

Eagle Pointe Harbor Club Condo Association Rules & Regulations

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CHANGE LOG

9/15/2020	Revised Co-Owner rule regarding slip use
9/09/2020	Updated board response language for Noise & Nuisance
8/11/2020	Revised Boat, Slips & Dock section

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General

1. No Co-Owner or Tenant shall engage in any unreasonably noisy or dangerous activity.
2. No dangerous weapons may be used or stored on the premises.
3. No signs may be posted on the premises, or visible from the exterior including "For Sale" – real estate signs. There is an approved location for real estate signs. Contact the Board for information.
4. The Association must have access to each unit during reasonable working hours for the maintenance, repair and replacement of the Common Elements. 24 hour notice will be given to Co-Owners, except in the case of an emergency.
5. No Co-Owner may perform any landscaping or planting on the Common Elements without Board approval.
6. Cable or satellite television service may be utilized so as long as no equipment is attached to the Limited or General Common Elements of the structures. Contact the Board or our property manager for additional details.
7. Co-Owners with mortgages must notify the Association of the name and address of the Mortgagee.
8. No condominium in the project may be used for other than a single-family residential purpose.

General & Limited Common Elements

General Common and Limited Common Elements are defined in the Master Deed.

1. No Co-Owner or Tenant may make alteration on the exterior appearance or may make structural modifications to his unit without Approval by the Association.
2. No Co-Owner or Tenant may attach any object to the exterior of the buildings including trim (wood or composite) without written approval by the Board.

Boats, Slips & Docks

1. No Co-Owner may rent their marina slip, which is a Limited Common Element, independent of the entire condominium.
2. A Vessel is defined as a boat, jetski, dinghy, sailboat, kayak, paddleboard, raft, etc.
3. Vessels properly docked in slips may not exceed the length of the dock + 3 feet.
4. All vessels docked in Association slips must be registered with and approved by the Board. Co-Owners may request Board Approval to dock a vessel which is not owned by Co-Owner such as an immediate family member. If a Co-Owner's unit is leased, only a Tenant owned vessel may be docked.
5. Tenants may only use the slip associated with that unit.
6. Tenants must own the vessel and provide proof of ownership and insurance to the Association.

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7. Vessel owners must operate any boat or vessel in a safe manner within the marina, and use caution when entering and departing slip.
8. All boats underway must operate at wake speed within the marina at all times. Any boat owner who exceeds wake speed will be given a warning and notified in writing, and expected to operate safely at wake speed or lower or may be subject to fines.
9. Any vessel owner who is the cause of any damage or liability to Limited Common or General Common Elements or other owners personal property including seawalls, boat docks and components, vessels or floating docks, and other elements is responsible for reporting the damage to the Association and paying for repair. Any repair for damage to any General or Limited Common Element must be approved by the Association.
10. Nothing should be thrown or dumped into the water, and all boat owners and operators must follow all state and federal rules. If fuel, oil or other material leaks into the marina, the boat owner or operator must report the issue to the appropriate authorities and advise the Association immediately. Mitigation and cleanup is the boat owners responsibility.
11. Refueling in the marina is prohibited.
12. Each boat slip is assigned to specific units which can be found on the [Unit and Boat Slip Map is provided in Appendix A.](#)

Vehicles & Storage

1. Co-owners or Tenants shall maintain no more than (2) two automobiles within the Association.
2. No personal transportation vehicles are permitted to be operated in the Association.
3. Marine vessels may not be stored on the property other than in a deeded slip.
4. No vehicles such as motorcycles, motorbikes, all-terrain, snowmobiles, or boats, or trailers may be parked or stored upon the Common Element or Limited Common Element.
5. The Common Elements may not be used for storage of any kind by any Co-Owner.

Decks, Porches & Stairs

1. No charcoal outdoor cooking grills may be used in the Association.
2. Patios and decks of the units may only be used for furniture and equipment consistent with those items designed for such use.
3. Co-owners are responsible for maintaining decks and front porches. Replacement and repair of decks or porches must be approved by the Board in advance. Colors and materials must be approved by the Board in advance. [Approved materials and colors can be found here.](#)

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Pets

1. Co-Owners: Only (1) one domesticated animal is allowed to be kept in the condominium by a Co-Owner without written authorization from the Board. Pets must be tethered at all times when outside the condominium. Co-Owners are responsible to pick up after their pet and ensure a pet does not disturb neighbors while they are not home.
2. Tenants: No pets are permitted in condominiums that have been rented to Tenants without board approval. Co-owner may request a Tenant pet waiver in writing to the Board and Property Management and must include pet type, breed, and weight. Board will review and provide a response in writing to the Co-owner. Board reserves the right to deny a request.

Renting & Tenants

1. This Rules & Regulations document must be included in any lease as an Appendix and provided to the Tenant.
2. Units purchased must be utilized as Owner-Occupied for a minimum of (2) two years before they may be used as investment or a rental property. Units that are leased at the time of purchase may continue for the duration of the lease.
3. Any condo that is rented must have a legally binding lease agreement between the Co-owner and the Tenant. All fully executed leases must be provided to the Association's Property Manager. Tenant contact information including name, telephone number and email address, and an emergency contact must be provided.
4. Rental condominium contracts must be submitted to the Association Board for review at least (10) days in advance of commencement of tenancy.
5. Co-Owners will be notified if tenants are in violation of the Association rules and regulations. If after (15) fifteen days the Association deems the breach has not been resolved, eviction action against the tenants may commence. All legal costs incurred and/or money damages will be assessed against the Co-Owner.
6. When a Co-Owner is in arrears on Association dues/assessments, the tenant may be given written notice of that, and a rent diversion payable to the association (to cover dues) will be implemented.

Noise & Nuisance

Loud noise is not permitted by Township ordinance and Association Rules & Regulations. Please be considerate with the noise level of vehicles, boats or other motorized vehicles. Every neighbor has a right to enjoy their property without being subjected to anything offensive, unreasonable noise, or anything which may become an annoyance or nuisance. Please respect

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your neighbors privacy and right to peace and quiet. This is notably applicable to connected units.

To assist with this general rule, the following rules will be followed.

House Hours

1. For these rules, residential hours in the Association (“house hours”) for day to day active residential living as Daily from 7AM to 11PM.

Rules

The following rules are in place for everyone’s information and as guidance:

1. Residents shall not play any musical instruments, radio, stereo, television, or cause any other noise at a level that would disturb any other residents.* Noise levels must be kept below 80dB (vacuum cleaner sound level) during typical residential hours unless previously approved by the Board of Directors.
2. Laundry appliances are limited to 8AM and 10PM to mitigate potential vibration or noise to adjoining units. Please adjust appliance feet to mitigate vibration, and ideally, should sit on a sound absorbing pad.
3. No one shall produce any noise in our buildings or adjacent grounds that may unreasonably disturb the occupants during any time of day. Noise levels should be kept below 40 dB, or standard conversation voice level outside house hours.
 - 3.1. Group Gatherings: Of course occasional group gatherings & parties are part of life, and especially during summer months here at Eagle Pointe. Holding or extending a gathering or party after 11PM (for example) is not prohibited, however use common sense, be considerate and remember that we are a multiple unit property with connected walls, ceilings, floors and decks, all of which are not soundproof. You should instruct your guests if needed, and control noise after 11PM. Additionally, water in our marina helps to bounce sound waves throughout the entire neighborhood from decks and porches. You can certainly inform neighbors of any out of the ordinary planned social gatherings within a unit or on the back deck that may result in elevated noise levels, parking use, etc.
4. Determination of excessive noise levels during social gatherings is left to the mature discretion of each owner and resident, and ultimately the Board of Directors if issues are raised and persist.
5. Children and Teenagers
 - 5.1. Kids have lots of energy but should be made aware of the rules to be considerate and well behaved both inside and outside. Running, bouncing and jumping is prohibited inside since those activities can easily be heard in adjacent units, and can also be a safety issue.
 - 5.2. Minors should be instructed on the additional dangers outside as well including walkways, driveways, roads and the marina. Running or riding bikes on all

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sidewalks are prohibited, and children on boat docks are not permitted without adult supervision.

- 5.3. Jumping into the water from a sidewalk or dock is prohibited. If a child does not know how to swim, they must be monitored continuously in and around the marina. Life preservers are available on the utility sheds on each side of the marina in case of emergency, and several ladders are installed on the sea wall at the corners and from several docks.
- 5.4. Fishing is allowed here, and should be done from sidewalks, not boat docks.
- 5.5. We ask that you exercise appropriate parenting skills and monitor your children relative to the rules and safety.

Vendors and Contractors

1. If work is done by a contractor or service provider, they must be insured and licensed in the State of Michigan. A copy of their license and insurance must be provided to the Association Site Manager.
2. Contractors may commence work from
 - 2.1. 7AM to 7PM, Monday through Friday and 7am to 12PM on Saturdays. Work needed beyond these times should be approved by the Association Site Manager.
 - 2.2. Contractors will conduct themselves in a manner that is NOT offensive to a nuisance to residents. This includes use of their equipment, radios, heavy machinery, generators, etc.)
 - 2.3. Contractors are required to provide their own on site sanitation facilities if required.
 - 2.4. No on site water sources are allowed to be used extensively without approval.
 - 2.5. All the required by law approvals and permits must be provided in advance.

Complaint Process

For noise and nuisance, there are several recommendations to resolve this type of issue.

1. Simple awareness may be the issue. Go directly to and talk to the offending party and make them aware of the issue. Be courteous and simply indicate to them they may be unaware they are making noise. Many times this simple step of making people aware will solve the problem.
2. Seek the advice of others or our Association Site Manager.
3. For noise generated by appliances such as washers and dryers
 - a. Ensure the appliances are level on the surface.
 - b. Install sound abatement pads to mitigate sound from vibration.
 - c. Be sure loads are balanced.
- 4.

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Formal Response Process

1. The process flow to deal with this may be different if offending party is unit owner or tenant, and if a property manager is also involved
2. Owners shall put in writing any complaint of excessive noise to the Association Site Manager and Board of Directors.
3. Owners should have first attempted to resolve the issue with the offending Owner. If it's a Tenant, contact the Owner first.

Association Response

1. 1st Response in Writing by Owner
If noise issue is not resolved satisfactorily between the parties after initial attempts by the parties involved, the offended Owner shall put in writing to the Board of Directors at ephcca@gmail.com and Association Site Manager at cwpmfetke@gmail.com the details of the complaint and the steps they took to resolve the issue to the Board of Directors and Association Site Manager.
2. 1st Association Response: Upon receipt of written complaint, Board and Property Manager will review details and advise offending Owner via email or written letter of complaint received and recommended steps to resolve it within 5 days of the written notice. Owner will also be notified via phone.
3. 2nd Association Response: If a noise or nuisance issue is not resolved within 5 days of the Offending party being contacted about the issue by the Unit Owner (or Unit Property Manager if Tenant), Board of Directors will issue a second email and/or written letter indicating such, and will begin assessing fines until issue is resolved based on fine schedule below. NOTE: If a Tenant is the offending party, and Owner or Owner's Property Manager has not responded within 5 days of notice, the Association Site Manager will contact the Tenant directly to communicate the issue to resolve it.
 - a. FINE SCHEDULE
 - i. \$50 if not resolved within 5 days of the 2nd response letter.
 - ii. \$50 fee for every 10 days beyond this until resolved.
4. 3rd Association Response: If the issue is has not been resolved within 15 days of 2nd response, the Board of Directors will issue a third letter indicating any additional fees and may take other action, including legal action which requires unit Owner commence eviction action immediately.

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Appendix A - Boat Slip Unit Assignment Map

Condo unit and slip numbers are found in the Master Deed Exhibit B (Sheet 9 of 35).

Unit to slip mapping was set at the start of the development project.

902 EPD	Unit 1	Slip 1
906 EPD	Unit 2	Slip 2
910 EPD	Unit 3	Slip 3
914 EPD	Unit 4	Slip 4
2317 SPW	Unit 5	Slip 10
2329 SPW	Unit 6	Slip 11
2337 SPW	Unit 7	Slip 16
2347 SPW	Unit 8	Slip 5
2327 SPW	Unit 9	Slip 9
2335 SPW	Unit 10	Slip 12
2345 SPW	Unit 11	Slip 15
2349 SPW	Unit 12	Slip 17

