

Freshwater Estates Property Owners Association (FEPOA) RULES

Original Effective Date: March 12, 2005

Last Amended: August 2014

General: Pursuant to Section 55-513 of the Virginia Property Owner's Association Act, the FEPOA Board of Directors (Board) has "the power to establish, adopt and enforce rules and regulations with respect to the use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration [i.e. Covenants], except where expressly reserved by the declaration to the members." Accordingly, the Board has adopted the following Rules consistent with its authority to do so within the limits of the FEPOA Covenants and Virginia state law. The Board shall not create Association Rules that (1) exceed the limits of its authority under the FEPOA Covenants or (2) constitute the *de facto* creation of a covenant in violation of the requirement that two-thirds (2/3) of the Lot Owners of the Freshwater Estates approve the amendment of the FEPOA Covenants.

RULE 1 - August 2014: FEPOA Adoption of Louisa County Leash Law:

WHEREAS, the Board has received many concerns and complaints regarding uncontrolled dogs within the community and incidents constituting violations of Covenant Section 5 Animals; and

WHEREAS, Section 5 of the Covenants provides:

"SECTION 5 ANIMALS"

No livestock or poultry projects shall be maintained within said subdivision, nor shall any dog kennels or other such projects involving the rearing, handling or care or maintenance of animals in numbers or commercially be conducted or maintained within this subdivision, No more than four (4) dogs shall be kept on any lot. No animals or pets shall be kept on any residential lot which are an annoyance or nuisance to other owners or residents in the vicinity of the subdivision."

and

WHEREAS, Louisa County Code Section 14-41 Dogs Running at large in Certain Subdivisions (the "County Leash Law") permits communities governed by restrictive covenants (like FEPOA) to adopt and enforce the County Leash Law during the entire twelve (12) months of the year; and

WHEREAS, the County Leash Law requires that dogs be on a leash or under the owner's direct control when the animal is not on the owner's lot; and

WHEREAS, the Board intends to maintain the Freshwater Estates community as safe and comfortable for all Association members free from the threats and concerns of loose and/or uncontrolled animals.

Accordingly, the Board hereby adopts the County Leash Law to apply all twelve (12) months of the year.

RULE 2 - August 2014: FEPOA Limitations on the “County Camping Exception”:

WHEREAS, Freshwater Estates is a residential community as established in Section 1 of the Rules and Covenants; and

WHEREAS, Louisa County’s ordinances expressly permit camping (including the storage and use of a camper/trailer) on a lot zoned for residential use, provided that, a valid building permit has been issued by the Louisa County Building Office for such lot (the “County Camping Exception”); and

WHEREAS, it appears that certain lot owners have obtained a building permit, not for the purpose of construction, but solely for the purpose of circumventing the FEPOA “NO CAMPING” rule established by the FEPOA Board under the guidance of legal counsel in January 2004; and

WHEREAS, Louisa County Building Office officials confirm that such circumvention of FEPOA Rules is not the intended purpose of the County Camping Exception; and

WHEREAS, in order to clarify the Association’s position and eliminate abuse of the County Camping Exception in the future, the FEPOA Board hereby institutes the following limitations:

- (a) If prior written approval is granted by the FEPOA Board temporary camping may be allowed, consistent with the County Camping Exception, when a residence is being built on a lot in Freshwater Estates.
- (b) Only one camper/trailer may be placed on the lot during construction.
- (c) In order to continue camping and/or maintain a camper/trailer on any lot for camping use, active home building must be started not more than sixty (60) days after the issuance of the Louisa County home building permit and noticeable progress must continue for a period of not more than twelve (12) months with the valid Louisa County building permit posted in a prominent location and visible from a State road.
- (d) The permit must remain posted and visible during the entire building process until an Occupancy Permit is issued by Louisa County.
- (e) Any requests for extensions during the building process must be approved in writing by the FEPOA Board.

RULE 3 - (9 February 2015): Common Area Rules of Conduct:

WHEREAS, the Freshwater Estates Board has received many concerns and complaints regarding the use of and activities in the Freshwater Estates Common Area; and

WHEREAS, in an effort to make this recreational area safe and comfortable for all Freshwater Estates members, the Board feels it is necessary to establish certain rules of conduct for the Common Area.

Accordingly, the FEPOA Board' hereby adopts the following Common Area Rules:

1. **THIS AREA IS PRIVATE PROPERTY FOR MEMBERS IN GOOD STANDING WITH FEPOA AND AUTHORIZED GUESTS ONLY. UNACCOMPANIED GUESTS MUST BE IDENTIFIABLE AS A GUEST BY THE MEMBER PERMITTING USE OF THE FRESHWATER ESTATES COMMON AREA.**
2. **AN ADULT MUST SUPERVISE ALL YOUNG CHILDREN AT ALL TIMES.** FRESHWATER ESTATES IS NOT RESPONSIBLE FOR THE SAFETY OF MINORS. USE OF THIS COMMON AREA IS AT YOUR OWN RISK. FEPOA ASSUMES NO RESPONSIBILITY FOR INJURIES OR PERSONAL PROPERTY DAMAGE, LOSS OR THEFT.
3. **THERE IS NO TRASH COLLECTION IN FRESHWATER ESTATES – THE COMMON AREA IS A TRASH FREE ZONE.** TAKE ALL TRASH YOU CREATE WITH YOU.
4. **NO OVERNIGHT PARKING OF ANY VEHICLES, TRAILERS, ETC., WITHOUT PRIOR WRITTEN APPROVAL BY THE FEPOA BOARD. LOUISA COUNTY SHERIFF'S OFFICE WILL BE NOTIFIED OF OFFENSE(S).**
5. **NO CAMPING OR OPEN FIRES IN THE COMMON AREA.** CHARCOAL FIRES ARE PERMITTED ONLY IN THE BBQ GRILLS. MOVING OR REARRANGING THE PICNIC TABLES AND/OR GRILLS WITHOUT PRIOR PERMISSION FROM THE FEPOA BOARD IS PROHIBITED.
6. **PROFANITY, PUBLIC DRUNKENNESS AND INDECENT ACTIONS ARE NOT PERMITTED.**
7. **WATERWAYS IN AND AROUND THE FRESHWATER ESTATES PIERS ARE ALL IN A NO WAKE ZONE** UNTIL BEYOND THE BUOYS. VIOLATORS WILL BE REPORTED TO THE SHERIFF'S OFFICE AND/OR VIRGINIA'S GAME AND INLAND FISHERIES GAME WARDEN.
8. **MOTORIZED DIRT BIKES AND ATV'S AND THE LIKE ARE PROHIBITED.**
9. **NO PETS RUNNING FREE - ALL PETS MUST REMAIN ON A LEASH.** VIOLATIONS WILL BE REPORTED TO ANIMAL CONTROL, (540) 894-4397 OR (540) 967-4219.

10. **NO CONSTRUCTION EQUIPMENT OR MATERIALS OF ANY KIND SHALL BE STORED OR PLACED IN THE COMMON AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE FRESHWATER ESTATES BOARD.** MEMBERS PROVIDING CONTRACTORS ACCESS TO THE COMMON AREA WITHOUT PRIOR APPROVAL FROM THE BOARD MAY LOSE THEIR ACCESS TO THE COMMON AREA.
11. **NOISE FROM AMPLIFIED EQUIPMENT, BOOM BOXES, ETC., SHALL NOT CARRY BEYOND THE COMMON AREA.** THE COMMON AREA IS A QUIET ZONE BETWEEN DUSK AND 10 A.M. PLEASE BE RESPECTFUL OF PRIVATE HOMES IN THE AREA.
12. **ALL BOAT SLIPS ARE PRIVATELY OWNED.** WATER CRAFT OF ANY KIND PARKED IN A SLIP WITHOUT PRIOR WRITTEN PERMISSION OF THE OWNER (S) OR IN THE CASE OF UNASSIGNED SLIPS, THE FEPOA BOARD', WILL BE MOVED AT THE DISCRETION OF THE FEPOA BOARD. FEPOA IS NOT RESPONSIBLE FOR WATERCRAFT ILLEGALLY PARKED WHETHER IT IS IN A FEPOA UNASSIGNED SLIP OR PRIVATELY OWNED SLIP.
13. **COMMON AREA SPEED LIMIT IS 10 MPH AND IS TO BE OBSERVED AT ALL TIMES.**

MEMBERS FOUND IN VIOLATION OF ANY OF THE COMMON AREA RULES OF CONDUCT, WILL LOSE ACCESS TO THE COMMON AREA.

Report violations to the above rules to the FEPOA

Board: directors@freshwater-estates.net