

## **CSC Operating Guidelines** (Amended March 20, 2017)

The Community Standards Committee from this point forward in this document will be referred to as the CSC.

### **Committee staffing:**

Members of the CSC are volunteers appointed by the CSC Chairman. There is no set term limit. The CSC is not an independent committee. It is subject to the oversight and guidance of the POA Board of Directors. The CSC members will report to the Community Standards Committee Chairman, who is a POA Board member, and who in turn will report to the POA Board of Directors at monthly meetings or whenever needed. In the absence of the CSC Chairman the CSC will report to the Vice President or other designated member of the POA Board.

The CSC will consist of up to (5) volunteers that are permanent residents from the community of Lockwood Folly. Each member will be assigned a territory. The current territories are;

Channelside & Marshview (including all intersecting courts & streets)

Clubhouse drive from the intersection of Marshview to the gate (including all intersecting courts)

Clubhouse Drive from the intersection of Marshview to the clubhouse and Marina Dr. (including all intersecting courts)

Lockwood Lane & Windward Village (including all intersecting courts)

Genoes Pt. Rd. and Lakeview Dr. (including all intersecting courts)

### **Scope:**

The CSC committee members shall investigate any infraction or complaint of the Lockwood Folly covenants or community appearance standards, sent to them by any POA member. CSC members also have the authority to observe, review, canvass and investigate all areas of the community for covenant violations or sub-standard property appearance, ***subject to the powers & limitations afforded by the Lockwood Folly Master Declaration of Covenants (MDC)***. The CSC committee will set informal guidelines for reviewing properties in the community, which will include periodic canvassing. Property characteristics for review are typically of four (4) types:

#### **1. Structures & yard items:**

- Condition & appearance of all Structures
- Dwellings that are in need of painting (moldy, badly faded or peeling)
- Window or door repair/painting
- Roofing replacement (missing shingles)
- Post lamp badly stained or not illuminated
- Driveways and sidewalks (need cleaning or crumbling and missing pieces)
- Mailboxes (structurally falling apart and or in need of cleaning or painting)

## 2. Landscaping:

- Dead and diseased trees, shrubs and grass
- Leaves not raked or removed within a reasonable period, subject to the season and situation
- Grass that has not been cut
- Shrubs that are obviously overgrown (not pruned to give a manicured look)
- Illegal piling or dumping of yard debris on any occupied or vacant lot
- The removal of trees without the approval of the ASC
- Generally unacceptable overall appearance of the property (subject to a review of other committee members or a designated reviewer)

## 3. Parking:

- Vehicles parked off of hard surfaces on a permanent, long term or repeat basis are prohibited. In the case of a special event that requires more space than provided by the host's driveway, vehicles may temporarily park off-road, however, the vehicle owner will be responsible for any yard damage to turf or sprinklers. Common sense should be applied in selecting an off-road location.
- Boats must be parked in the boat storage lot except for temporary maintenance or cleaning. No permanent, long term or frequent parking of boats in any location outside the boat storage area is permitted.
- Parking on Clubhouse Drive (roadside or median) is to be limited to special needs (grounds maintenance vehicles, contractors, emergencies, etc.) This is due to potential damage to the POA irrigation system.

## 4. Other Covenant Violations:

Any covenant violation that does not fall under the purview of the ASC. Examples: Improper signage, improper satellite dish installation, improper placement of recreation equipment, etc.

## Appearance Criteria

Covenant violations are of 2 types, non-subjective and subjective appearance. Non-subjective violation examples are a burnt out post light, boat parked in a driveway for more than a week, an unlicensed vehicle stored in a driveway or a car parked overnight in a yard or lot (not in a driveway), i.e., the criteria is specific. Subjective appearance violations are more difficult to administer. Whether or not a property is sub-standard depends on the eye of the observer. **Therefore, the observer must be certain in his/her own mind that the appearance factors to be cited rise to the level of a covenant violation.** In general, the standard may be defined in this way:

An appearance feature may be determined to violate the appearance standard if 1) it does not conform to, or is clearly worse than, the average appearance of the same feature viewed at other properties in the same general area; 2) the deficiency is eye-catching; 3) any reasonable observer would consider it to be in need of improvement.

## **Territory Inspections & Follow-up:**

After an initial canvassing to identify any non-conforming properties, committee members will need to review their territories once each month prior to the monthly CSC meeting to monitor progress of cited properties and to note any additional violations. They will note sub-standard properties/covenant violations and monitor the progress of previously cited properties.

Any proposed violation involving a subjective appearance standard violation must be reviewed. It may be reviewed by other committee members or an assignee of the committee. Before a citation is issued, there must be agreement that a property is in bad enough condition to warrant a citation. In the event of disagreements, the committee chairman has the final word on issuing citations.

After agreement is reached to send a non-conformance letter, the committee member will select the appropriate non-conformance letter from the letter file, modify it as necessary (add owner name, date, and any additional comments or instructions), print it and place it in the property owner's letter box. The CSC rep will keep a record of the citations and the dates issued. He/she will provide this information to the committee chairman to enter into the CSC log.

After the form letter is issued, the CSC will allow one month (the time between CSC meetings) for some progress to be made on the problem. The CSC rep will report on the progress for each cited property at the next CSC meeting. If the home owner has not made progress, and has not communicated with the CSC as to the reason for delay, a second letter will be issued. The same procedures will be followed for the second letter as the initial letter. The property owner will have 15 days to respond with either work to correct the problem or reasons why he hasn't responded. If after 15 days no attempt is made to rectify the nonconformance, the property owner will be reported to the BOD, at the discretion of the CSC chairman.

## **Contact With the Property Owner in Case of Disagreements**

It will be the responsibility of the committee chairman to handle any contact with a property owner in order to maintain a consistent message, avoid misunderstandings, and protect CSC member representatives from confrontations with uncooperative residents. The chairman will issue any follow-up notices that suggest punitive steps could be taken for non-compliance or letters informing a resident that penalties have been assessed. The chairman will be the final arbiter on assessment of penalties; he may or may not act on recommendations for punitive actions by the CSC committee. In the case of a fine, suspension of privileges or other penalty being assessed for non-compliance, the CSC chairman will request board approval, and if granted, be empowered initiate punitive actions, according to the procedures specified in N.C.G.S. 47F-3-107.1.

## **Assessing Penalties**

Penalties for non-compliance, such as fines or suspension of privileges, must follow the procedures set out in NCGS 47F-3-107.1. After expiration of the specified time limits for compliance as indicated above, the CSC chairman may recommend that the BOD assess fines or suspend privileges of the offending

property owner. Prior to the board vote, notice must be conveyed to the property owner of the impending fine or suspension of privileges in writing. The letter must include notice of a scheduled hearing date and time at which the property owner may appear before the board to argue his/her case. The hearing must be attended by a voting majority of board members (5). Subsequent to the hearing, the board may, by a majority vote (5), impose threatened penalties or take other action based on the hearing outcome. In the event the property owner does not appear at the scheduled hearing, the board may assess penalties by a majority vote (5). Written notice of the hearing results should be conveyed in writing to the property owner. Fines and or suspension of privileges will remain in place until the non-conformance is remediated.