

Rules and Regulations

Mariner's Pointe Condominium Association

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Date: June 25, 2024

Document Change Log:

<u>Version:</u>	<u>Date:</u>	<u>Reason for change:</u>
0.1	03/13/2013	Initial draft
0.2	03/13/2013	Removed obvious typos completed a few sections
0.3	03/19/2013	Incorporated comments from trustees and officers. Distributed to owners for their comments.
0.4	04/02/2013	Incorporated minor corrections
0.5	04/09/2013	Added Snow Removal and corrected additional typos.
1.0	06/23/2013	First official version. NB Lawncare changed to Augustus Lawncare.
2.0	12/06/2018	Accumulated updates (parking, renting, & other minor changes)
2.1	06/04/2021	Updated officer names and current fees.
2.2	07/17/2023	Updated the name of the current president and clarified a reference to the Approved Materials document.
2.3	05/20/2024	Updated committee names. Included the "Approved Materials" Document (now R&R Section 16).
2.4	06/25/2024	Updated Board Member's Names

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1.0 Introduction

1.1 Purpose of Document

The purpose of this document is to provide the owners and non-owner residents, if any, a list of the rules and regulations in force at Mariner's Pointe. The Association is governed by the legal documents (Declaration and By-Laws). Those documents authorize the association to publish rules and regulations from time to time which are believed to be in the best interest of the owners. This document will be the sole repository for these rules and regulations. To be enforced, a rule or regulation must be in the official legal documents filed with the county or in this document. Any inconsistency between this document and the official legal documents will be resolved in favor of the official legal documents. Any inconsistencies between the official legal documents and local, state, or federal law will be resolved in favor of the law.

1.2 Description of Property

Mariners Pointe is a condominium association comprised of 11 units in four buildings. It is located on the Portage Lakes in Coventry Township of Summit County, Ohio. All units are located on Isle View Drive, a private road maintained by the Association. All mailing addresses are Coventry Township, Ohio 44319.

The current president is Dana Mitchell. The current directors are Dan Fouser, Margaret Philp, and Jean Green. The current treasurer is Pat Green.

All of the above positions are voluntary (no financial compensation). The directors are elected by the owners and normally serve three year staggered terms. Per our legal documents, the board of directors appoint the other officers, but it is common practice to ask all owners in attendance at the annual meeting to vote for all officers in addition to board members.

2.0 Financial Philosophy

The association is financed by the combination of regular monthly fees and occasional special assessments as authorized by the legal documents. The current philosophy is to keep the monthly fees as low as possible and use occasional special assessments to pay for large projects such as new siding, new roofs, etc. This philosophy is discussed and

reaffirmed annually at the annual meeting. The alternative would be to raise the monthly contribution to the reserve account significantly and then use the reserve account funds to pay for large expenditures as they arise.

3.0 Current Fees

The monthly fees are currently set at \$400 per month per unit. The fees may be paid monthly, quarterly, or annually. Fees are due on the first of each month and are considered delinquent if not received by the 14th. The \$400 fee is allocated as \$325 to the account used to pay the association's regular expenses and \$75 to the reserve account.

4.0 Association and Owner Responsibilities

4.1 Association Responsibilities

The Association is responsible for all common property and infrastructure. This includes the buildings (foundations, exterior walls, roofs) and the grounds (lawn, driveway, planting areas, trees, walks, the seawall, exterior lighting, etc.)

The Association maintains an insurance policy to protect the investments of the owners in the common areas and to protect the owners, officers, and board member from liability claims.

4.2 Owner Responsibilities

Owners are responsible for the maintenance of their unit (as described in the legal documents) and all its contents. As stated in the documents, owners are responsible for their own doors, sliding doors, garage doors, windows, and skylights. In addition, they are responsible for their limited common property including their decks and porches. Limited common also includes infrastructure item such as furnaces, air conditioners, plumbing and electrical wiring within the unit.

The individual owners must maintain insurance covering their unit and its contents. Their individual coverage should also protect them from any liability associated with the use of their unit and its limited common areas.

4.3 Examples

The following is a list of infrastructure items indicating responsibility:

Electrical wiring within a unit (incl. exterior outlets)	Unit Owner
Electrical wiring between transformer and unit	Association
Electrical wiring between pole and transformer	Ohio Edison
Plumbing within a unit (incl. exterior faucets)	Unit Owner
Plumbing outside of unit (except exterior faucets)	Association
Sewer lines within a unit	Unit Owner
Sewer lines outside of unit and septic system	Association
Natural gas lines within a unit	Unit Owner
Natural gas line from unit to meter	Unit Owner
Natural gas lines feeding meter	Dominion Gas
Cable TV, Phone, Internet lines within unit	Unit Owner
Cable TV, Phone, Internet lines outside unit	Utility Company
Light fixtures connected to association power	Association
Light bulbs in fixtures connected to assoc. power	Association
Exterior light fixtures connected to unit power	Association
Light bulbs in fixtures connected to unit power	Unit Owner

5.0 Committees

The legal documents authorize the board to create committees to assist in managing the property. The committees make recommendations to the board, but the board has the final authority in the event of a disagreement. Committee members normally volunteer at the annual meeting for a one year term and often volunteer to remain on the committee for additional terms.

5.1 Architectural (Now part of Buildings & Grounds)

The architectural committee takes requests from owners for changes (deck modifications, new or replacement doors or windows, etc.) and determines if the requested change fits in with the Mariner's Pointe look and feel. The committee maintains a list of materials and paints that may be used at Mariner's Pointe. For example, deck stains, replacement decking material, etc. The current list is available section 16 of this document. In addition, the committee can recommend approval or rejection of small additions to units or limited common areas. Examples are hose reels, deck umbrellas, deck storage containers, etc. They are also responsible to recommend approval or rejection of requests to attach anything to or hang anything on the exterior walls of a unit. Special hangers are available to hang holiday wreaths and similar items without causing damage to the siding.

5.1.1 Specific Architectural Prohibitions

This section was added in order to clarify some commonly discussed subjects. It is in no way intended to be a complete list of prohibited activities.

- No visible wiring of any kind is permitted on the exterior walls of a unit. For example, a cable company or telephone company installer is not permitted to run a cable line along the siding to reach a wall that is difficult to reach from the inside.
- No antennas or satellite dishes may be attached to siding, roofs, or chimneys. Since Mariner's Pointe was built, two different methods for installing a satellite dish have been accepted by the board. In one case, the dish was placed under a fake rock in a garden. In another, a dish is mounted "temporarily" on an owner's deck (not permanently attached). If you wish to use a satellite dish, please contact a member of the architectural

committee or a director/officer to discuss possible acceptable methods to install it. Federal law requires that condo associations make reasonable accommodations for those wishing to use such services.

5.2 Buildings & Grounds

The buildings & grounds committee helps keep the Mariner's Pointe's physical infrastructure in good working order by researching repair and replacement options that are of good value to the association and owners.

5.3 Social

The social committee plans various events throughout the year. Picnics, parties, and outings of various kinds are a long tradition at Mariner's Pointe. The events themselves are funded by those who choose to attend rather than association funds. The committee also can request donations from the owners for events such as the annual Portage Lakes fireworks display and to send flowers in the event of an owner's or close friend's illness or death. Again, association funds are not used for these purposes.

5.4 Landscape

The landscape committee is responsible for the association grounds including trees, shrubbery, planting beds, and the lawn. (These are all common areas). Anyone wishing to make changes to the planting near their unit must get approval from the landscaping committee. Changes include removal of existing plants or trees, planting new plants or trees, adding decorative items such as gazing balls, bird feeders, etc. The committee will assure the changes will not affect the existing feel of the property in a negative way. The committee may approve a change and fund it with association funds or ask that the requestor fund the change. The committee will ensure any new plants are not invasive or nuisance types that will require significant ongoing maintenance. The committee will monitor the irrigation system to ensure it is performing its intended function and inform the maintenance committee members if repairs are needed. Finally, the committee may from time to time recommend that a pest control company be hired to control pests such as ants or other insects, rodents, or small mammals which are causing damage to association property, trees, or plantings. If you are experiencing any such issues, please contact a member of the committee.

The board via the landscaping committee is responsible for all landscaping at Mariner's Pointe. However, some owners may wish to do some of their own landscaping near their unit. In general, this is encouraged and the committee will make every attempt to take the owner's desires into account. However, this does not mean the board or the committee is in any way relinquishing their rights to make final decisions on this subject, overrule an individual owner, or to make changes in any landscaped area of the property.

5.4.1 Utility Easements

Ohio Edison (First Energy), AT&T, Dominion East Ohio Gas, and Spectrum Cable all supply services to the some or all owners of Mariner's Pointe. These utilities all have easements to supply and service their distribution equipment on our common (and limited common) areas. The utilities all have their own rules regarding their ability to access their equipment when needed for repairs, adjustments, and the reading of usage meters. The landscaping committee must ensure these rules are followed for the benefit of all Mariners Pointe owners. Each unit has two meters (gas and electric) which must be accessible by meter readers. In addition, there are two areas on the property where power transformers and phone/cable distribution boxes are located. One is located between unit 659 and the drive. The other is located between unit 649 and the drive. While the committee tries to take the desires of individual owners into account, they must ensure that all the utility equipment be accessible to utility company personnel at all times.

6.0 Contacting the Association

6.1 U.S. Mail

The Association maintains a P.O. Box at the Firestone Park Post Office on Brown Street. Mail should be addressed as follows:

Mariner's Pointe Condo Association
PO BOX 26642
Coventry Township, OH 44319

6.2 E-Mail

The Association may be reached by email at the following address:

MPCA@marinersohio.com

This is the address that should be used for all official requests made to the board and/or the various committees. All email sent to this address will be acknowledged within 24 hours. If no acknowledgement is received, you should assume the message was not received.

The officers and board members also have individual email addresses that may be used for informal communications. However, those addresses are not listed here for privacy reasons. They can be found on the association website.

6.3 Telephone

The Association does not have its own telephone number. However, you are free to call any of the officers or board members on their personal land lines or mobile numbers. Those numbers are not listed here for privacy reasons but can be found on the association website.

6.4 Website

A website is maintained on the Internet for use by Mariner's Pointe owners. The URL is:

<https://www.marinersohio.com>

Most of the website is protected by a password protected login system. If you desire to use the system and have forgotten your login or password, please send an email to webmaster@marinersohio.com describing the problem.

The site includes the legal documents, the declarations pages from the current association insurance policy, meeting minutes from all meetings, financial reports, local weather information, access to security cameras, and other information of interest to owners.

7.0 Renting Units

At the time of this writing, all units at Mariner's Pointe are owner occupied. However, situations can occur when an owner wishes to rent or lease (we use these term interchangeably) his or her unit to a third party. If a unit is to be rented, it must be the entire unit and it must be rented for a period of at least 12 months. In other words, individual rooms or groups of rooms within a unit may not be rented and vacation rental types of situations (daily, weekly, monthly, Airbnb) are prohibited. In the event of rental, the unit owner must make sure the renter is aware of the rules and regulations. The owner is fully responsible for the unit even when the unit is rented and the owner is residing elsewhere.

In order to rent/lease a unit, there are several conditions which must be met including:

- The unit owner must be in good standing with the Association i.e. current on all fees
- As stated above, must lease the entire unit
- Minimum term of lease shall be one year
- Use standard form of lease agreement provided by the Association
- Submit copy of signed lease agreement to Board two weeks prior to start of lease term
- Submit the results of a background check obtained by the owner on potential tenant and submit same to the Association along with the signed lease agreement. Both the background check and signed lease agreement must be acceptable to the board prior to start of lease term. The board reserves the right to deny anyone the right to live at Mariner's Pointe for any reason permitted by federal and state law.
- No pets allowed except as permitted subject to strict compliance with Article III, Section 2(l) of the Declaration. The Board may have any pets removed if they violate the provisions of the Declaration.
- The tenant is not permitted to sublet the rental unit to another party for any reason
- The tenant shall have exclusive use of owner's assigned dock during the lease period
- The Board reserves the right at any time to cancel the lease agreement entered into by the unit owner and tenant for any unlawful behavior or any violation of the Condominium Organizational Documents or Rules and Regulations as provided in Article III, Section 2(g) of the Declaration.
- The unit owner is responsible for the payment of regular monthly and special assessments (if any) during the term of the lease. Notwithstanding anything contained in the lease agreement, the Unit Owner remains responsible at all times for compliance with all Unit Owner obligations set forth in the Condominium Organizational Documents and Rules and Regulations. These obligations include, but are not limited to, payment of all regular and special assessments, performance of all Unit Owner maintenance and repair responsibilities, payment of all utilities, and maintenance of all required insurance.

8.0 Pet Policy

Per the legal documents, the property is considered a “no pet” property. However, the Directors can grant exceptions in certain circumstances on a case-by-case basis. The most common reason for granting an exception is to permit a current owner to sell their unit to a buyer who already owns a pet. Small pets that remain in a unit at all times are permitted as long as they cannot be heard from other units or from common areas. Note that even an “inside” dog that barks continuously through a screen door whenever anyone walks by will not be permitted. Pets must be kept inside their units at all times except when accompanied by the owner. When outside, the owner must maintain full control of their pets including having dogs on leashes. If a dog is approved, the owner must “clean up” after the dog. Dogs must never be left outside alone even on a deck or in a fenced-in area. Pets must not disturb the other residents of Mariner’s Pointe in any way. If these rules are violated repeatedly, the association reserves the right to retract permission for the pet to reside at Mariner’s Pointe. If you wish to bring a pet to Mariners’ Pointe, contact the board to obtain permission.

9.0 Docks

The Association maintains seven docks extending from the seawall into the waters of West Reservoir. The docks are “exclusive use areas” as defined in the legal documents. Each owner is assigned one “side” of one of the seven docks. This means that 11 of the 14 sides are assigned to owners with the other 3 being available for guest docking. The current assignments are published on the website.

Owners may not rent or loan their assigned dock space to anyone not residing at Mariner’s Pointe. This does not preclude an owner from parking a borrowed or rented boat in their space as long as the boat in question is under their control. If an owner has two boats they wish to park at Mariner’s Pointe, they are permitted to borrow another owner’s unused assigned dock with that owner’s permission. The board must be notified of any such arrangement. Guest dock spaces are to remain available for short term guests.

The association purchases yearly dock licenses from the State of Ohio for each dock plus an additional license for each “extra boat” docked at any one dock. These dock licenses should not be confused with the registration process required for boats in Ohio. The registration stickers last three years and are normally placed on the sides of a boat near the “OH” numbers. These have nothing to do with the dock licenses. The dock licenses authorize a boat to park in the state park waters of the Portage Lakes. The dock license sticker has two parts. The “dock” part is placed on the dock itself. The “boat” portion of the sticker is placed on the rear of the boat normally parked at that dock.

10.0 Parking

All units have a two-car garage. Owners are expected to park their vehicles in their garages whenever possible. If an owner owns a third vehicle, they may use one of the guest spaces near 643 or 660. However, the owner must notify the board that they will be using a guest space. This is to avoid confusion as to why a car is parked in guest parking for long periods. Any vehicles parked in any of the guest spaces for long periods (longer than a few days) without notification to the board are subject to towing at the owner's expense. Owners and their guests may also park in front of their garages if space permits. However, units near the middle of the property (645, 649, 650, 652, 655, and 657) do not have space to do so without blocking the drive. Those owners should park in front of their garages for short term loading and unloading only. This is especially important on trash pickup days and days when snow plowing is likely. The two guest parking spaces between 649 and 655 should be left vacant as much as possible and not be used for any long term parking, car storage, or regular owner parking. Those spaces should remain available for guests of the middle units where guests can't park in front of garage doors.

11.0 Garage Sales and Similar Activities

In spite of being located in an area with a significant population, Mariner's Pointe offers its owners quite a bit of privacy due to the placement of our property on a private road. Activities that encourage the general public to drive through our property are highly discouraged. Activities such as garage sales, yard sales, and estate sales are generally prohibited. However, the board may permit one-time events if they feel it is in the best interest of Mariner's Pointe. For example, the heirs of a deceased unit owner might request a one-time exception to the prohibition of estate sales in order to facilitate a quick transfer of ownership.

12.0 Contractors

All contractors hired by the Association or individual owners must be licensed, insured (liability and workers comp), and agree to follow local laws and regulations including obtaining proper permits. They should agree to work only during normal business hours (8:00 to 6:00 Monday through Friday) and to employ workers who dress appropriately for the job and act in a professional manner. On rare occasions, a contractor may offer a good deal if they are permitted to work outside of normal business hours. Such deals must be approved by the board.

When contractors or other third party service providers are here performing work authorized by the board, only a board member (or their assigned representative) can modify the scope of work being performed. No one else may attempt to modify their scope of work. If an owner has a concern, they should contact a director. Only the person who signed the contract or work order can change it.

13.0 Signs

In general, signs erected by individual owners for any reason are prohibited. Exceptions are made for "For Sale" signs when a unit is up for sale. If a unit is for sale, up to three professionally made signs of normal size may be placed on the property. One may be placed near the main entrance. A second may be placed in the lawn near the unit on the driveway side. For lakeside units, a third may be placed along the seawall near the unit as to be seen from passing boats. For non-lakeside units, the third sign may be placed on their assigned dock.

14.0 Trash Disposal

The association arranges for trash removal on a weekly basis. Each unit has a large cart provided by Republic Services for trash that is emptied each Wednesday and a smaller cart for recyclables that is emptied every other Wednesday. (Service is delayed by one day during holiday weeks). If an owner has an unusual amount of trash on any particular Wednesday, our contract with Republic permits additional trash to be placed near the provided large container in bags or personally owned containers.

Trash should not be put out on the drive before 6:00 PM on Tuesday evenings and the emptied containers should be removed from the drive by 6:00 PM on Wednesday. No trash containers may be stored outside at any other times.

15.0 Snow Removal

The association has contracted with Augustus Lawncare for winter snow plowing and salting. The most common service is a quick plowing of the main drive with salt being applied to icy areas (typically the back drive at the southwest end of the property and the hill near the commons). When a larger amount of snow has fallen, a more thorough plowing of the drive is done including the portions of the drive behind each garage door. This service does not relieve owners from their responsibility to maintain their limited common areas (unit entrance walkway, porch, steps) as required by the association legal documents.

16.0 Approved Materials

For staining decks, porches, and railings:

The following wording was written in the 2010's and shows the intent of the board:

Use Sherwin Williams DeckScapes (an opaque stain similar to paint).

Use Sherwin Williams Formula (using deep base):

BAC COLORANT	OZ	32	64	128
B1-Black	-	49	-	-
N1-Raw Umber	2	18	-	1
R2-Maroon	-	13	-	1
Y3-Deep Gold	-	47	-	-

For staining/painting deck railings, the above formula may be used -OR- a color matching the building trim color such as Clay. In other words, the railings may match either the deck surface or the newer vinyl railing color used recently on some units.

The following wording was updated in May 2024 after an owner was told the earlier formula was no longer valid:

Sherwin-Williams stain SUPERDECK has the following formula using a “deep” base

CCE* COLORANT	OZ	32	64	128
W1-White	-	28	-	-
B1-Black	2	4	1	1
R2-Maroon	-	19	1	-
Y3-Deep Gold	2	12	-	-

For replacing existing deck surfaces, one of the following methods may be used:

- 1) Use quality pressure treated 2x6 lumber followed by staining with the above stain
- 2) Use non-wood Azek 2x6 decking (actual width is 5.5”).
Recent installations by Premier Fence & Decks of Sugarcreek Ohio. Color called Autumn Chestnut. Previously called Sedona.

For replacing existing railings, one of the following methods may be used:

- 1) Use quality pressure treated lumber followed by the above stain
- 2) Use vinyl fencing materials (as installed at 655 in 2017 and 643 in 2020).
Recent installations by Premier Fence & Decks of Sugarcreek Ohio. Color called clay.

For painting front doors, the following color should be used:

A color in the beige family (often called “clay”).
(This color matches the “trim” color on our buildings.)

For painting garage doors and garage door trim, the following color should be used:

A paint called “Sun Proof” from Pittsburgh Paints. It is a semi-gloss exterior latex paint. The color was called “Holmes Siding Walnut/Alside” back when first used 2012. The formula shows starting with a medium base with the following:

Ingredient	Y	1/48	1/96
B	3	9	0
C	2	10	0
E	0	44	1

(Approved Material Updated May 20, 2024)