



TIDAL WALK



A RESOLUTION OF THE BOARD OF DIRECTORS ESTABLISHING POLICIES AND PROCEDURES FOR COVENANT AND RULE ENFORCEMENT

WHEREAS, the Declaration and By-Laws empower the Board of Directors to govern the affairs of the Association and to exercise for it all powers, duties, and authority vested therein; and

WHEREAS, pursuant to Article VIII of the Declaration, the Board of Directors is charged with enforcing the provisions of the Declaration and Rules and Regulations by appropriate means in their discretion, including imposing reasonable monetary fines; and

WHEREAS, it is the intent of the Board to adopt a uniform procedure for the enforcement of the Declaration and Rules and Regulations beyond the general authority granted in the Declaration and By-Laws to facilitate the efficient operation of the Association; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does hereby adopt the following procedures for enforcement of the covenants and rules of the Association:

RULE ENFORCEMENT POLICY

1. Owner Responsibility. Any non-compliance with the covenants and rules by any owner, tenant, or guest will be the responsibility of the owner.
2. Reporting Violations. Complaints regarding alleged violations may be reported to the Board of Directors by an owner or resident within the community, a group of owners or residents, Management, Board member(s) or committee member(s) by submission of a written complaint signed by the complainant. A written complaint shall state the alleged violation, violator, and violator's address, if known, and when the violation was observed. The complaint will be investigated as soon as possible.
 - (a) Written complaints failing to include any information required by this provision may not be investigated at the discretion of the Board.
 - (b) Complaints by a member of the Board of Directors, a committee member, or Management, will be made in writing or by the Board and entered into the minutes of a meeting if such violation was observed by the Director or manager.
3. Management Company Inspections. Pursuant to Article III, Section 3.19, of the By-Laws, and Article III, Section C, of the Management Agreement, routine inspections will be performed in the subdivision for violations of the covenants and rules. Upon the discovery of a first offense, an Initial Courtesy Letter will be sent to the violator. If the violation is still present upon the following inspection, then a Warning Notice will be sent to the violator explaining (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed for failure to comply, (iii) a period of not less than ten (10) calendar days within which the owner may present a written request for a hearing to the Board of Directors, and (iv) a statement that the proposed sanction shall be imposed unless the violation is corrected within ten (10) calendar days of the notice or a challenge is begun within ten (10) calendar days of the notice. This procedure will be modified accordingly with regard to identical offenses within the previous 90 days, as set forth in Section 7 of this policy.
4. Initial Courtesy Letter. If a violation is found to exist following receipt of a Complaint, or, if a violation is observed by Management as a result of a routine community inspection in accordance with the Management Agreement, the Board or Manager shall send an Initial Courtesy Letter to the owner stating the nature of the violation.

5. Warning Notice. If the alleged violation continues unabated following an Initial Courtesy Letter and a time period of not less than ten (10) calendar days from the postmark date of the Initial Courtesy Letter, the Board or Manager shall then serve the owner with a Warning Notice describing (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed for failure to comply, (iii) a period of not less than ten (10) calendar days within which the owner may present a written request for a hearing to the Board of Directors, and (iv) a statement that the proposed sanction shall be imposed unless the violation is corrected within ten (10) calendar days of the notice or a challenge is begun within ten (10) calendar days of the notice. Prior to imposition of any sanction hereunder or under the Declaration, the Board or its agent shall be required to provide the owner a reasonable opportunity to correct the violation or to request a hearing before the Board. The only exceptions to this requirement are instances of repeat violations (see Section 7 below). If a timely challenge is not made, the sanction stated in the notice shall be imposed. The Board may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the ten (10)-day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any person.
6. Failure to Comply. If, following receipt of a Warning Notice, an alleged violator should fail to either (a) take reasonable steps to correct the violation after ten (10) calendar days following the postmark date of the Warning Notice, or (b) timely request a hearing before the Board; then the proposed sanction shall be imposed.
7. Repeat Violations. If a violation recurs after a fine or other sanction has been imposed, or if a violation is repeated a second time within ninety (90) calendar days, no Courtesy Letter or Warning Notice will be made, and a fine will be levied against the owner in accordance with the schedule of fines until the violation is corrected.
8. Architectural Violations. In the case of a violation of architectural restrictions (for example, a structure built on a lot without prior review and approval by the ARB), the Board or Manager shall serve the alleged violator with a Warning Notice describing (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed for failure to comply, (iii) a period of ten (10) calendar days within which the alleged violator may avoid sanction by either submitting a written application for ARB approval or removing the unapproved addition or modification and returning the property to substantially the same condition as existed prior to placement; and (iv) a period of not less than ten (10) calendar days following the postmark date of the Warning Notice within which the alleged violator may present a written request for a hearing to the Board of Directors. If a written request for a hearing is not made within ten (10) calendar days, and, if the architectural violation is not remedied by either submittal of an application for ARB approval or removal thereof within ten (10) calendar days following notice, the sanction stated in the notice shall be imposed. Any fine(s) levied shall be in addition to any other enforcement means available to the Association (see Section 12 below).
9. Hearings. If a hearing is requested by the alleged violator, the Board shall send a written notice to that owner and any other parties involved, at its discretion, stating the scheduled place, date, and time, at least ten (10) calendar days prior to the hearing date. At the hearing, the alleged violator shall be afforded a reasonable opportunity to appeal the matter, although his or her attendance is not required. In general, hearing(s) shall be held at the start of the next regularly scheduled monthly Board meeting.

A decision made by a majority of Board members present at a hearing shall be in writing and provided to the violator via certified or registered mail within ten (10) calendar days of the hearing and shall become effective ten (10) calendar days after it is served upon the violator.

10. Fine Schedule. The following fine schedule has been adopted for any violation of the Declaration and Rules and Regulations:

First violation	Initial Courtesy Letter
Second violation	Warning Notice
Third violation	\$25.00 fine per violation
Subsequent violations	\$25.00 per day / per violation

The second and subsequent covenant violations may be turned over to the Association's attorney to take appropriate legal action.

This schedule does not limit the Board's authority to set aside the normal steps in order to address egregious rules violations, or to not apply a fine if the Board deems the circumstances warrant a lesser response.


Any fine(s) which remains unpaid after thirty (30) days shall be considered a delinquent assessment subject to the terms of the Collection Policy.

11. Waiver of Fines. The Board reserves the right to waive all fines levied or any portion thereof if, in its sole discretion, such waiver is appropriate under the circumstances.
12. Other Enforcement Means. This enforcement policy and fine schedule is adopted in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and South Carolina law. The use of this enforcement procedure does not preclude the Association from using any other enforcement means available to it, including, but not limited to, self-help, suspension of services provided by the Association, or by suit at law or in equity to enjoin any violation or to recover monetary damages or both, without the necessity of compliance with the procedure set forth above. In any such action, the owner responsible for the violation shall pay all costs, including reasonable attorney's fees actually incurred. Any entry onto a lot for purposes of exercising the power of self-help shall not be deemed as trespass.
13. Violations of Law. The Board acknowledges that some activities and behaviors which are inconsistent with the Association's covenants and rules are clearly regulated by municipal, county, or state law, such as excessive noise or proper pet restraint. In these circumstances, the Board shall defer to the civic authorities for enforcement. The Association is not a substitute police force or municipal court.
14. Notice. Except as otherwise provided herein, all notices shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by United States mail, first class postage prepaid. In the case of non-owner-occupied properties, all residents of said properties and owners will be provided copies of all correspondence relating to enforcement.
15. Waiver. Failure to notify or enforce any of the covenants and rules will not be deemed a waiver thereof.
16. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and South Carolina law.
17. Severability. The provisions of this policy are severable, and if one or more are found to be invalid, all others shall remain in full force and effect.
18. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
19. Amendment. This policy may be amended from time to time by the Board of Directors.

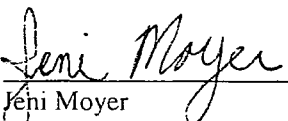
ADOPTED by the Board of Directors this 11th day of November, 2019.

TIDAL WALK HOMEOWNERS ASSOCIATION,
INC.

ATTEST:



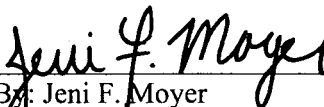
Kyle Clark
Its: Secretary



Jeni Moyer
Its: President

I certify the foregoing Policies and Procedures for Covenant and Rule Enforcement constitutes the original as approved at a meeting of the Board of Directors held on the 11th day of November, 2019, and have executed the within certification as an original this 13th day of November, 2019. Cross reference is made to the Declaration of Covenants, Conditions and Restrictions for Tidal Walk, recorded on July 23, 2015, Book 0492, Page 722 of the Register of Deeds for the County of Charleston, State of South Carolina.

TIDAL WALK HOMEOWNERS
ASSOCIATION, INC.


By: Jeni F. Moyer
Its: President

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

TECKLENBURG & JENKINS, LLC
 P. O. BOX 20667
 CHARLESTON SC 29413

RECORDED		
Date:	January 15, 2020	
Time:	9:22:01 AM	
<i>Book</i>	<i>Page</i>	<i>DocType</i>
0853	126	Misc
Michael Miller, Register Charleston County, SC		

Maker:

TIDAL WALK HOA INC

of Pages:
 # of Sats:
 # of Refs:

Recipient:

N/A

Note:

Recording Fee	\$ 25.00
Extra Reference Cost	\$ -
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 25.00

Original Book:

0492

Original Page:

722

Drawer:
 Clerk:



0853
Book



126
Page



01/15/2020
Recorded Date



5
Pgs



0492
Original Book



722
Original Page



D
Doc Type



09:22:01
Recorded Time