

2010 Fines for Violations to Covenants

Sec. No.	Section Heading	Maximum Fine (per month, per violation)
7.1	Conformity and Approval of Structures	\$50 to \$200
7.2	Prior review of All Plans	\$100
7.3	Objectives of the Architectural Control Committee	Not Applicable
7.4	Fences	\$100
7.5	Residential Use of Lots	\$50 to \$200
7.6	Prohibition Against business Activity and "Time Sharing" Use	\$50 to \$200
7.7 *	Temporary Structures	\$50 to \$200
7.8	Mining and Drilling Prohibition	\$200
7.9	Setbacks, Building Lines and Height Restrictions	\$100
7.10	Timely Construction Progress	\$50 to \$200
7.11	Material Restrictions	\$50
7.12	Rebuilding Requirement	\$50 to \$200
7.13	Elevation and Drainage Changes	\$100
7.14	Tree Removal	\$100
7.15	Clothesline	\$50
7.16	Water Systems	\$50
7.17	Sewer Systems	\$100
7.18 *	Garbage Disposal	\$50
7.19 *	Sign Control	\$50
7.20	Natural Buffer Zone	\$50 to \$100
7.21 *	Exclusion of Above Ground Utilities	\$50 to \$100
7.22 *#	Certain Vehicles Prohibited On Lots, Streets and Common Areas	\$50 to \$100
7.23 *	Junk or Disabled Vehicles	\$200
7.24	Motorcycles	Not Applicable
7.25	Pets	\$50 to \$200
7.26	Perimeter Access	\$50
7.27	Rental Period	\$100
7.28	Prohibition of Open Outdoor Storage	\$50
7.29	Prohibition of Accessory Structures	\$50
7.30	Nuisances	\$50 to \$200
7.31	Landscaping	Not Applicable

7.32	Special Hazards	Not Applicable
7.33	Encroachments	\$50 to \$200
7.34	Subdivision of Lots; Easements and Encroachments	\$100 to \$200
7.35	Increased Size of Lots	Not Applicable
7.36	Building Requirements	\$200
7.37	Ponds	\$50 to \$200
7.38	Utility Company Requirements	\$50
7.39 *	Gardens, Basketball Goals, Etc.	\$50
7.40	Lighting	\$50
7.41	Sight Distance at Intersections	\$100
7.42	Solar Devices	\$100
7.43	Wetlands	\$100
7.44	Mailboxes	\$50
7.45 *	Driveways and Garages	\$50
7.46 *	Lawn Care and Other maintenance Required by Owner	\$50 to \$100

Note: Late fee for failure to pay assessment when due: \$50 per month

* Attachment 1

Guidelines for initiating letters of violation, requests for a hearing, and the imposition of fines resulting therefrom.

The Covenants and Restrictions apply to all homeowners, residents, and tenants, and have the common goal of maintaining order, property values, and a visually harmonious and residential character to the entire neighborhood.

The Board of Directors of the Home Owners Association (HOA) together with the property management company have the legal authority to enforce the restrictions of the Covenants by means of a sequence of warnings, hearings, and monetary fines. All City of Charleston ordinances are also applicable.

The following is a description of the criteria to be used for determining when a letter of violation is to be issued for some specific restrictions that have become troublesome to the HOA. Note that no fines can be imposed unless preceded by a violation letter and a hearing in accordance with Section 13 of the by-laws.

All other restrictions are to be interpreted and enforced as written.

Section 7.7 Temporary Structures

(Failure to comply will prompt a letter of violation, and fines will result if condition not remedied)

This restriction is fairly clear as written with the intention of prohibiting any type of significant structure from being placed upon a residential lot or common area, either temporarily or permanently, for the purpose of storage or occupancy. Certain specific exceptions are identified and allowed. However, the list

of prohibited structures includes trailers, motor homes, campers, and other similar vehicles that are wheeled and highly mobile, and therefore more appropriately addressed in Section 7.22.

Section 7.18 Garbage Disposal

(Failure to comply will prompt a letter of violation, and fines will result from chronic violation)

Garbage containers (trash cans) must be of the type provided by the City of Charleston for outdoor residential use. This includes color (green), mobility (wheels), and a closing top (hinged lid). Containers must be kept clean and have the lids closed, and not be filled to overflowing. For garbage pick up they may be placed curbside the day before pick up day, and must be removed no later than the day after pick up. On all other days the containers must be stored so as to minimize their visibility when viewed from any street adjacent to the house lot. This may be accomplished by the use of natural (trees, bushes) or fabricated barriers (small fence, latticework) to substantially mask the view of the container. In some cases ACC approval may be needed to install a sight barrier. If no such barrier is practical, the container must be stored no less than 10 (ten) feet back from the front corner of the nearest vertical surface of the home structure facing the street, adjacent to the property, from which the container can be viewed. It is not acceptable to store the containers anywhere in front of the house or garage door, and automobiles or other vehicles do not constitute a visibility barrier.

Section 7.19 Sign Controls

(Failure to comply will prompt a letter of violation, and fines will result if condition not remedied)

Although no business activity is permitted on any lot, it is recognized that most if not all residents are gainfully employed in some business activity centered away from the home. In some cases this may involve the use of a motor vehicle (passenger car, small truck) owned by the resident but displaying the name or logo of the employer. Such signage should be limited to one panel (on each side of vehicle) and not include offensive language or graphics, and to the extent possible, the vehicle should be stored in the garage so as not to present an appearance of blatant advertising. Note that all political campaign signage, whether ground based or attached to a vehicle (except a bumper sticker), is also prohibited anywhere within the sub-division.

Section 7.21 Exclusion of Above Ground Utilities

(Failure to comply will prompt a letter of violation, and fines will result if condition not remedied)

The FCC takes precedence by prohibiting restrictions on antennas used to receive local TV broadcast signals, and only limits the size of dish antennas to one meter or less in diameter for residential property owners. Smaller dish antennas are quite common and should not be located on the front side of the house, including that portion of the roof facing the street. For all other locations, public view should be minimized by either natural or fabricated sight barriers. Note ACC approval may be required for such barriers.

Section 7.22 Certain Vehicles Prohibited On Lots, Streets, and Common Areas

(Failure to comply will prompt a letter of violation, and fines will result from chronic violation)

First, the City of Charleston parking regulations apply to the streets of this sub-division. Suspected violations should first be referred to the Livability Court for resolution. Only in extreme problem cases where the City and all other remedies have failed, should the HOA resort to having a vehicle towed. Note that parking on any grass, Common Area, or blocking sidewalks is prohibited.

Secondly, boats, motorcycles, RV's, and campers (not buses or motor homes) may be stored (a period exceeding 2 weeks) on a home owners lot only in an enclosed area so as to be normally and substantially out of sight when viewed, at ground level, from any adjacent street, residential lot, or clear common area, i.e. not "the woods". Note that ACC approval is required for the construction of stockade type fences.

Thirdly, trucks larger than those considered passenger vehicles, or those clearly identified as commercial trucks, or those carrying protruding work equipment and not associated with a permitted onsite project are not to be left unattended anywhere within the sub-division beyond the duration of the specific task at hand.

Lastly, recreational vehicles, including boat trailers, which have a primary storage site outside of the sub-division, may be parked on a paved area of a home owner's lot no more than two nights in any seven day period.

Also note it is not acceptable to leave vehicles parked and unattended in the lot near the pool/playground for the primary purpose of displaying them as for sale.

Section 7.23 Junk or Disabled Vehicles

(Failure to comply will prompt a letter of violation, and fines will result if condition not remedied)

Vehicles that are disabled, unlicensed, not road-worthy, or in some state of disassembly may only be kept or stored in a garage so as to be out of sight during periods of inactivity, especially overnight.

Section 7.39 Gardens, Basketball Goals, Etc.

(Failure to comply will prompt a letter of violation, and fines will result if condition not remedied)

This restriction is quite clear as written regarding all manner of trees, vegetation, statuary, and recreational equipment placed in the front or side yards and the strict requirement for ACC approval prior to commencing any new activity or changes to same. In addition, any basketball goal placed in the front or side yard in a manner that is substantially permanent must also have prior written approval from the ACC. However, basketball goals which are by design both portable and temporary, do not require ACC approval for placement on a homeowner's lot, but they must be maintained in good condition, not be kept on the street or any common area, and not become a nuisance to other residents.

Section 7.45 Driveways and Garages

(Failure to comply will prompt a letter of violation, and fines will result from chronic violation)

The maximum number of cars (vehicles) parked in a driveway overnight (or at any time) must be limited to the physical size of the particular driveway. No vehicles may be parked on any grass nor shall they block any sidewalk (per City of Charleston code). See Section 7.23 for limitations on vehicle condition. In addition, as a matter of residential security, garage doors are to be closed overnight and at any time the resident is not present to monitor the property.

Section 7.46 Lawn Care and Other Maintenance Required by Owner

(Failure to comply will prompt a letter of violation, and fines will result from chronic violation)

The maximum height of grass and weeds (or underbrush) in any lawn is not to exceed 6 inches. Mowing or trimming is the usual manner for achieving compliance with this requirement. In addition, for lawns consisting of Centipede or similar grass, the required proper maintenance and management must also

include edging of the lawn to prevent the horizontal spread of the grass from exceeding the same limit beyond the established boundary of the lawn such as a driveway, curb, or sidewalk.

Attachment 2

Commercial vehicle

The following description is to be used for the purpose of defining “commercial truck/vehicle” when applying the limitations stated in the Covenants and Restrictions document for the ACML Home Owners Association, primarily Section 7.22. Note, additional vehicle restrictions are found in Sections 7.6, 7.7, 7.23, 7.24, and 7.45.

In general, both the City and County of Charleston define a commercial vehicle as any vehicle that meets one or more of the following physical dimensions: 1. Greater than 21 feet in length, and 2. Weighted at over 10,000 pounds gross vehicle weight, and not licensed as a recreational vehicle. Such vehicles are restricted in ACML. Note: A sign alone on a vehicle does not make the vehicle commercial, nor do “P” tags.

Further, both the City and the ACML C&R document allow the existence of home occupations but constrain the activity to the use of passenger vehicles which include automobiles, pick-up trucks, vans, and motor cycles. These vehicles are permitted in ACML and may be parked on any appropriate paved surface on the lot or street without regard to time of day and must comply with City parking regulations.

All of the above shall be adopted for ACML and applied to all vehicles used and kept at any residential home site in ACML and including the pool parking lot. However, the HOA places the following additional limitations and restrictions on these vehicles:

1. There shall be no tools, work equipment, supplies, stock in trade, or non-automotive features, except for personal recreational equipment, protruding beyond the basic confines of a passenger vehicle or covering thereon.
2. Any signage affixed to or displayed by the passenger vehicle shall be limited to the registered name or logo of the company or business and a brief description of the product or service including phone number and website.
3. All commercial vehicles, including associated trailers, may not remain in the subdivision over night unless they are necessary in supporting an ongoing contracted task with a defined completion date at a specific residence and have the explicit approval of the ACML Board of Directors if the duration is to exceed ten days.

Failure to comply with these regulations will incur fines and penalties as defined by the Bylaws of the ACML HOA and the City of Charleston.