATIONS

Revised: August 23, 2011

### OVERVIEW

The Board of Directors for Church Point Homeowners Association (HOA) is charged in the Bylaws and through the Virginia Property Owners' Association Act, Virginia Code Section 55-513, with the power to establish, adopt and enforce rules and regulations as adopted through resolution and reasonably published or distributed to all owners. This document establishes rules, clarifies and amends existing rules and includes a general summary of and clarifies certain covenants and restrictions contained in the Declarations and Bylaws, but it is not intended to be a substitute for the actual Declarations and Bylaws.

### APPLICABILITY

The Rules shall apply to all owners, their family members, tenants, guests and invitees, who shall comply with the Rules as the same may be amended from time to time. Owners are responsible for the actions of their family member, tenants, guests and invitees and for informing such persons of and providing them with a copy of the Rules.

### COMPLEMENTARITY

The Rules should be considered along with the Declaration, the Bylaws, the Articles of Incorporation and any amendments to these documents (collectively referred to as the "Governing Documents"). If any provision of the Rules conflicts with the terms or provisions of any of the Governing Documents, the terms and provisions of the applicable Governing Document(s) shall control.

1. **Architectural Approval** - Any external additions and changes to your property must be reviewed and approved in writing by the Board of Directors PRIOR to commencing any work. See 12(d) below for architectural approval process. These additions and changes include but are not limited to:
  - a. Buildings and structures
  - b. Fences (see additional requirements for fences in 10(f) below)
  - c. Walls
  - d. Significant landscaping changes
  - e. Mailboxes
  - f. Swimming pools, pool houses and game courts

- g. Boathouses
  - h. Bulkheads and Docks
  - i. Dog houses
  - j. Driveways
  - k. Exterior Siding/Paint/Etc.
  - l. Roof
  - m. Decks/Porches/Patios/Gazebos/Etc.
2. **Home Businesses** - Operating a business out of your home is generally prohibited except for those businesses that have no employees other than the residents AND does not generate frequent or regular visits from customers to the neighborhood.
- a. No signs or other symbols related to a business can be displayed.
  - b. Home internet businesses are acceptable as long as compliance with guidelines above.
3. **Signs** - Generally the posting of signage on property is prohibited with the primary exception of "property for sale".
- a. Sign must be no larger than six square feet (e.g., 2 ft. x 3 ft.)
  - b. Sign must be black lettering on a white background.
  - c. No colors are allowed.
  - d. No posting of signs by contractors is allowed at any time.
4. **Parking of Trailers / Boats** - No trailer, motor home, boat, recreational vehicle, etc. having a height of 5 feet or more shall be parked for more than 12 hours in a week on any lot or driveway.
- a. Driveways and parking areas adjacent to your home shall not be used for long term storage.
5. **Nuisance or annoyance** - Nothing shall be done on any lot which may be or become a nuisance or annoyance to the neighborhood.
- a. No animals that are not customarily considered household pets may be kept on your property – to include but not limited to livestock, horses, goats, chickens or other fowl.
  - b. This section also prohibits unusual activity such as a commercial use or storage that is unsightly and/or could be a fire hazard.

6. **Quiet Hours** - All residents and anyone authorized to do work on any property shall reduce noise levels between 6:00PM on Saturday and 8:00AM on Monday. This includes but not limited to:
  - a. Lawn mowers
  - b. Power blowers
  - c. Lawnedgers / weedeaters
  - d. Chainsaws
  - e. Other Power Tools
  - f. Loud Music
  - g. Musical Instruments
  - h. Sound Recordings
  - i. Appliances
  
7. **Commercial Vehicles and Trucks** - The use of any carport, driveway or parking areas which may be adjacent to a lot as a habitual parking place for commercial vehicles and trucks is prohibited. Commercial vehicles include:
  - a. Motor vehicles and vehicular equipment which bear signs, lettering, graphics or printing referring to a commercial enterprise, unless such vehicle is your sole mode of transportation, and tow trucks, buses and trucks with tools or equipment to perform commercial work or equipped with work implements.
  - b. Vehicles with a capacity to carry 16 passengers including the driver.
  - c. Prohibited trucks include motor vehicles designed for the transportation of property independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.
  
8. **Antennas**, such as a "dish" for satellite TV reception, are allowed provided they are not larger than one meter (39.37") in diameter and otherwise required to be permitted by the FCC's Over-the-Air-Reception Devices (OTARD) Rule (Covered Antennas). All other antennas are prohibited. Prior approval to install a Covered Antenna is not required, however, the Board of Directors must be notified in advance of all such installations. If the installation conforms with these antenna rules, installation can begin immediately.
  - a. All antennas shall be installed with emphasis on being as unobtrusive as possible. To the extent that reception of an acceptable quality signal is not precluded, installation, maintenance or use are not unreasonably delayed or the costs not unreasonably

increased, all Covered Antennas shall be screened from view from any street and lot to the maximum extent possible, and placement shall be made in the following order of preference:

- i. Inside the structure of the house or other permitted structure, not visible from the street;
- ii. Back or side yard, ground mounted on a mast less than five (5) feet in height;
- iii. Back or side yard, mounted on the house in the least visible location below the roofline;
- iv. Roof valleys as low as possible;
- v. Front yard, screened by and integrated into landscaping.

If more than one location on a Lot allows for an acceptable quality signal, the order of location preference described above shall be used and the least visible site shall be selected.

- b. Covered Antennas shall not be installed or encroach upon any common area or any other lot or airspace.
  - c. Installation of an antenna is not permitted on common area under any circumstances, even if an acceptable quality signal cannot be received from a lot.
  - d. Only one (1) Covered Antenna per lot may be installed, unless additional Covered Antennas are necessary to receive an acceptable quality signal and are not duplicative or have been prior approved in writing by the Board of Directors.
  - e. All Covered Antennas shall be kept in good condition and repair, including without limitation maintenance, repainting and replacement if the exterior surface deteriorates, and keeping it is a safe condition so as not to pose a safety hazard to persons or property. Covered Antennas are required to withstand wind of 100 mph, and shall be designed to withstand the pressure of snow and ice.
9. **Garage Trash Cans / Yard Waste** - Garbage and recycling cans must be stored so they are out of sight from the street. These cans (as well as special or bulk item waste, yard waste bags and stick/limb bundles) can only be placed out at the curb the evening before scheduled pickup day and must be promptly brought in after pickup the same evening.
- a. Garbage and recycling cans plus other items noted above cannot be placed on the curb prior to 3PM on the day before scheduled pickup day (currently Wednesdays).
  - b. Garbage and recycling cans must be removed from the curb before midnight the same evening as scheduled pickup.

- c. Same rules apply for yard and construction waste, etc. generated by contractors and landscapers. Waste material must be stored out of sight from the road within boundaries of resident's property until noted timeframe above.

10. **Maintenance** - Homeowners are responsible for the upkeep, maintenance and repair of the exterior of their properties to ensure a consistent and uniform appearance throughout the neighborhood so as not to become an eyesore, nuisance or annoyance. Maintenance includes but not limited to:

**a. Landscaping**

- i. Lawns are to be mowed regularly as needed to no ensure heights do not exceed 8 inches.
- ii. Lawns are maintained to ensure green appearance during growing season and significantly weed free.
- iii. Landscaping beds and underbrush (shrubs, hedges, etc) are to be weed free and mulched regularly maintaining proper pruning.
- iv. Landscaping plant material (e.g., shrubs, hedges, vines, etc.) shall be controlled and maintained so as not to grow over fences into neighbors' yards or extend over the fences along First Court Road.
- v. Trees are to be pruned of dead and diseased limbs as well as limbs that pose a hazard to vehicles, pedestrians and other homes/properties.

**b. Mailboxes**

- i. Mailboxes must be maintained in appearance and construction at all times.
- ii. Brick mailboxes must be structurally sound with no mold/mildew growth with operable mailbox doors and flags.
- iii. Stucco mailboxes must be structurally sound with no mold/mildew growth and regular painting to maintain original appearance with operable mailbox doors and flags.
- iv. Metal/plastic/wood mailboxes must be structurally sound, consistent and uniform painting and in good working order without excessive dents, cracks, chips or decay with operable mailbox doors and flags.

**c. Lighting**

- i. Exterior lighting on properties shall be in good working order with working bulbs.

- ii. Fixtures must be maintained in good appearance and condition.

**d. House numbers**

- i. House numbers are required on every home to be visible from the street.
- ii. Supplemental house numbers on curbs are acceptable but must be black numbers on a white background only.

**e. Paint and exterior walls of homes other structures**

- i. Exterior surfaces of homes and other structures must be maintained free of mold and mildew and in good repair.
- ii. Exterior paint colors must be selected from the Williamsburg Historic color collection. Original color schemes must be maintained. All color changes must be approved through the architectural review process.
  - 1. Periodic painting of the exterior is required to maintain appearance not to exceed 10 years between cycles unless needed sooner due to staining, peeling, flaking, cracking, etc.

**f. Fences and walls**

- i. Fences must remain in compliance with fence standards at all times.
- ii. Any and all new fences, replacements of and additions and changes to existing fencing, including without limitation style, design, material or height, etc., shall be submitted for approval through the architectural review process, prior to beginning the project.
- iii. Damaged or leaning/wavy fences must be repaired and repairs must be in compliance with fence standards.
- iv. All fences must be mold, mildew and other growth free.
- v. Brick walls must be maintained in compliance with fence standards above and have no missing mortar or bricks.
- vi. Stucco walls must be maintained in compliance with fence standards above, with regular painting and have no damage, cracks or stains.
- vii. Fence Specifications and Standards for fences backing First Court Road. These requirements are more exacting than those of the City of Virginia Beach. Notwithstanding, all fences backing First Court Road must comply with these standards. The purpose of these specifications is to maintain a uniform style

and wind resistant fencing along First Court Road. When replacing fencing or boards, the existing original fence style shall be replicated to the maximum extent possible.

- A. The City of Virginia Beach requires a building permit for fences parallel and within 30 feet of a street right of way.
- B. Materials. Clear Grade Western Red Cedar is the only vertical picket material that will be approved for the First Court Road location. #1 cedar and lesser grades are NOT acceptable as the knotholes may fall out over several years. Posts and back rails shall be structurally sound pressure treated wood.
- C. Style. Privacy fence with only minimal open space between vertical picket boards. Vertical pickets will be 1 inch x 4 inches x 6 feet (actual size after wood dries and shrinks is about  $\frac{3}{4}$  inch x 3  $\frac{1}{2}$  inches x 6 feet).
- D. Height. Must be six feet, which is the same as the original fencing. No more than two inches of open space shall be allowed below the bottom of the fence. Dirt should not come into contact with the bottom of the fence as it will cause rot.
- E. Six inch by six inch pressure treated support posts shall be installed at a minimum of eight feet apart. Taller posts with decorative notched tops shall be installed every 15 to 16 feet to match existing appearance.
- F. Posts shall be firmly set in a minimum 30 inch post hold filled with sharp crushed stone.
- G. There shall be three back rails evenly spaced. All rails shall be installed on the inside of the fence facing the fence owner's home. No rails shall face First Court Road.
- H. The top of the vertical pickets shall be capped with a flat horizontal (1 inch x 4 inch, actual size about  $\frac{3}{4}$  inch x 4 inch) cedar board with a 1 inch x 4 inch fascia board nailed underneath at right angles.
- I. A foundation board or bottom rail may be used at the bottom to protect the fence from the ground, but should be inside the fence.
- J. A six foot tall gate may be installed which opens towards First Court Road. It must match the fence style closely. Hinges shall be installed on the inside of the fence.

K. Only a clear transparent preservative finish shall be approved. Stains, sealants or paints of any color are not acceptable.

viii. Fence Specifications and Standards for fences in the Mews, Commons and Quays. Since various fence styles (cedar, wrought iron, etc.) already exist throughout the neighborhood, the purpose of these specifications is to maintain a uniform style and consistent appearance. When replacing fencing or boards, it is preferred that the existing original fence style shall be replicated to the maximum extent possible. All new fencing, extensions to and relocation of existing fencing shall replicate the existing fence in style, design, material, etc.

**g. Roofs**

- i. Roofs must be maintained to avoid excessive staining and discoloration.
- ii. Missing and damaged shingles must be replaced to match and conform to existing color/style.

**h. Driveways**

- i. Driveways must be maintained in proper, functional condition. Excessive cracks, chips and crumbling deterioration of concrete or other materials must be repaired.
- ii. Driveways must be exposed aggregate or stamped concrete and remain unstained (no colored coatings) unless approval is granted by Board of Directors through the architectural review process.
  - 1. Parking pads adjacent to garage doors shall be permitted to be brushed concrete but shall not exceed a distance of 15 feet from the garage door.
- iii. Driveways must be maintained free of excessive stains and discoloration from oil, grease, etc.

**i. Shutters, gutters, awnings, etc.**

- i. Window shutters must be maintained in good condition with no discoloration, flaking/peeling paint or disrepair.
- ii. Gutters must be in good working condition and properly attached to home.
- iii. Awnings must be properly attached, in good condition with no rips, tears or mold/mildew growth or staining.

- j. Porches, decks, ramps, enclosures, porte-cocheres, carports, boathouses, pool houses, in-law suites, attached or detached garages, sheds, playhouses, etc.
    - i. These areas and structures shall be maintained in good condition and aesthetic appearance to remain uniform and consistent with the primary home per the standards and rules/regulations above.
    - ii. These areas must remain mold, mildew, and other growth free.
11. No statues, monuments, bric-a-brac or symbols shall be displayed on property visible from street or adjoining street.
- i. Excluded are house number and name of residence.
  - ii. A gas pole lantern and/or sconce attached to the home and visible from the curb is required.
12. **Architectural and Rules Enforcement Committee (AREC).** This committee was established by the Board in January, 2011, to review all submissions for architectural or exterior additions and alterations and make recommendations to the Board regarding approval, conduct inspections, identify violations and submit recommendations on rules and regulations to the Board of Directors. This committee replaces the former Architectural Control Committee and the Rules Enforcement Committee.
- a. Composition. The AREC shall consist of not less than three (3) or more than five (5) members of the Association appointed by the Board of Directors.
  - b. Term. The members of the AREC and Committee Chair shall be appointed by the Board to serve two (2) year terms.
  - c. Eligibility. Owners of record who meet the following qualifications are eligible for appointment to the AREC:
    - i. current in payment of all sums due the Association;
    - ii. have not been in violation of the Governing Documents and Rules and Regulations in the 24 months prior to appointment;
    - iii. may be members of the Board of Directors; however, the Committee Chair shall not be a member of the Board of Directors.
  - d. Approval Process. The AREC shall review all completed submissions for compliance with the Governing Documents and Rules and Regulations, as soon as practical after receipt. Further reference is made to the Architectural Change Application Submission Guidelines and Procedures, a copy of which is attached hereto and is available from the AREC: [arec.churchpointhoa@gmail.com](mailto:arec.churchpointhoa@gmail.com), or Association management: The Select Group, Inc., 2224

Virginia Beach Blvd, Suite 201, Virginia Beach, VA 23454, (757) 486-6988 (facsimile). The AREC review will include:

- i. review submission, including project plans and specifications;
- ii. personal visit to the proposed project site to view and meet with owner;
- iii. as soon as practical after receipt of completed application, submit recommendation to the Board of Directors, who will make determination about approval;
- iv. for Board approved projects and upon project completion, inspect the completed project to verify completion per the approved application.

e. Inspections. The AREC will make periodic tours of the community to inspect and identify violations of the Governing Documents and Rules and Regulations.

f. Notice of Violation. The AREC shall send or cause to have sent notices of violations of the Governing Documents and Rules and Regulations to owners.

13. **Assessments**. Dues assessed by the Board of Directors are an annual obligation currently designated by the Board to be paid in quarterly installments payable on the 1<sup>st</sup> day of the month beginning each quarter (Jan 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup>) unless otherwise altered by the Board. The assessment payment is in default if payment is not received within 10 days of the due date as noted above. When an assessment is in default, interest shall accrue on the unpaid balance at the rate of 12% per annum from the due date until paid. The Board of Directors, pursuant to the Bylaws, has the authority to alter the payment of dues.

14. **Assessment Of Fines For Violations And Suspension For Failure To Pay**. In addition to any other rights of the Association, the Board of Directors shall have the power to (i) suspend a member's right to use facilities or services, including utility services, provided directly through the Association for nonpayment of assessments which are more than sixty (60) days past due (or such shorter time frame as may be provided by Va. Code Section 55-513B), to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any member, tenant or occupant and (ii) to assess charges against any member for any violation of the Governing Documents or Rules and Regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

Before any such suspension or charges may be imposed, the member shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors or such other tribunal to whom the Board may by resolution delegate.

Notice of such hearing, including the fines or other sanctions that may be imposed shall, at least fourteen (14) days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such member at the address of record with the Association.

The amount of charges so assessed shall not exceed \$50 for a single offense, or \$10 per diem for

any offense of a continuing nature, as limited by Va. Code Section 55-513B, which charges shall be treated as an assessment against the member's lot for purposes of Va. Code Section 55-516, or such greater amount as may be permitted by Va. Code Section 55-513B, as amended.

The hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to such member at the address of record within seven (7) days of the hearing, or such longer period as may be allowed by Va. Code Section 55-513B.

All references to sections of the Va. Code mean such provisions, as amended or replaced.

**15. Association Complaints Pursuant to Va. Code Section 55-530E and Regulations 18 VAC 48-70-60.**

a. An owner or resident may file a written complaint regarding the action, inaction or decision by the Board that is inconsistent with applicable statutes and regulations ("Association Complaint"). All Association Complaints shall be submitted in writing to Association management at The Select Group, Inc., 2224 Virginia Beach Boulevard, Suite 201, Virginia Beach, VA 23454, (757) 486-6988 (facsimile). The Association may provide an Association complaint form.

b. The Association Complaint shall be as specific as possible about the facts and circumstances and shall include references, to the extent the complainant has knowledge, to any provisions of law, regulations, the Declaration, Bylaws, rules, resolutions or other document, which are the subject of the Association Complaint and shall state the requested action or resolution. The Board has the option not to act upon any complaint for which insufficient information is provided, which does not in the Board's sole discretion constitute a valid complaint or that an owner or resident fails or refuses to submit in writing.

c. A member of the Board or Association management will provide written acknowledgement of receipt of the completed complaint within seven (7) days of receipt and shall state the date, time and location that the matter will be considered by the Board of Directors. The acknowledgement shall be hand-delivered or mailed by certified mail, return receipt requested, to the complainant at the mailing address or, provided the sender retains proof of delivery, by electronic transmission to the email address provided on the complaint form. If it appears from the submission that additional information is necessary to continue processing the Association Complaint, the acknowledgement will also identify the additional information needed and provide a reasonable amount of time for the complainant to respond.

d. If the complainant fails to respond within the timeframe by providing the additional requested information, the Association Complaint shall be deemed withdrawn. If an Association Complaint is deemed withdrawn, the Board shall notify the complainant in writing of such disposition by hand delivery, first class mail or email.

e. Completed Association Complaints will be reviewed at the next regularly scheduled meeting of the Board, provided such form is submitted at least seven (7) days prior to the next regularly scheduled Board meeting. If the completed complaint is received less than seven (7) days prior to the next regularly scheduled meeting of the Board, the form shall be reviewed at the next subsequent regularly scheduled Board meeting.

f. Within seven (7) days of any decision by the Board, notice will be hand delivered or mailed by certified mail, return receipt requested or, provided the sender retains sufficient proof of delivery, by electronic transmission to the complainant at the address on the Association Complaint. This notice shall be dated and include specific citations to applicable relevant document, statutes, regulations, rules or resolutions that led to the determination, as well as the CICB registration number of the Association. This notice will be the final written determination if no appeal is made by the complainant.

g. Reconsideration. The owner may seek a reconsideration of the decision of the Board, provided a written request for reconsideration is submitted in the same manner required of the Association Complaint within 30 days of the Board decision notice, is dated and sets forth the basis for the reconsideration. Should the Board decide to hear the reconsideration, it will notify the party seeking reconsideration in writing in the manner set forth in paragraph c above, of the date of such hearing, which shall be no earlier than 14 days from the date of such notice.

h. The Board may elect not to reconsider the decision, in which case it shall notify the complainant in writing of such decision in the manner set forth in paragraph c above.

i. Once the Association Complaint procedure has been exhausted, the notice of final determination shall be dated and include specific citations to applicable documents, statutes, regulations, rules or resolutions that led to the final determination, as well as the CICB registration number of the Association. The final determination notice shall include a notice of the complainant's right to file a Notice of Final Adverse Decision with the Common Interest Community Ombudsman and the applicable contact information.

j. A record of each association complaint filed with the Association shall be maintained for no less than one year after the Board acts on the Association Complaint.