

Community Rules and Regulations

6/2023 Update

Welcome to The Tides at Newmarket Creek Condominium Inc.

The Tides at Newmarket Creek is a condominium development within the City of Hampton, established under the laws of the Commonwealth of Virginia. This Association Handbook is designed to introduce you to The Tides at Newmarket Creek and the facilities available. In order to get the most enjoyment out of your neighborhood, it is imperative that certain rules and regulations are observed. This Handbook is not intended to supersede or replace the recorded Declaration or Bylaws. If this Handbook conflicts with the recorded Declaration and Bylaws, then the latter will prevail.

Please read this Handbook carefully and enjoy condominium-living to the fullest. If you have any questions, please contact the Association.

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The Tides at Newmarket Creek consists of:

- 22 Acres
- 1 Swimming Pool
- 1 Clubhouse
- 1 Kayak Launch
- 1 Dog Park

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Please read this Handbook carefully. If you have any questions, the Association will welcome them.

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This Handbook is not intended to supersede or replace the recorded Declaration and Bylaws. The Board of Directors reserve the right to amend the Rules and Regulations when necessary.

YOUR CONDOMINIUM PROPERTY

The condominium concept of real estate ownership had its origin in the laws of ancient Rome and has been made a part of modern living by laws enacted by the Virginia Legislature.

Condominiums generally consist of three separate elements:

- Common Elements – These include practically everything outside your door, i.e. the grass, roadways and sidewalks, and recreational facilities.
- Limited Common Elements – These include your assigned parking spaces and your patio. Although technically common elements, these are limited to your specific use.
- Condominium Unit – This includes the perimetrical boundaries of your unit up until the common elements begin.

BOARD OF DIRECTORS

The affairs of the Association are governed by a Board of Directors consisting of no less than three (3) nor more than five (5) members elected in accordance with your Declaration and Bylaws. The Declaration and Bylaws and such Rules and Regulations guide the Directors in their administration of the Association.

THE ADMINISTERING ASSOCIATION

The Association elects a board of Directors in accordance with the Declaration and Bylaws after the initial period of Declarant control. The Board of Directors is vested with the rights, powers and privileges necessary to fulfill the obligations set forth in the Declaration, Bylaws, and the Rules and Regulations adopted by the Association, and in accordance with the Condominium Act of the Commonwealth of Virginia.

RESIDENT OWNER

A Resident Owner (RO) is an owner of record of a unit who permanently resides in that unit. A visiting member of the family is not considered a resident, but is a guest subject to all the rules applicable to guests.

NON-RESIDENT OWNER

A Non-Resident Owner (NRO) is an owner of record of a unit who does not reside in the unit. An NRO may serve on the Board of Directors or any of the various committees and retains the privilege of voting at elections.

RESIDENT TENANT

A Resident Tenant (RT) is a tenant in a unit and as such is entitled to the use of all of the amenities of the Association unless the non-resident owner retains amenity privileges. A RT may not serve on the Board of Directors, but may serve on any of the various committees. A RT may not vote unless given a proxy to do so by the NRO. A NRO is responsible for the actions of their RT and to make

sure that they receive a copy of and abide by the Rules and Regulations of the Association.

RENTAL RESTRICTIONS OF UNITS

The Declaration and Bylaws provide that units may not be rented for less than one hundred and eighty days (6 months). FHA guidelines provide that there shall be no transient leasing of units (defined as 30 days or less). These restrictions prohibit the use of Airbnb, Flip Key, VRBO and other online or app-based platforms if such use results in the rental of any unit for less than one hundred and eighty days. A unit owner is obligated to advise the Association when a unit is rented and must provide the Association with the tenants' names, occupants, contact information, vehicle, and pet information within ten days of leasing the unit including a copy of the executed lease.

RESALE OF UNITS

It is the obligation of the seller to notify the Association of the pending sale of a unit and to obtain the necessary documents as required by the Commonwealth of Virginia.

ACCESS TO UNITS

The Declaration and Bylaws give an irrevocable right, to be exercised by the Association, the Managing Agent, or other agents or contractors authorized by the Association, to have access to any unit from time to time during reasonable hours as maybe necessary for the maintenance, repair or replacement of any of the common elements or to another unit or units. Notice will be given to the unit owner or resident whenever possible. Please note that in the event of an emergency entry may be made without notice.

ASSESSMENT

The following is a general list of items your monthly assessment pays for:

- Maintenance of Recreational Facilities
- Maintenance of the exterior of all buildings
- Maintenance of Common Areas
- Electricity for Common Area lights
- Electricity and Gas for the Clubhouse
- Snow Services
- Landscaping
- Association Insurance
- Legal and Accounting Services
- Reserve Replacement Fund
- Professional Management Services

Below is a list of unit owner responsibilities versus Association responsibilities.

UNIT OWNER RESPONSIBILITIES

Interior Plumbing Interior Electric
Interior Maintenance Homeowner's Insurance
Air Conditioning System Heating System

Cleaning of Deck Windows
Cleaning of Windows Appliances
Cleaning of All Vents Locks
Interior Exterminating Doors
Interior Painting Real Estate Taxes
Water Meters Exterior Lights-Unit
Mailbox Lock Repair and/or Replacement
Hot Water System

ASSOCIATION RESPONSIBILITIES

Clubhouse Maintenance Exterior Building Maintenance Pool
Maintenance/Management Exterior Electric
Landscaping Trash Removal
Community Roads – Pavement Snow Service
Common Area Insurance Exterior Painting

For All Maintenance Issues, Please Contact the Management Office (United Property Associates).

COMMITTEES

It must be remembered that all Board and Committee members of the Association are unit owners or tenants who volunteer their time and efforts to serve the community. All residents should appreciate the general giving of their time and knowledge for the betterment of the community.

PLEASE REMEMBER THAT ALL BOARD MEMBERS ARE VOLUNTEERS AND SERVE WITHOUT COMPENSATION.

RULES & REGULATIONS

COMPLAINTS

All complaints should be registered through the **Management Company** and must be in writing and submitted in accordance with the Complaint Policy.

LAWN & SPRINKLERS

The Association is responsible for lawn maintenance and foundation plantings installed by the Developer. There will be no irrigation or sprinkler system installed nor may any homeowner water the grounds.

SNOW SERVICE

The Association contracts for snow removal service for streets and sidewalks. Usually a Board or Committee member will be designated as a liaison with the contractor to determine when to come onsite to commence the removal of snow, when deemed appropriate. This is normally done when snow has accumulated to a depth of 2 inches and it is not anticipated that a quick melt will occur. All unit owners, tenants and guests should exercise care during any type of hazardous weather event.

Individual entrances and driveways will not be cleared and are the responsibility of the unit owner.

No use of any salt products on the sidewalks or entranceways is permitted. Unit owners are permitted to use calcium chloride, if necessary. Salt will destroy the cement and the surrounding lawn areas and will discolor brick pavers. Do not use "ice chippers" anywhere as they are not permitted. They will cause cracks in the concrete and brick pavers.

STREET AND COMMON AREA LIGHTING

The Association is responsible for the common area lighting such as the street lighting. Most street lights have a number on them. If one in your area is not working, please call the Management Office and give them the light number.

NOISE

As a matter of neighborly courtesy, the operation of washers, dryers, vacuuming, loud radios, television and similar disturbances is discouraged after 10 pm. No offensive noise shall be allowed in/on any of the common elements, limited elements, or in any unit.

LATE FEE POLICY

The monthly assessment is due by the 1st of each month. Assessments received after the 10th of the month will be assessed a late fee of \$30 or 10% of assessment, whichever is greater.

SOLICITATION/TRESPASSING/LOITERING

Solicitation without prior approval of the Board of Directors is prohibited. This includes the posting of any type of signs inside or outside of any unit. No trespassing or loitering is permitted outside of the clubhouse or on property.

POSTING OF SIGNS

Advertisements, signs or posters may not be placed at any location other than the community bulletin board back in Clubhouse. Bulletin board postings are for community business or activities and not for personal business or private matters. Signs, lettering or posters are not permitted on the unit or any common element with the exception of a "FOR SALE" sign, which may be placed in the unit window provided it is limited to one professional sign not to exceed 24 inches by 36 inches.

TRASH REMOVAL AND RECYCLING

- The Association provides weekly trash removal service. The trash company assigns each unit with one trash can. Please only use the bin assigned to your unit by the trash company.
- All trash cans shall be stored indoors or out of sight in the dedicated location adjacent to the unit to which the can belongs.

- **The trash can at clubhouse is only for clubhouse trash, not personal/ household trash.** All trash must be bagged before being placed into the clubhouse trash can.

NOTE: *No trash or garbage pails are to be kept on decks, balconies, in driveways or outside your front door. All must be out of view. Violations of above rules may result in your account being assessed violation charges.*

SATELLITE DISHES, CABLE TV AND OTHER COMMUNICATION EQUIPMENT

Each unit is pre-wired for cable TV reception. Connection to the cable system is the responsibility and expense of each individual unit owner and must be arranged directly with the cable TV company. No antenna or satellite dish of any type is permitted on the exterior of any building.

Unit owners are not permitted to run wires on the exterior of the building or put holes in the exterior of the building to install wires, without written permission from the Association. Unit owners who do so may be charged per day until they are compliant with the Association Rules and Regulations and may be responsible for any damages.

ANIMAL CONTROL

- All pets must be kept on a leash at all times and are not allowed to run freely.
- Cats should be kept indoors at all times.
- Pets are not allowed to be fed outside of a unit on common grounds or left unattended on porches, patios or at the main entrance of a unit.
- No resident shall keep or maintain any animal that habitually howls, barks, whines or cries so as to disturb other unit owners or tenants.
- No animals are allowed in the Clubhouse or in any of the recreational areas.
- Owners must carry a pooper scooper or other means of picking up their pet waste and dispose of the waste immediately in their household trash.
- Disposing of pet waste down a storm drain or disposing of cat-litter down a toilet is prohibited and a health hazard. Please be considerate of fellow residents when caring for your pets.
- Unit owners are prohibited from hanging birdhouses, birdseed bags or tossing/leaving bread or any food on the ground to feed animals, birds, ducks and geese. The Association will remove birdhouses and birdseed bags and the unit owner will be charged for the removal.
- The Association will provide a "Bark Park" with rules to be established and posted at the park.

*It is prohibited to walk a pet to relieve itself on the lawns, sidewalks, roadways, parking areas, or common grounds **in the immediate front, rear or side of any unit.***

OUTDOOR GRILLS OR GAS BURNERS

- Grills may be used/stored in accordance with the Virginia State Fire Prevention Code.
- Residents are not permitted to use or possess fire pits or outdoor gas burners, of any type or description, except those powered by electricity.
- The use of propane or charcoal grills is prohibited, as is the storage of propane in any form.

If the Association received a violation for the storage of propane as the result of a unit owner, their family member(s), guests or tenants, the unit owner will be responsible to remove the propane and to pay the charges imposed.

WINDOW AIR CONDITIONERS AND WINDOW FANS

The use of window or wall air conditioners and window fans is strictly prohibited.

ARCHITECTURAL MODIFICATIONS

No architectural modification can be made without the written approval of the Association before any work is begun.

INSTALLATION OF STORM DOORS

Storm door installation is permitted, and the following model has been approved as the standard door for the community and is the only one allowed: Full view, clear glass (no decorative) white in color. Hardware color must match existing door hardware.

GUESTS

Unit owners and RT are fully responsible for the conduct of their guest(s). Members must sign guest(s) in at all recreational facilities and shall be responsible for the payment of appropriate fees, if any.

LAUNDRY

Hanging laundry outdoors on a clothesline or dryer rack is prohibited. No laundry or towels may be hung from any patios or balconies where it might be visible to the adjacent units or from the common elements.

SOUND SYSTEMS

Residents are not permitted to play stereos, sound systems, speakers or other music or voice amplification devices inside or outside of their units so as to disturb their neighbors. Residents are also required to turn their vehicle sound systems down upon entering and driving through the complex so as not to disturb fellow residents.

OUTDOOR FURNITURE

- Outdoor furniture may not be placed anywhere other than on your deck or patio. Items must be in good condition.
- Lawn ornaments, bird baths, decorative flags, bird feeders, and or other decorations are prohibited.
- No birdbaths, wind ornaments, wind chimes, statues, signs or artificial plants (plastic or wood) of any kind may be placed on the common elements.
- No fencing or edging of any kind may be installed.
- Solar lights are allowed if in good condition. Placement on Common areas is at residents own risk.

The Association and/or the landscape contractor are not responsible for damage to Unit Owners outdoor furniture that is left on the common elements. Board has final authority if items are in good condition.

PLANTING GUIDELINES - - COMMON ELEMENTS PLANTING BEDS

- No trees, flowers, fruits or vegetables may be planted in the common elements.
- No decorative rocks, sea shells, pine bark, marble chips or any other mulch may be added to the common elements.
- Living plant material placed by the Developer or the Association may not be removed or relocated without prior approval of the Association

PLANTS & DECORATIONS ON STAIRS, DECKS, FENCES & LANDINGS

The rules with respect to plants and other decorations on stairs, decks, fences and landings have been instituted for safety reasons. No exceptions will be allowed and no modification requests will be considered except as required by law.

- No plants or any other decorations may be placed on outdoor stairs.
- No flower box or hanging plant may be hung in such a way that it extends directly over any Common Element.
- Plants and patio furniture may be placed on patios or balconies provided such items are kept in good order.

STORAGE

Storage of baby strollers, bicycles, trunks, water bottles, garbage cans, recycling cans, any personal items, etc., is prohibited to be stored on or under stairwells, on balconies or front entrances, or driveways. All such items must be placed in the storage closet or garage of the unit owner

TRAFFIC & PARKING

NOISE

There will be no revving of vehicle engines or motorcycles while on community property. Any amplified audio system emanating from any vehicle must be kept at a minimum.

Residents and their guests are required to turn their vehicle radios down upon entering and driving through the community so as not to disturb fellow residents.

SPEED LIMIT

The speed limit throughout the neighborhood is 15 MPH.

VEHICLE MAINTENANCE

Minor vehicle maintenance such as changing a flat tire or washing and waxing a vehicle may only be performed within the owner's driveway or assigned space. No other type of vehicle maintenance is permitted within the Association property.

PARKING

- Only two vehicles are permitted per unit. All vehicles must be registered with the Association. Each unit will be issued one parking decal and one visitor pass. 5-Plex units are issued red decals and 10-Plex units are issued blue decals. Visitor passes are green. Parking decals shall be placed in the lower, left (driver side) corner of the rear windshield. Visitor passes shall be hung on the rear view mirror. In cases where the decal/visitor pass cannot be placed in the approved location, the Owner must communicate with the Board of Directors. Replacements will be issued at a cost of \$5.00 per decal and \$10.00 per visitor pass.
- Street parking is prohibited on dead ends or in any way that blocks egress.
- Visitor parking spaces are strictly for visitor use. Visitor vehicles shall not remain in a visitor parking space longer than 48 hours at a time. The regular use of visitor parking spaces instead of one's driveway, garage or assigned parking space is prohibited.
- No unit owner, resident or guest may park in someone else's parking area without permission of the owner. Owners with a garage must park in their garage/driveway first. Owners without garages must park in their assigned parking space first. Overflow vehicle parking is permitted along the street, in unmarked spaces on a first come, first serve basis. Vehicles shall not remain parked in overflow parking longer than 48 hours at a time.
- All vehicles parked in Tides at Newmarket Creek must be kept in an operable condition and have current license plate decals and registration, inspection stickers and display a parking decal or visitor pass.
- No vehicle may utilize more than one parking space.
- Only private passenger-type cars, station wagons, pick-up trucks, vans and two wheeled, motorized vehicles are allowed to park

overnight. Motorcycles should have a board or other device under the kickstand so as to prevent damage to the parking surface.

- No recreational vehicles (campers, house trailers, motor homes, boats, jet skis, etc.) or commercial vehicles will be allowed to park overnight without special permission of the Association. When such permission is granted, the vehicle must be parked in a pre-designated area and shall not be used as living quarters. Vehicles such as automobiles, mini-vans, SUVs and pick-up trucks not exceeding three-quarter ton, that are used for both business and personal use and have minimal business markings, signage or logos may be permitted upon the written approval of the Board of Directors.

- During snow removal, residents must cooperate with the contractors by moving their vehicles when requested to do so.

Vehicles that are inoperable, illegally parked or fail to display a parking decal or visitor pass will be towed without notice at the vehicle-owner's expense.

PORTABLE STORAGE CONTAINERS

Portable storage containers are allowed as a means of moving residents into or out of the Tides in accordance with the following conditions:

- The portable storage container must be placed in the driveway. Care shall be taken to avoid any damage to the property including the driveway, buildings, and common elements.
- The portable storage container is allowed to be kept onsite no more than four (4) days including the day of delivery and the day of removal. Any portable storage container remaining onsite more than four (4) days will be subject to removal by the Association at the expense of the unit owner.
- Upon removal of the portable storage container, the property shall be inspected for damage. Any cost to repair damage shall be charged to the unit owner accordingly.

BICYCLES – RULES & STORAGE

- All bicycles must obey Virginia Bicycle Laws. This includes, but is not limited to:
 - Bicyclists must obey all traffic signs, signals, lights, and markings.
 - Stopping at all posted stop signs.
 - Everyone is strongly encouraged to wear a safety helmet. (NOTE: Hampton ordinance provides that every person fourteen years of age or younger shall wear a protective helmet whenever riding or being carried on a bicycle on any highway, sidewalk, or public bicycle path).
- Bicycle riding through landscaping or planting beds is prohibited

- No bicycle may be left in the street or on any walkway. Storage of bicycles must be in the garage or in designated bike racks.
- No bicycles may be stored on any balcony or deck, and may not be locked to any railing or lamppost. Bicycles may not be left in any planting bed or on the grass.

RECREATIONAL FACILITIES

USE OF CLUBHOUSE DURING OFFICE HOURS

- The Clubhouse is open for the use of residents of Tides at Newmarket Creek subject to the limitations below. The Clubhouse will be open at all other times except for Association activities and private functions.
 - If there is going to be a gathering of 6 or more (guests or residents) the clubhouse has to be rented out at least 7 days prior (no confirmation means no rental) (maximum of 35 people for events)
 - The principal use of the Clubhouse is as a community center with a focus on recreation, fitness and small work spaces.
 - Owner, Tenant or Resident must stay with their guests while at the facility.
 - Appropriate attire is required.
 - Residents under 16 must be accompanied and supervised by an adult resident at all times.
 - The Clubhouse may be used for business or social meetings or gatherings.
 - All owners, residents, tenants, and guests are expected to use common courtesy and must clean up after themselves while at the clubhouse. The Clubhouse trash can is solely for clubhouse/pool related trash, not for personal trash of any unit owner/resident. No loose trash shall be placed inside the Clubhouse trash can. Violators are subject to the Assessment of violation charges. When an interior clubhouse trash can is full, please secure the bag and place it in the green clubhouse trash can, then replace the bag. Additional trash bags can be located in the kitchen cabinet. Please do not overfill trash bags.
 - No pets allowed in the clubhouse.
 - The board reserves the right to close the clubhouse and pool without notice if there is unreasonable nuisances to other unit owners or interferers with the peaceful possession of the property

POOL RULES AND REGULATIONS (CAPACITY 24 PEOPLE)

- Residents under the age of 16 must be accompanied by an adult (at least 18 years old) for safety reasons. There is no lifeguard on duty.

- Glass containers are not permitted. Alcoholic beverages are prohibited. Smoking is prohibited including electronic cigarettes and vaping.
- Tables, chairs and lounges cannot be reserved. Residents may bring their own chairs and lounges. These items cannot be left in the pool area overnight.
- Pool appropriate bathing suits are required. Cutoffs and T-shirts are not considered bathing suits and are not permitted. Swimming diapers are permitted for both children and adults.
- No oversized flotation devices, hard balls, frisbees, etc. are permitted in the pool area. Regular sized flotation devices are permitted when pool capacity allows.
- No diving or jumping into the pool, no running, roller-skating, skateboarding, scooters or bike riding around the deck. No horseplay or unnecessary splashing will be permitted in the pool area. Spitting, roughness or other conduct affecting the safety and comfort of others shall not be permitted.
- All persons shall shower before entering the water (shower off most of the tanning lotions).
- Any person showing evidence of skin disease, sore or inflamed eyes, cold, nasal, or ear discharges or any communicable disease may not use the pool area.
- Persons with excessive sunburn, open blisters, cuts, or bandages are prohibited from swimming in the pool, but may use the pool area.
- Persons under the influence of drugs or alcohol shall not be permitted to enter the pool area.
- Swimming is prohibited during an electrical storm. No lifeguard, member of the Board of Directors or Association manager is required to be on site to determine the opening and closing of the pool due to a weather event. Determining whether current conditions are safe for swimming is entirely up to the determination of the individual user. Individual owners and their guests are to exercise utmost caution when swimming or using the pool area during or after a weather event. In the event lightning or thunder is seen or heard, the pool should be vacated for at least fifteen minutes from the last occurrence of lightning or thunder.
- Pool hours will be posted and are subject to change at any time.
- No person shall bring soap or shampoo to the pool showers.
- Audible speakers (SMALL /PERSONAL) are permitted but must be kept at reasonable volume so as to not disturb others. No profanity, vulgarity, etc. allowed.
- Guests must be accompanied to the pool by the Unit Owner/Resident they are visiting. Only four (4) guests per household are permitted.
- The pool is not guarded and swimming is at your own risk.
- All guests at the pool will be required to have the proper method of access. For safety and security reasons, do not open the pool gate for other individuals.

- All owners, residents, tenants, and guests are expected to use common courtesy and must clean up after themselves while at the pool. Trash is to be disposed of in the small black trash can on the pool deck. When a trash bag is full, secure it & discard in the green clubhouse trash can, then replace the bag. Additional trash bags can be located in the kitchen cabinet. Please do not overfill trash bags.
- No pets allowed in the pool area and subject to violation charges.
- If the pool becomes too crowded residents have first priority having guest is a privilege

PENALTIES FOR VIOLATIONS

The Board has the authority to charge Residents for violating the Rules and Regulations. The process is as follows:

First Violation: A written warning shall be provided to the unit owner and/or tenant.

Second or subsequent Violation shall be handled in accordance with Va. Code 55.1-1959

- A written notice of violation shall be sent to the unit owner at the address on the books of the Association giving the unit owner an opportunity to cure the violation.
- If the unit owner does not cure the violation, the Association shall hand-deliver or mail by certified or registered mail, return receipt requested a notice of hearing at least 14 days prior to the hearing date. The notice shall include the possible actions that can be taken by the Association.
 - Within 7 days of the hearing, the unit owner shall be notified of the results of the hearing.
 - The unit owner has the right to attend the hearing and an opportunity to be heard and represented by counsel.
 - The Association may suspend the unit owners right to use services or facilities or assess charges against the unit owner for any violation by the unit owner, their family members, tenants or guests. Such charges shall not exceed \$10.00 per day for any continuing violation for a maximum of 90 days, or \$50.00 for a violation constituting a single offense.

SUMMARY

These Rules and Regulations for Tides at Newmarket Creek are published for the benefit of all who reside in and visit your community. Condominium living may be new to many of you and will require considerable adjustment, sacrifice, indulgence, and cooperation by all. As unit owners are elected to the Board of Directors and to the many committees, they may well see fit to change or modify this booklet. Your input into all of this is vital to the successful administration and future growth of your Association.