

EXHIBIT A

COUNTRY CLUB RULES & REGULATIONS

Pursuant to Resolution 2017 – 001 these rules are effective as of the _____ day of _____, 2017.

These Rules and Regulations supersede and replace the provisions of COUNTRY CLUB RULES dated August 18, 2004, as periodically amended through 2007.

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Definitions

Association. Country Club Owners Association, a nonprofit Iowa Corporation.

Board. The Board of Directors of the Country Club Owners Association.

Common Area. The lake and the land within Country Club that is owned and managed by the Association. The common area includes: Country Club Lake; Clive Lake; lake dam; three pool fountain at University entrance; brick and fence entrances; Country Club Park; Lakeview Park; boat ramp; lake dam inlet and outlet; lake access at wooded area north of University Avenue and east of Pinnacle Development; Country Club Park; Lakeview Park; University Preserve; Lake Pointe Access; University Access; NW 142nd Street Access; and the sidewalks on these properties. Also the improvements, fixtures, and personal property on these properties.

Country Club. The real estate development bordered on the north by Hickman Road, on the west by NW 142nd Street, on the south by University Avenue, and on the east by the east boundaries of Country Club Plats 2, 1, 3 and 5. Plats can be viewed on the Association website.

Covenant. A limitation on the use of property that is contained in the legal documents establishing a Lot that binds purchasers of that Lot. Also known as a building restriction, protective covenant, or use restriction.

Easement. The right to use another person's real estate for a specific purpose.

Family Member. A person who is related to and residing with a Member. Also includes a legal guardian residing with a Member.

Guest. A person who is not a Family Member and who has the permission of a Member to be in Country Club.

Lake Lot. A Lot that abuts the lake.

Lot. An individual parcel of land within Country Club that is subject to the Master Declaration of Covenants. A Lot is identified by a recorded legal description and a Postal Service street address.

Master Declaration. The Master Declaration of Covenants for Country Club filed for the record on 10/10/88 as amended by the First Amendment filed 11/24/09 and the Second Amendment filed 8/16/16.

Member. The owner of record of a Lot whose dues are current. If the Lot has more than one record owner, the Member shall be the person so designated by the owners. Member also includes an association of townhome owners within Country Club. Each townhome owners association shall designate one person to serve as the Member.

A person who leases a Member's residence or is considered to be a "Member" only for the purposes of enjoying the permissible use of the Common Area. The Member owner of the residence remains liable for any violation of the rules and regulations by such lessee.

Outlot A. That part of the Common Area which includes the lake, the dam, the boat ramp, the shorelines, the University entrance, and park areas on which no lots are platted.

Property Manager. The representative of the Association responsible for the daily activities of the Association.

Regulation. A restriction on the use of property within Country Club contained in recorded legal documents including the Master Declaration of Covenants, any enforceable covenants and restrictions contained in Plats, the 2009 Amendment to the Master Declaration, and the 2016 Amendment to the Master Declaration.

Rule. A Board directive applicable to a specific use of a property or an activity thereon.

100. Common Area

The *Common Area* is all the property (see list on page 1) within Country Club that is owned by all the Members of the Association and is managed by the Board for the exclusive use and enjoyment of the Members.

The terms *member*, *family member*, and *guest* are defined on page 2.

101 Use of Common Area Adjacent to the Lake

101.1 The areas between the Lake Lots and the lake are for the exclusive use of the abutting Lake Lot owners, their Family Members, and their Guests.

101.2 Guests using the common area adjacent to the lake (a) must be accompanied by a Lake Lot Member or a Family Member, or (b) must have Board permission. All Guests must comply with all Common Area Rules.

102 Use of Other Common Area

102.1 This section applies to all common areas other than between the Lake Lots and the lake.

102.2 Permissible activities in these areas include picnics, kite flying and games. Permissible activities on the lake include non-motorized boating, fishing, and ice-skating.

102.3 Guests may use these areas for permissible activities (a) if accompanied by a Member or Family Member, or (b) if given permission by the Board. All Guests must comply with all Common Area Rules.

103 Common Area General Rules

103.1 Each Member is responsible for the behavior of Guests and Family Members. A Member is liable for any violation of the Rules and Regulations by a Guest or Family Member.

103.2 An unaccompanied person (other than a Member or Family Member) on any Common Area without Board permission will be considered a trespasser.

103.3 Activities in any part of the Common Area are prohibited if they unreasonably interfere with the use of the Common Area by others or if the activities annoy, disturb, offend, or provoke other Members.

103.4 Nothing shall be planted, altered, constructed upon, or removed from any Common Area without Board permission.

103.5 Written approval of the Association is required to plant or permit the growth of any vegetation except turf grass:

- a. On the Common Area (including between a Lake Lot and the shoreline).
- b. At the water's edge (from normal low water level to normal high water level).
- c. Under the surface of the lake.

103.6 Any non-approved vegetation found growing in any area described in the previous rule may, at the sole discretion of the Board, be eradicated or removed with or without notice to the nearest Lot owner. The Board may seek reimbursement for the cost thereof from the nearest Lot owner. Upon failure to reimburse, the Board may subject said Lot to a lien.

104 Commercial Use of Common Area

104.1 A motor vehicle cannot be driven on the Common Area without the permission of the Property Manager or the Board President.

104.2 Only authorized vendors such as those providing lawn care, irrigation services, and snow removal, may operate equipment or drive onto the Common Area while performing services for the Association.

105 Mailboxes

105.1 Snow removal is the collective responsibility of the Members assigned to their respective mailbox cluster. The Postal Service will not deliver mail if the snow is not removed.

105.2 Postal Service rules prohibit the affixing of notes, flyers, posters, bills, or messages to the mailboxes.

200. Lake

The terms *member*, *family member*, and *guest* are defined on page 2.

201 Guest Privileges

201.1 A Member or Family Member must accompany a Guest on the lake or shoreline while the Guest is engaged in permissible activities. Use of the lake or shoreline by an unaccompanied person (other than a Member or Family member) without permission from the Board is prohibited.

201.2 Permissible activities on the lake include non-motorized boating, fishing, and ice-skating.

201.3 See sections 101 through 103 above for other guest rules.

202 Boating and Fishing

202.1 A Member, Family Member, or Guest may use the lake for fishing and recreational boating.

202.2 A fishing license is required by the Iowa Department of Natural Resources to fish on the lake. Lake Lot owners are exempt from this requirement.

202.3 Boating or fishing from the shoreline or Common Area is not permitted from dusk to dawn.

203 Watercraft Registration and Use

Watercraft is any device used for transportation on or under water including boats, canoes, paddleboats, kayaks, and sailboats.

203.1 All watercraft for use on the lake must be registered with the Association. The DNR registration number (if any) and the owner's name, address, and telephone number must be provided to the Association prior to launching a boat on the lake.

203.2 Watercraft may be launched from the boat ramp. Lake Lot owners may launch watercraft from the shoreline abutting their own rear lot line.

203.3 All watercraft must be removed from the lake and Common Area between November 1 and March 31.

203.4 Watercraft are prohibited on the lake if propelled by engines or motors of any kind whether gasoline, electric, or battery. (Master Declaration Article IX, section 3)

203.5 An emergency rescue team, Association employees or contractors, or DNR personnel in the performance of their duties may use motorized watercraft.

203.6 An enclosed floating inner tube designed specifically for fishing may be used on the lake for fishing only.

204 Swimming

204.1 Swimming is prohibited in the lake at any time. (Master Declaration Article IX, section 2)

205 Winter Use

205.1 No person is permitted to be on the lake ice unless it is safely frozen.

205.2 Vehicles and other motorized equipment such as snowmobiles, all-terrain vehicles, and motorcycles are not allowed on the lake ice.

205.3 A temporary icehouse may be placed on the lake by a Member for personal use when the lake is safely frozen. Icehouses may not be placed on the lake before dawn and must be removed by dusk.

206 Curfew

206.1 The lake may be used only during the hours from dawn to dusk.

207 Waste Disposal and Littering

207.1 Littering anywhere in Country Club is prohibited.

207.2 No Member or other person may place or allow to be placed any waste such as paper, waste paint, chemicals, trash, leaves, grass clippings, shrub trimmings, branches, tree cuttings, shrubs, rocks, bottles, fishing line, bait containers, rocks, or other rubbish or debris on or into the lake, common areas, streets, or lots.

208 Hunting

208.1 Hunting, trapping, or firing a weapon is prohibited except in special circumstances established by the DNR or other regulatory agency. The Board may cause the discharge of noisemakers that sound like fireworks to move unwanted geese and waterfowl that become a problem on the lake and the Lake Lots.

209 Wildlife

209.1 Only Members trained in pyrotechnics and designated by the Board may control the goose and wildlife population on the lake.

209.2 Feeding wildlife is prohibited.

209.3 Lake Lot owners may prevent wildlife such as geese from congregating along the lake shore by stringing line on ground stakes not more than 1 inch in diameter and 2 feet tall.

210 Lake Access and Erosion Control Pads

210.1 For purposes of erosion control, access to the lake, and launching watercraft from a Lake Lot, a lake access and erosion control pad (Pad) may be installed on the shoreline of the lake, provided that all of the following standards are met:

- a. Material: Only flat surfaced concrete, stone, or brick that closely matches the color of the Gabion stone shoreline may be used.
- b. Slope: The original slope of the shoreline may not be altered.
- c. Size: The entire area for the Pad may not be greater than 14 feet wide and 14 feet long measured from exterior edge and including any border materials. The total area of the Pad may not exceed 196 square feet.
- d. Border materials must be flagstone, brick, or green treated lumber and must be anchored in place to avoid sinking, shifting, or dislodging. A Member must repair or replace any material that sinks or that the Board determines to be unsightly.
- e. An equitable cut and fill method may be used to create steps to the lakeshore on a steep embankment and to position the Pad. This method refers to using the same amount of shore material for the fill (step) as was removed in the cut just above it.
- f. No portion of the Pad may extend into or over the lake at normal water level.
- g. Weeds and debris must be removed from the Pad by the Member.
- h. Any buoyant material used must be sufficiently anchored so that nothing can float away if inundated by water.
- i. Boats must be securely affixed to the Pad when not in use on the lake.

210.2 Before preparing, building, or installing a lake access and erosion control pad, a Member must apply for and obtain Board approval. An application shall be accompanied by a plan based on sound architectural and engineering standards that shows an elevation drawing or rendering displaying the Pad from two sides and above. Example technical drawings can be found on the Association website. The application shall include a materials list, the proposed location, and any other information reasonably requested by the Board.

300 Lots

These Rules and Regulations apply to property owned by individual Members of the Association. Each Member is subject to these restrictions that affect his or her use of a Lot. (Master Declaration Article IX-A, section 16 per 2016 Amendment) They apply whether the Lot is improved or unimproved.

301 Maintenance of Lots Generally

301.1 The owner of any Lot shall maintain his or her Lot and improvements thereon in good repair at all times and shall remove any debris or offensive material therefrom. In the event an owner fails to fulfill his or her maintenance responsibilities, the Association may take appropriate action to enforce this obligation. (Master Declaration Article IX, section 8 per 2009 Amendment)

301.2 The owner of any Lot shall (a) maintain his or her Lot in a presentable manner, (b) mitigate the growth of weeds and dandelions, and (c) seed, mow and trim as needed. (Master Declaration Article IX-A, section 14 per 2016 Amendment)

301.3 Written approval of the Association is required to plant or permit the growth of any vegetation except turf grass on any property that is subject to an easement. See 103.6 for enforcement of this rule.

301.4 All Lots are subject to recorded easements. Owners must maintain easement areas in good repair and condition. No building, structure, or fence of any kind may be erected within the easement which might interfere in any way with the use of such easement. (Article XII of Country Club Plats 2, 3, 5, 6, 7, 8)

302 Maintenance of Lake Lots

302.1 A Lake Lot owner must maintain his or her Lot in good repair adjacent to the lake and shoreline including but not limited to seeding, sodding and mowing. Such maintenance shall be performed according to rules established by the Board. If any owner fails to fulfill his or her maintenance responsibilities, the Association may perform the needed maintenance and assess the cost thereof to the owner or owners of the Lot. (Master Declaration Article VI, section 6 per 2009 Amendment)

302.2 Lake Lot Owners shall seed, sod, mow and maintain the area between the rear lot line and the shoreline of the lake. The Association shall have the right to enforce this provision. (Country Club Plat 2, Article 16; Country Club Plat 3, Article 16; Country Club Plat 8, Article 18).

302.3 The Association is responsible for shoreline maintenance. (Master Declaration Article VI, section 6 per 2009 Amendment)

302.4 Lake Lot owners around the portion of the lake south of Lake Pointe Drive are to maintain the natural appearance of the shoreline.

302.5 The Association has an easement 25 feet in width over every Lake Lot along the back boundary of each. The easement is for Association lake and shoreline maintenance purposes only. (Master Declaration Article VII, section 1)

302.6 Lake Lot owners shall not change any elevation or grade within the Association's easement areas for lake maintenance.

302.7 Written approval of the Association is required to plant or permit the growth of any vegetation except turf grass on the back 25 feet of a Lake Lot. See 103.6 for enforcement of this rule.

303 Lot Changes or Improvements

303.1 It is the responsibility of Members to confirm in advance that any use of a Lot, activity on a Lot, or change to a Lot is permitted by the Rules and Regulations. Obtaining approval from the City of Clive may not be sufficient. The City may not waive any Association rules or regulations.

303.2 Before preparing, building, or installing a structure, grade change, fence, or other permanent improvement on a Lot, a Member shall first determine that such is permissible by the Rules and Regulations. Any questions should be directed to the Property Manager or the Board President.

303.3 A Member may apply to the Board for approval of a proposed change to a Lot. The required application form can be found on the Association website. The application should be submitted to the Property Manager for review and approval. The application will be processed in a timely manner. If the applicant's proposal is denied, the applicant may take the matter before the Board at the next monthly meeting.

303.4 Some specific types of changes or improvements are discussed below in sections 304 through 308.

304 Access Ramp

304.1 Before preparing, building, or installing an access ramp to a dwelling, a Member shall first obtain approval of the Board. A request for approval shall be accompanied by a plan based on sound architectural and engineering standards that shows an elevation drawing or rendering of the ramp displaying it from two sides and above. The request shall include the materials list, the proposed location of the ramp, and any other information reasonably requested by the Board.

304.2 An access ramp shall be built and installed within the garage of a dwelling. But if the request for approval shows that an inside ramp is not feasible for architectural and engineering reasons, or that such a ramp would be prohibitively expensive, the Board may consider the approval of an outside ramp. To receive approval, an outside ramp must meet the Board's reasonable requirements for design, materials, and construction.

305 Roofing Materials

305.1 Roofing materials require preapproval by the Board. Allowable materials are:

- a. Cedar wood shakes/shingles;
- b. Industrial polymer composite material shaped like cedar shake;
- c. Stone coated metal material resembling cedar shake;
- d. Asphalt bi-laminate layers;
- e. Asphalt tri-laminate layers.

(Master Declaration Article IX-A, section 1 per 2016 Amendment)

305.2 The Board by Resolution will establish (a) specific procedures for application and approval, and (b) detailed materials specifications.

306 Fences

306.1 Restrictions concerning fences generally:

- a. No fences over 2 feet high are permitted within the front 40 feet of any lot.
- b. No chain-link or snow fence of any kind is permitted.
- c. Temporary fences are permitted only during construction projects, provided they comply with City requirements.
- d. No fences are permitted:
 - 1) On the rear 40 feet of lots abutting Hickman and 142 (in Plat 7)
 - 2) On the rear 35 feet of lots abutting 142 (in Plat 3)
 - 3) On berms or on the rear 40 feet of lots abutting Hickman (in Plat 5)
 - 4) On the rear 35 feet of lots abutting 142 (in Plat 8)
- e. Invisible fences are permitted.
- f. Fences may be stained or painted in natural or wood tones only.
- g. No fences are permitted on berms.
- h. No structure shall be permitted without approval of the Board.

(Master Declaration Article IX-A, sections 3, 10 and 13 per 2016 Amendment)

306.2 Restrictions concerning fences on Outlot A (Lake Lots):

- a. No privacy fences are permitted.
- b. Fences must be metal see-through fences and painted black in color.
- c. Fences shall not encumber any Country Club easement or DNR flood plain.
- d. Invisible fences are permitted.
- e. No structure shall be permitted without approval of the Board.

(Master Declaration Article IX-A, section 4 per 2016 Amendment)

306.3 No fence shall encumber the Association's maintenance easement over the back 25 feet of each Lake Lot.

306.4 The City of Clive requires a permit for all fences.

307 Swimming Pools

307.1 Above ground/nonpermanent pools are not permitted on any Lot, except that small kiddie and toddler pools may be used seasonally. (Master Declaration Article IX-A, section 2 per 2016 Amendment)

307.2 Swimming pools on Outlot A (Lake Lots) shall not encumber any Country Club easement or DNR flood plain. (Master Declaration Article IX-A, section 4 per 2016 Amendment)

307.3 No fence shall encumber the Association's maintenance easement over the back 25 feet of each Lake Lot.

307.4 No structure shall be permitted without approval of the Board.

307.5 The City of Clive requires a permit for all pools.

308 Outbuildings and Toolsheds

308.1 Restrictions concerning outbuildings and toolsheds not on Lake Lots:

- a. Structure shall not be larger than 8w x 8d x 8h (at highest point).
- b. Structure must (1) be totally screened by shrubby/decorative fence or totally concealed at rear of dwelling; (2) Have roof and siding matching the home; and (3) be on a concrete pad.
- c. Other than those meeting the requirements of (a) and (b) above, no separate structure shall be permitted.
- d. No structure shall be permitted without approval of the Board.
(Master Declaration Article IX-A, section 5 per 2016 Amendment)

308.2 Restrictions concerning outbuildings and toolsheds on Lake Lots:

- a. No structure shall be permitted unless serving as a pool house for pool related items (pumps, filters, and pipes) and such structure shall not extend over 15 feet of the rear of the house.
- b. No structure shall be permitted without approval of the Board.
(Master Declaration Article IX-A, section 6 per 2016 Amendment)

308.3 Before building a toolshed or outbuilding, a Member shall first apply for and obtain Board approval. An application shall be accompanied by a plan based on sound architectural and engineering standards that shows an elevation drawing or rendering displaying the building from two sides and above. Example technical drawings can be found on the Association website. The application shall include a materials list, the proposed building location, how it will be screened by shrubbery or decorative fence, and any other information reasonably requested by the Board.

308.4 The City of Clive requires a permit for all buildings.

309 Colors of Buildings and Fences

309.1 Restrictions concerning colors of buildings and fences are as follows:

- a. Loud or offensive colors shall not be used; color schemes shall fit in with the neutral tone of the neighborhood.
- b. Murals are not permitted.
- c. Fences may be stained or painted in natural or wood tones only.
(Master Declaration Article IX-A, section 10 per 2016 Amendment)

310 Berms

310.1 Restrictions concerning berms and their maintenance are as follows:

- a. Berms shall be maintained in an attractive and consistent appearance (with those along 142/Hickman).
- b. Berms shall be sodded or seeded with grass only; rocks, mulch and other groundcover are not permitted.
- c. The owners of Hickman lots shall maintain their grassed right-of-way.
- d. The owners of 142 lots shall maintain the area between the sidewalk and street.
- e. The requirement to maintain includes, but is not limited to, mowing, watering, and removal of weeds, debris and trash.
- f. No structures, buildings, woodpiles, etc. are permitted on berms.
- g. No change in the elevation or grade of a berm is permitted.
- h. The lot owner shall replace any damaged or diseased trees true to the original landscaping.
- i. No fences are permitted on berms.
(Master Declaration Article IX-A, section 13 per 2016 Amendment)

311 Parking Vehicles

311.1 No recreational/trailer/water vehicle shall be parked on a street or driveway for more than five consecutive days, not to exceed 15 days total during a calendar year. (Master Declaration Article IX-A, section 7 per 2016 Amendment)

311.2 Clive ordinances prohibit the outdoor storage of motor vehicles and require that any motor vehicle be parked only on a paved surface.

312 Parking and Terrace Areas

312.1 Owners of the lots adjacent to Parking/Terrace areas shall maintain such areas as follows:

- a. The lot owner shall maintain the area between the sidewalk and the curb (seed/sod) and no trees, shrubbery, etc. may be planted there.
- b. Grass around bollards shall be maintained by the lot owner.
- c. No signs, posters, advertisements, etc. shall be placed in the parking area (only in the yard or driveway).
(Master Declaration Article IX-A, section 8 per 2016 Amendment)

313 Sidewalks

313.1 Restrictions concerning sidewalks are as follows:

- a. The lot owner shall maintain an 8-foot clearance for trees.
- b. Sidewalks shall be kept clean/free of plants.
- c. Snow accumulation shall be removed within 24 hours after a snowfall.

(Master Declaration Article IX-A, section 9 per 2016 Amendment)

314 Trash Containers

314.1 Restrictions concerning trash containers are as follows:

- a. Trash containers shall have weight or cover.
- b. Trash containers may be placed out the night before pick-up and shall be returned to the garage the day of pick-up.
- c. The lot owner shall be responsible for retrieving any waste spilled by the pick-up service.

(Master Declaration Article IX-A, section 11 per 2016 Amendment)

315 Holiday Decorations

315.1 All holiday decorations shall be removed within six weeks after the holiday.

(Master Declaration Article IX-A, section 12 per 2016 Amendment)

316 Pets and Dogs

316.1 Restrictions concerning pets/dogs are as follows:

- a. No animals, birds, or reptiles of any kind shall be raised, bred, or kept, except for the usual household pets including dogs, cats, domestic birds in cages, fish, lizards, or bunnies in cages/tanks.
- b. Household pets shall be raised inside the home and shall not be kept outside for exorbitant periods of time or to the annoyance of neighbors.
- c. Pets are not permitted to roam free.
- d. Dog runs shall be placed in the rear, totally screened, and with no chain link fence.
- e. Dog runs are not permitted on Lake Lots.
- f. Dog owners shall promptly clean up after their dogs.

(Master Declaration Article IX-A, section 15 per 2016 Amendment)

316.2 The City of Clive requires a permit for all dog runs.

400 Procedures

The purpose of the Association is to act on behalf of the common interest of all the members of Country Club. The primary common interest is the protection, maintenance, and enhancement of the value of Country Club property.

401 Rule Making

401.1 Prior to the adoption, amendment, or repeal of any Rule, the Board shall give Members at least 21 days written notice of the intended action by ordinary mail. The notice will include the time and place of the Board meeting, and will inform Members of the manner in which they may present their views. The Board President may supplement such notice by reference to proposed documents posted on the Association website.

401.2 If the Board adopts, amends or repeals a Rule, the reasons therefore shall be clearly stated in the meeting minutes. Members shall be notified in writing of any Rule change by ordinary mail. The new Rule will be effective and enforceable 45 days after such notice. (Master Declaration Article IX, section 1 per 2009 Amendment)

401.3 A Member may in writing request the adoption, amendment, or repeal of a Rule. The request will be on the agenda for the Board's next regularly scheduled meeting. Board action on the request will be recorded in the minutes of the meeting.

402 Board Authority

402.1 The Board has authority to:

- a. Establish such Rules as are reasonably necessary to implement the provisions of the Articles of Incorporation, the Bylaws, and the Master Declaration as amended.
- b. Enforce by legal means the provisions of the Articles of Incorporation, the Bylaws, the Master Declaration as amended, and the Country Club Rules and Regulations.
- c. Impose fines, penalties, and assessments against a Member for a violation of Rules and Regulations.
- d. Suspend the voting rights of a Member for a violation of Rules and Regulations.
- e. Take action against anything done on a Lot that is or may become an annoyance or nuisance.
- f. Secure removal of any structure or item in the Common Area that is not in full compliance with all Rules and Regulations, and to recover reasonable attorney fees, costs and expenses.

402.2 If a member alters or damages the Common Area, the Board can charge the cost of repair to the Member as a special assessment and place a lien on the Member's property.

402.3 Board inaction with respect to enforcement of a particular Rule or Regulation shall not constitute a waiver of the right to enforce said Rule or Regulation at a later time.

403 Compliance

403.1 Association Rules and Regulations apply to all persons including Members, Family Members, and Guests. Members are responsible for the violation of rules by their Family Members and Guests. Fines and costs assessed against a Member shall become a lien upon the Member's Lot.

403.2 Notice of a possible violation of a Country Club Rule or Regulation should be reported to the Association's Property Manager or Board President.

403.3 The Property Manager is responsible for processing the notice of a possible violation. The following information should be compiled:

- a. The Rule or Regulation in question;
- b. The date, time, and location of the alleged violation;
- c. The names, addresses, and phone numbers of alleged violators (defendants), association members involved, and other witnesses; and
- d. A short and plain statement of the facts of the incident.

403.4 The Board President shall evaluate the notice of violation within a reasonable time. If deemed necessary, the President shall set the matter for consideration at a Board meeting. At such meeting the Board may (a) take no action, (b) postpone action, (c) refer the matter to committee for investigation, or (d) set the matter for hearing. Minutes of the meeting may omit identity information.

403.5 If the alleged violation is set for Board hearing, the following shall apply:

- a. The hearing shall be within a reasonable time.
- b. A defendant shall receive reasonable written notice of the hearing.
- c. The notice of hearing shall include:
 - 1) The time and place;
 - 2) A reference to the particular Rule or Regulation in question;
 - 3) A short and plain statement of facts;
 - 4) A statement of the possible consequences of a violation; and
 - 5) A reference to the defendant's rights to attend, to be represented by counsel, to present evidence, and to question others involved.
- d. A defendant may request rescheduling of the hearing. For good cause the Board President may grant the request.
- e. A Board member with a conflict of interest may be excused from the hearing.
- f. If all parties agree, the matter may be submitted to a third party for hearing.

- g. If a defendant fails to appear at the Board hearing, the President may enter a decision by default, or may proceed with the hearing in the party's absence. The defendant shall be notified of the Board decision and the reasons therefore. An absent defendant may within 7 days submit a request to vacate the decision for good cause. The Board President shall rule on the request in writing.
- h. At the hearing the Board may mechanically record oral presentations. Either party may request a stenographic transcription of the hearing at that party's expense. Any recording or transcription shall be part of the record.
- i. The hearing record shall include all relevant documents and evidence, a list of witnesses, findings of fact, reasoning, and decision.
- j. All Board decisions shall be available for inspection by Members.

403.6 After a hearing at which it is determined that a violation has occurred, the Board is authorized to:

- a. Impose a fine. For the first violation the Board may impose a fine of up to one hundred dollars (\$100.00). If the Member does not cease or correct the violation, the Board may impose a fine of up to one hundred dollars (\$100.00) for each month that the violation continues for a maximum of 12 months. A new hearing is not required before imposing a fine for continuing violations.
- b. Require the Member to reimburse the Association for its administrative costs and expenses, including reasonable attorney fees.
- c. Require the Member to pay damages related to the violation.
- d. Order the Member or others to refrain from an inappropriate activity.
- e. Take reasonable action to terminate an inappropriate ongoing activity.
- f. Remove unauthorized structures, fences, or plants.
- g. Require the Member to cover the costs of correcting violations including, but not limited to, the removal of structures, fences, or plants.
- h. Take such other steps as may be necessary to carry out the intent of the Rules and Regulations.

403.7 If necessary to protect public health or safety from an immediate danger, the Board may suspend the notice and hearing requirements of the previous sections and take such emergency action as is reasonably necessary under the circumstances. The Board shall give such notice as is practicable to persons who are affected by or are required to comply with the Board action. The Board President shall issue an order including a statement of facts, applicable Rules, and policy justifications for the emergency action.