

Sporting Equipment and Activities on Lots

Homeowners, resident, and guests at Fairways at Lakeside Community Association are welcome to enjoy sporting activities, but must comply with the rules of the Association.

The Fairways at Lakeside Declaration of Covenants, Conditions and Restrictions provides, in paragraph (24): "Hobbies or activities that tend to detract from the aesthetic character of the Lots, and improvements used in connection with such hobbies or activities, shall not be permitted unless carried out or conducted as directed by the Developer. This section has reference to, but is not limited to, such activities as automotive and boat repair and sport activities involving equipment placed on the Lots." This paragraph shall hereinafter be referenced as "Declaration (24)."

The Developer's responsibility has been inherited by the Fairways at Lakeside Community Association. The Board of Directors is responsible for enforcing existing rules, and enacting new ones. Previous Board policy regarding basketball goals is hereby amended to be the following.

Sporting equipment, including any part thereof, may be visible on a Lot of The Fairways at Lakeside Community Association only while the equipment is in use. The visible presence of such equipment is a violation unless a homeowner or resident of the Lot, or a guest, is simultaneously visible in the vicinity of the equipment. No such equipment may be permanently attached at a visible location.

"Visible" means observable by anyone at a location accessible to the general public, or at any Lot other than the Lot where the sporting equipment is located. "Permanently attached" includes, but is not limited to, attachment to any building, pavement, patio, deck, ground or other difficult to move object by means of screws, bolts, nails, rivets or adhesive.

Sporting activities must be conducted in a manner that is safe to all people, including people in public places, people at the Lot where the equipment is used and people at other Lots. Sporting equipment must not be placed in a manner that encourages play in the public streets. Sporting activities must not occur in the public streets.

A violation of this policy is considered a violation of Declaration (24) by the Lot owner(s), regardless of who placed the sporting equipment at his/her Lot or that the person(s) involved in sporting activity are non-owner residents or guests of the Lot.

For each violation of Declaration (24), the President of the Association shall issue a written notice of violation to the homeowner(s), quoting Declaration (24), quoting this rule, and requiring that the violation be remedied within 2 business days of the notice if the notice is hand-delivered or sent to a homeowner-authorized e-mail address, or within 5 business days if the notice is sent by U.S. mail. An appropriate extension of time may be granted to a homeowner who demonstrates delayed receipt of the notice, for example

because the homeowner was out of town for several days. An appropriate extension of time may be granted to a homeowner who demonstrates that he cannot resolve the violation within the allowed time, for example because the homeowner will be out of town for a significant part of the allowed time. No extension of time may be granted without documentary evidence demonstrating the need, such as paid receipts for airfare or a hotel room, passport endorsements showing entry to and exit from another country, or medical records showing a temporary incapacity.

The notice of violation shall be a warning, with no fine imposed, except as follows. For any violation by the same homeowner(s) within 5 years after a written notice of violation, regardless of whether such notice was issued pursuant to the current policy or to a previous policy, the President of the Association shall issue a notice of fine. The fine shall be \$20, except as follows. For the first violation within 12 months of a previous finable violation, the fine shall be increased to \$50. For the next and subsequent finable violations within a 12 month period, the fine shall be increased to \$100 for each such violation. For the fourth and subsequent finable violations within a 12 month period, the Board may increase the fine, and the homeowner also shall be prohibited, for 12 months after the notice of fine, from having visible sporting equipment on his Lot at all, regardless of whether the equipment is in use.

The purpose of this policy is not to prohibit sporting activities. The purpose is to uphold Declaration (24), as the Board is required to do, and to provide a reasonable compromise between people wishing to participate in sporting activities, and homeowners concerned that sporting equipment and activities may detract from the aesthetic character of the Lots.

This rule was adopted by vote of the Board of Directors on 6/15/2011, and is effective 6/22/11. Little advance notice is deemed necessary for the following reasons. All homeowners have a legal duty, at the time of purchasing a Lot, to be aware of the Declarations, including Declaration (24). This new rule *loosens* the previous restrictions on sporting equipment and activities, so any violation of this rule still would have been a violation if this rule had not been adopted. Also, fines are imposed only for violations occurring after a warning.