Rules and Regulations

5/23/2023

All of the lots in Windrush Subdivision are subject to the Declaration of Restrictions and Covenants for Windrush Subdivision. The general purpose of the Declaration is, among other things, to promote the harmonious development of Windrush into a residential community of high quality while protecting the natural beauty and quality of the environment; to help insure that Windrush will become and remain an attractive community; to preserve the open space within Windrush; and by such actions to maintain and enhance the value of investments made by purchasers of properties in Windrush.

The developer of Windrush has created the Windrush Homeowners Association, Inc. for the purpose of managing, maintaining and controlling the common area of Windrush and performing such actions as are authorized by the Declaration. Under the terms of the Declaration the Association has the duty to provide for the maintenance of the common area of Windrush and all improvements located in the common area; to enforce the provisions of the Declaration; and to establish Rules and Regulations governing the use and enjoyment of the common area and the enforcement of the provisions of the Declaration. In accordance with the foregoing the Association hereby establishes the following Rules and Regulations which shall pertain to all properties as well as the common area in Windrush Subdivision.

A. Use of the Common Area

1. The Common Area at Windrush is intended for the use and enjoyment of all residents of Windrush. No part of the Common Area shall be treated or occupied as if it was an individual lot owner's private property.

2. No one may alter the Common Area in any way without the permission of the Association board of directors, including changing the landscaping within the Common Area, creating additional trails within the Common Area, mowing across property lines into the Common Area (except that one mowed trail not more than 4' wide connecting each lot to an established trail is allowed) or obstructing the ordinary use of the Common Area. Each owner (with the exception of Lots 16, 17, 18, 29 & 30) may treat or remove noxious vegetation within the first 10 feet of Common Area abutting their lot. Cutting vegetation on Common Areas is prohibited with the exception of a single lateral trail per lot connecting to the Common Area trail system (With the exception of Lots 16, 17, 18, 29 & 30).

3. No improvements shall be allowed on the Common Area except the following: landscaping; signs installed by the Association, the developer, the city or other public entity; entrance monuments; recreation trails; a swimming pool and associated building, sport court and children's play structures for common use; storm-water management facilities; and sewer, water, gas, electric, telephone and other utility lines and facilities. Except in connection with the foregoing, the following shall be prohibited in or on the Common Area:

a. The temporary or permanent construction or placing of storage areas, signs, billboards or other structures or materials. Notwithstanding the foregoing, the developer and its duly authorized agents may erect and maintain a marketing sign or signs within the Common Area until such time as the developer is no longer an owner of any lots in Windrush.

b. Commercial or industrial activity, including passage across or upon the Common Area.

c. Filling, grading, excavating, mining or drilling, removal of top soil, sand, gravel, rock, minerals or other materials, or any building of roads.

d. Removal, destruction or cutting of trees or plants, unless conducted for proper maintenance and management of the Common Area by the Association.

e. Dumping of trash, garbage, yard waste, brush, debris or other unsightly or hazardous material.

f. Hunting or trapping.

g. Operating of any type of motorized vehicle, except as may be necessary in conjunction with landscape maintenance by the Association. E-bikes & E-Scooters are allowed on the common area paths. All path users should kindly announce that they are overtaking other users with a bell or by saying "on your left."

4. Pets on leashes are allowed in the Common Area if accompanied by their owners. Pet owners must pick up any pet waste.

5. The stormwater management basins may not be used for swimming or as recreational facilities.

6. Anyone who damages or destroys the Common Areas or the improvements and amenities in the Common Areas shall be responsible to the Association for the repair and replacement of the damaged items, up to 150% of the actual repair and replacement cost.

7. All Common Areas within Windrush are for the mutual and equal enjoyment of all Windrush residents and property owners, and ownership of all such Common Areas shall be retained by the Windrush property owners, in common, notwithstanding any action by any Windrush resident or property owner or any other person to improve or encroach upon such Common Areas or any claim of adverse possession under applicable

law. Any such improvements and encroachments are made at the sole risk of the responsible Windrush resident or property owner, and such Windrush resident or property owner shall have an obligation and the sole responsibility to maintain any improvement or encroachment. Notwithstanding the preceding sentence, all improvements and encroachments to or on any Common Area shall be owned by the Windrush property owners, in common, and, in the sole discretion of the Board of Directors of the Windrush Homeowner's Association, may be maintained, improved or removed by or on behalf of the Windrush Homeowner's Association without any requirement to obtain the consent of, or to provide any compensation or reimbursement to, the Windrush resident or property owner responsible for the improvement or encroachment. All liability for personal injury or damage to property (including damage to the applicable Common Area) related to or arising out of any improvement or encroachment to any Common Area shall be borne solely by the Windrush resident or property owner responsible for the improvement or encroachment, other than any liability for personal injury that results primarily from the negligence or intentional misconduct of a third-party.

B. Outside Parking and Storage

1. The Declaration states that "there shall be no outside parking or storage of boats, trailers, buses, commercial trucks, recreational vehicles, motor homes or other vehicles or items deemed to be unsightly by the Association." In the judgment of the Association, this does not prohibit the following actions, which shall be permitted.

a. Outside parking of properly licensed, on-road (not off-road) motor vehicles that are driven on a "daily basis" (at least 5 days per week). Such vehicles may only be parked on a permanently paved area, not on a lawn or garden.

b. Outside parking of boats, trailers, motor homes and recreational vehicles for not more than one week during a calendar quarter in order to prepare them for use or storage at another location.

c. Outside parking of motor vehicles belonging to Windrush residents' guests and visitors for a period that does not exceed 14 consecutive days.

d. Outside storage of building material during periods of actual construction.

e. Outside storage of firewood so long as it is stored in the rear yard and screened from the view of neighboring lots by landscape materials.

C. Post Lamps

1. The Declaration states that "at the time of construction of the Building, the owner shall install at a location designated by Developer, one approved outdoor electric post lamp with an unswitched photoelectric control. The design of the post lamp shall be uniform throughout Windrush. The owner shall maintain the operation and appearance of the post lamp. If the post lamp is not so maintained, and the condition has not been rectified by the owner within 15 days after receipt of a notice from the Association specifying the violations of this Paragraph, the owner shall be subject to a

penalty at a per diem rate established in the Rules & Regulations from the date of notice until the date the condition has been rectified."

The Association hereby establishes a penalty of $10.00 per day for a violation of the foregoing requirement. The penalty shall be assessed against the property owner and, if not paid, will be enforced as provided in the Declaration.

2. The lamp post and the lamp head must be maintained in its original black color.

D. Mailboxes

1. Mailboxes that are damaged or destroyed must be repaired so as to match, or be replaced only with, the original developer-specified mailbox or with a Developer approved replacement mailbox.

2. The mailbox post and the mailbox itself must be black.

E. Garage Sales

1. Only one community garage/rummage/yard sale will be allowed each year. The HOA must choose a date on one weekend during the year only. No other garage sales will be allowed.

F. Recreation Center & Pool Rules

1. **The cabana and pool are open for the season from 9:00 am. to 10:00 pm.** The board of directors may approve longer hours on a case-by-case basis. Adult members are permitted to use the pool as early as 6 am for exercise, but not while daily pool maintenance is being performed.

2. The recreation center and pool may only be used by the residents of Windrush, non-resident owners in Windrush and their family members and invited guests. Each Windrush family is permitted to have up to 10 guests at the pool at any one time. Without the prior written approval of the Board of Directors a Windrush family may not aggregate their permitted number of guests with any other Windrush family in order to organize, host or sponsor any school, team, club or other similar coordinated event at which more than 10 guests who are not members of a Windrush family are present. A Windrush family and their guests should not occupy more than 2 of the pool deck tables.

3. Guests must be accompanied by a member at all times. The member need not be an adult member. If there is a guest or member under the age of 15 (including babysitters), an adult must be present. (For example, children of Windrush owners may bring guests to the pool and recreation center. If the owner's children and guests are all under age 15 then they must be accompanied by someone who is at least 15 years old.) Each member shall be solely responsible for any action taken, damage to person or property caused, or injury suffered, by any of his, her or its family members, or any of his her or its family member's guests.

4. Members may not give their gate key to anyone other than their own family members who live with them or to a babysitter who is at least 15 years old and who is with the family's children. (For example, members may not give a key to a child who does not live with them.)

5. No overnight stays are allowed.

6. It is everyone's responsibility to clean up after themselves. Take your trash with you when you leave. Recycling—please place all recyclable materials in the recycling bin.

7. Do not leave your personal belongings at the cabana or pool.

8. Children under age 15 using the pool and cabana must be accompanied by an adult.

9. Items that are considered part of the cabana or pool, eg. furniture, sport court racquets, grilling tools, pool accessories, etc. must not be removed from the cabana/pool area.

10. Speaker Volume—residents must keep volume to low level, aimed away from cabana and homes.

11. No pets are allowed in the cabana or pool.

12. Smoking is not allowed in the cabana, including the covered porch areas, or in the pool or on the pool deck.

13. No alcoholic beverages may be consumed on the premises by anyone under the legal drinking age. No glass bottles, jars or drink containers are permitted on the pool deck. <u>This is a state law.</u>

14. No food or drinks are allowed in the pool or within 5 feet of the pool. <u>This is a state law.</u>

15. Organized swimming lessons may be scheduled only at times that have been approved by the Board of Directors of the Windrush Homeowners Association, Inc.

16. The Board of Directors of Windrush Homeowners Association, Inc. is responsible for enforcement of these rules as well as the operation of the recreation center and pool and may sanction anyone who does not abide by these rules, including suspending a member's right to enter and use the recreation center and pool.

17. The Homeowners Association will not be responsible for lost, stolen or damaged personal property.

18. Avoid tracking water into the cabana, sport court and children's play area. Dry off before entering.

19. Have fun and be considerate of others.

20. Cameras are in use and cover a limited area of the facility. Photos and videos can and will be used to enforce these rules.

21. No running on pool deck or horseplay in or around pool. Surfaces may be slippery at any time.

22. The Windrush HOA reserves the right to terminate a Member's use of the facilities if any of the above rules have been violated.

23. **Notify Walters Management Company 262-367-1177, in the event of problems regarding the use or operation of the recreation center or pool.**

Note: These Rules and Regulations are subject to modification, subtractions or additions as established from time to time by the Board of Directors of the Windrush Homeowners Association, Inc.

Revised 5-23-2023