

**Prestwick Property Owners Association, Inc.**  
**Architectural Review Board**  
**Enforcement Procedures and Guidelines**

*Proposed Comment Period until Enforcement Procedures  
Effective November 1, 2006*

The Architectural Review Board (ARB) will instruct the Property Manager to conduct periodic inspections to determine if there are any violations of the following procedures and guidelines. In addition, the Property Manager shall investigate complaints filed by property owners within Prestwick or as reported by the Association's Board (PPOA) or ARB. If the Property Manager and the ARB determine that there have been violation(s) of the ARB Guidelines, the following actions may be taken:

1. **NOTICE OF NON-COMPLIANCE** - A *Notice* will be sent to the property owner setting forth the nature of the alleged non-compliance. The *Notice* will state a specific time period for the owner to contact Property Management with a reply stating the owner's intent and methods proposed to reinstate the property to a state of compliance. The *Notice* shall specify the alleged violation and indicated fines and/or sanctions that may be imposed.
2. **HEARING** – The ARB will make every attempt to provide to the owner the opportunity to appear at the next scheduled ARB meeting (third Tuesday of every month at 4:00). Attendance at the meeting may be waived by paying the fine and correcting the violation. The *Notice* will also state that notification must be given by the Owner to Property Management before the next scheduled meeting. Failure to provide this notification is a waiver of your right to a hearing, any fines and/or sanctions or costs, which may be imposed by the ARB. In the event you are unable to attend the scheduled hearing, you may submit a written response to the *Notice* to the office of the Property Manager, which will be considered by the ARB. The ARB will afford the Property Owner a reasonable opportunity to be heard. The *Notice* requirement is satisfied if the Property Owner and/or the alleged violator appear at the hearing.
3. **SANCTIONS/FINES IMPOSITION** - If possible, the determination will be made with the owner and/or alleged violator present. If further discussion is needed by ARB members, at the end of the individual hearing the ARB shall by majority vote of the members present either approve the fines originally specified or abate any or all fines for cause shown (and/or in their discretion.) The amount of the fine or fines shall be based upon the schedules contained in the ARB published rules and regulations. The Property Owner will be informed of the ARB's **final decision** by mail or in person at the meeting. The minutes of the

ARB meeting shall contain a statement of the results of the hearing and the fines, costs or sanctions imposed, if any. A copy of the *Notice* served shall be attached to the minutes of the meeting.

4. **PAYMENT & COLLECTION** - Any fines and costs imposed are due within 15 days of the receipt of the final notification of the ARB after all appeals have been exhausted. Overdue amounts will be charged a late fee and any other charges in accordance with the Association's collection policy.

## **VIOLATIONS & FINES**

**PAYMENT OF ANY NOTED FINE DOES NOT ALLEVIATE THE RESPONSIBILITY OF THE OWNER TO CORRECT ANY NOTED VIOLATION.**

**CONSTRUCTION** - (Each Violation below is subject to a **\$500.00** fine per incident)

1. **Changing, adding to, or otherwise deviating from ARB approved plans and specifications** without additional ARB approval
2. **Failure to obtain an ARB Approval** for any structural or improvement made to houses, or added to, any lot including any exterior remodeling, reconstruction, alterations or additions
3. **Storing construction materials or equipment** of any kind on any lot, without written approval from the ARB
4. **Failure to comply with any other provisions** of any agreements, which are part of the ARB Approval Process and not specified herein
5. **Violation of a "Stop Work Order"** from the ARB or any county, state or city agency. The Association may, but is not obligated to, obtain a "Court Order" for enforcement of the "Stop Work Order" provision.

**NOTICE:** *Under provisions contained in the Architectural Review Guidelines, any Contractor working on his/her own behalf or on behalf of a property owner agrees to the following: "I have received and agree to comply with the requirements set forth in the ARB's building package as contained in the ARB Guidelines, as well as the appropriate Declaration of Covenants and Restrictions and to be subject to their accompanying fines and/or sanctions."*

**TREES** - (Each Violation below is subject to a **\$500.00** fine per incident)

1. **Removal of any tree not approved by the ARB** - It is also necessary to have approval from the ARB with respect to the removal of trees, which appear dead or injured. Restitution or replacement may be required as specified by the ARB.

**GENERAL PROPERTY** - (Each Violation below is subject to a **\$500.00** fine per incident)

1. **Dumping, storing or accumulating trash**, rubbish, ashes, garbage or any other refuse or debris on any lot
2. **Erecting ANY sign, poster, billboard, or advertising** structure of any kind on your property, anywhere, without prior written ARB approval
3. **Camping overnight, or using any temporary structure or vehicle**, of any kind, as a dwelling place on any lot is prohibited
4. **Pet Pen or Enclosure/Playground** – Free-standing kit/panel style animal enclosures are required for ARB review in the same way as playground equipment. Approval to construct enclosures of other materials or permanently affix it into the ground or other surface material, such as concrete or asphalt, must be applied for through the ARB for review and approval. Failure to apply for and receive a permit for any pet enclosure is a violation and may result in a fine and removal of enclosure.
5. **Driving All Terrain Vehicles (ATV'S) or Motorcycles** on Prestwick Property is **PROHIBITED**. Driving said vehicles on lots or roads within Prestwick is trespassing and is subject to civil action.

**VEHICLES** - (Each Violation below is subject to a **\$100.00** fine per incident)

1. **Parking (2) two nights or longer**, on any lot, of any commercial type truck, Recreational Vehicle, or boat, in such a way as to have it visible to occupants of other lots or users, of any street or golf course, without prior written ARB approval
2. **Parking any stripped down, partially wrecked or inoperable vehicle**, or sizable part thereof, on any lot as well as removing the vehicle or placing it in a garage or under a fitted manufactured cover. Fitted manufactured covers are permissible as long as they completely cover the vehicle and the vehicle is stored immediately adjacent to a completed residential structure or appurtenant garage.

## **SIGNS, FOUNTAINS, STATUARY, FLAGS, & EXTERIOR FURNITURE IN FRONT YARDS**

Each Violation is subject to a **\$100.00** fine per incident.

1. All flags and signs shall be approved by the ARB before installation, except as stated in the following:
  - a. Only one builder identification sign may be permitted on any one lot or home under construction. No other types of signs are allowed unless required by law. No sign shall exceed 3 ft. X 2 ft. All signs shall be professionally painted and provide a neat and orderly appearance. Only freestanding signs on support post are allowed and must be located at least three (3) feet behind the property line. Signs must be removed from lots within 48 hours of completion of construction or completion of landscaping.
  - b. The Flag of the United States of America may be displayed at all times and an appropriate Holiday flag and decorations may be displayed during a Holiday period. Flag sizes can be found in the ARB Guidelines.
  - c. All flagpoles and positions must be approved by the ARB and be at least 20 feet from any adjacent roadway.
2. "Building Identification (Address) Number Signs" – will be permitted without application or written approval.
3. "Other Signs" – all other signs including Cars For Sale, billboards, banners, or advertising structures of any kind are prohibited, except upon written application to and written approval from the ARB.
4. Fountains, Statuary, & Exterior Furniture in front lawns are prohibited, except upon written application to and written approval from the ARB. (Some statuaries were "Grand fathered" and allowed before 2004.)

**Sign policies and Regulations referred to herein can be found in the Architectural Review Guidelines. These guidelines are available upon request from the property manager.**

## **MISCELLANEOUS**

**WAIVER** No provision contained in these Procedures and Guidelines shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches that may occur.

**SEVERABILITY** These Enforcement Procedures are intended to comply with all of the applicable provisions of the Covenants and Restrictions for Prestwick Property Owners Association, Inc. and both South Carolina and Federal Law. If any provision of these Enforcement Procedures and Guidelines is invalid or unenforceable as against any Person or under certain circumstances, the remainder of these Enforcement Procedures and Guidelines and the applicability of such provision to other Persons or circumstances shall not be affected thereby. Each provision of the Enforcement Procedures and Guidelines shall, except as otherwise provided herein, be valid and enforced to the fullest extent permitted by Law. Any conflict between any provision of the Enforcement Procedures and Guidelines and the Covenants and Restrictions, By-Laws and ARB governing documents, or any questions regarding the interpretation of any of these Enforcement Procedures and Guidelines should be construed as consistent with the other governing documents as well as South Carolina and Federal law.

**LEGAL PROCEEDINGS** Failure to comply with any of the terms of the Enforcement Procedures and Guidelines shall be grounds for relief, including without limitation, an action to recover any sums due for money damages, injunctive relief, and any other relief provided for in the Covenants and Restrictions, which is deemed to have been made part and parcel hereof, or any combination thereof and any other relief afforded by a court of competent jurisdiction, all of which relief may be sought by the Property Owners of the Association, the Board of Directors, the managing agent or, if appropriate, by any aggrieved property owner and shall not constitute an election of remedies. Fines are to be construed as special assessments and collected as such.

**NOTICES** All notices, demands, statements or other communications under these Enforcement Procedures and Guidelines shall be in writing and shall be deemed to have been duly given if delivered personally or sent by United States mail, postage prepaid.

**AMENDMENTS** These Enforcement Procedures and Guidelines may not be modified or amended except as provided in Covenants and Restrictions, By-Laws and ARB governing documents of Prestwick Property Owners Association, Inc.