

FOOTHILLS POINTE OWNERS' ASSOCIATION

GENERAL COMMUNITY RULES

- A. **Purpose:** To define the rights for use of Foothills Pointe Owners' Association common areas and facilities, and to provide a permanent document for rules established by the Board of Directors that are not contained in other Rules documents. This document does not modify or amend the Covenants, Conditions and Restrictions (CC&R); By-Laws; other Rules documents; the FPOA *Construction Guide*; or any Federal, State, or local law or ordinance. The words used herein, which are defined in the CC&R, have the meanings provided therein.
- B. **Applicable CC&R:** Article VI, Use Restrictions, Section C. Rules for Common Areas (page 12). "The Association is authorized to adopt rules governing the use of the Common Areas and to provide penalties for violations of the same."
- C. **General Rights and Rules:** Common Areas belong to all owners; however, individual members must not make any changes to those areas without the express permission of the Board of Directors. This includes accessing lots with vehicles by crossing common areas, cutting trees or brush on the community property, or storing items or putting trash on the common land.
1. Ultimate responsibility for proper use of the common area facilities by themselves, guests, renters, lessees, etc. lies with the owner/member of the FPOA.
 2. The use of Foothills Pointe Owners' Association common area facilities is restricted to Association members (property owners of record) and their resident household members, subject to all established rules and regulations. Usage by any other person(s) must be as a guest of the member. Member must be present with quest(s) who is/are day visitor(s) using any of the amenities. Overnight guests or those staying at the Clubhouse may use the pool/tennis courts without the owner being present. All guests are required to follow all rules pertaining to FPOA amenities.
 3. All owner/members of FPOA receive a copy of the CC&R, By-Laws, all rules, and a list of owners plus their contact information when they purchase property in Foothills Pointe. These documents are also provided on the FPOA website (www.foothillspointe.com). Owners can get access to the "Members Only" section of the FPOA website by contacting the treasurer (Melissa Ownby) for a password. Foothills Pointe also has a Facebook page and a Twitter account. The "Social Media" section on the Foothills Pointe website explains how to access those social media accounts. Any Board member is also available to answer questions about any of the documents mentioned above.
 4. Wi-Fi is available at the Clubhouse with limited access outside of the Clubhouse. Network name, password and Owner responsibilities for use of the Wi-Fi is included on the Foothills Pointe website in the Members Only section.
- D. **Specific Rules:** These documents are provided on the FPOA website under "Governing Documents" in the Members Only section of the website. Access these documents for specific questions or needed information about each area.

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1. General Community Rules
2. Clubhouse, Pavilion, Pool, and Tennis Court Rules
Guest Room and Clubhouse/Pavilion Reservations
3. Dockage Facility Rules
4. Maintenance of Common Grounds and Private Lots Rules
5. Outside Burning Rules
6. Waste Treatment Residential Installation, Maintenance and Repair Rules
7. Waste Treatment Management Responsibilities Rules
8. Construction Guidelines and Contractor Version of Construction Guidelines

E. **Pointe Paper:** The Pointe Paper was created to convey information to Association members.

1. Preparation.

- a. The Board, through the Editor, will decide content and presentation.
- b. It will normally be prepared monthly, after the scheduled Board meeting date.

2. Content.

- a. Major actions taken by the Board at its meetings, including items reported by committees.
- b. Notices of scheduled Board and Committee meetings and social events.
- c. Recognition of new members and residents.
- d. FPOA information and activities.
- e. No "For Sale" or other commercial notices will be accepted.

3. Distribution.

- a. Copies will be e-mailed to members.
- b. A copy will be posted on the Clubhouse upstairs bulletin board.

F. **Board of Directors**

1. Requests/Violations. All requests or reports of violations from Association Members to the Board for action must be in writing. This is to ensure there is no misunderstanding. The process the Board follows when addressing violations, a violation reporting form (not mandatory to use this form), and a due process hearing are all listed on the Foothills Pointe website.

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G. Construction

1. Building Approval. Prior to erecting any structure, plans must be submitted to the Architectural Review Committee for approval. A structure is defined as “something built or constructed.” Laying of walkways is not considered a structure. [12-11-2002, paragraph 5.3]
2. Combining Lots. A lot owner may re-plat a maximum of two lots into one lot and build the main structure on both lots (i.e. across the property line). He may then, upon initiation of construction, be eligible for the monthly maintenance fee on each of the two lots to be reduced by 25%. To obtain this reduction, the owner must submit a request to the FPOA Board of Directors, with a new survey to be signed by the Board to eliminate FPOA easement rights in the middle of the house. Upon recording, and providing a copy of the recorded documents to the Board, billing at the reduced rate will begin the month after the foundation is completed. [07-13-1990, paragraphs 5(5)4 and 5]
3. Construction Guide. The FPOA has developed a *Construction Guide* to help members with building on their property. Information compiled in the Guide is continually updated from government and Association sources and contains information, forms, procedures, and building requirements for construction at Foothills Pointe. A copy of the current version must be requested from the Architectural Review Committee Chairperson prior to beginning the design phase of the initial building process, any new out-building, exterior remodeling, or exterior structure.
4. Items Within The Roadway Easement. Anything other than grass or bushes put in the roadway easement (that area between the front lot line and the street) must be approved by the Architectural Review Committee.

H. Facilities

1. Damage. In lieu of charging a damage deposit, the property owner may be held responsible for repair or excessive cleaning costs or repair beyond normal wear and tear during his or her use of FPOA facilities. [8-10-98, paragraph 5.7.2]
2. Privileges. The use of any amenity requires that a member be current in all other fees. A valid lease is sufficient proof to allow use of the facilities by tenants. The owner/FPOA member is ultimately responsible for compliance with rules. The owner/member-guest relationship should not be abused.
3. Use of Pavilion or Clubhouse. All members wishing to use the Clubhouse or Pavilion, regardless of the size of their group, must reserve the facility with the Reservations Chair to preclude scheduling two groups for the same time. Only use by groups larger than twelve persons will be charged for the use of the facility. See the “*Community Center Common Element Rules*” for details.
4. Liability Insurance. It is required for any resident teaching or leading a program or class in the community amenities properties (clubhouse, pavilion, docks, pool area or common green areas), for which payment is either requested or received, to have general liability insurance.

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Although FPOA has property damage liability insurance, this coverage will not extend to personal claims related to the services rendered by anyone providing instructions or assistance during such a class. Although not required, it is also the position of the Board of Directors, that anyone teaching a class should further protect their individual potential liability exposure by requesting students to sign a liability waiver. A liability waiver or consent form would provide the opportunity to establish a clear understanding of the activity, associated risks and relationship between the teacher and the student. These waivers are the property of the teacher/instructor and would not be required or retained by the FPOA.

5. Parking. The parking of vehicles on private property shall be limited to the paved driveway or parking pads designed for such purpose.
6. Recreation Vehicles - Guests. A recreational vehicle belonging to a person visiting a resident should be parked at Foothills Pointe for a short term only and at the following locations (in order of preference): (1) driveway of whomever they are visiting; (2) on the property of whomever they are visiting; (3) clubhouse parking lot after a courtesy call to the Clubhouse Committee Chairperson to notify the Committee of the situation.
7. Recreational Vehicles - Parking. Long-term motor home and boat trailer parking/storage is the responsibility of the lot owner, and the Board has no plans to provide such parking.
8. Signs. No signs are permitted in the Community, except as follows:
 - a. Signs erected by the Association or by utility companies that are located on or locate their equipment.
 - b. Residence for sale signs, limited to two, allowed on each lot being advertised for sale, and both must be located on the lot itself. Each sign shall not exceed a maximum size of 30 inches by 30 inches.
 - c. Home security service signs, not to exceed 30 inches by 30 inches.
 - d. Signs advertising contractors, remodelers, or landscapers* work on a residence, subject to the following restrictions:
 - i. the sign must not exceed 30 inches by 30 inches,
 - ii. the signs must present a professional appearance and the sign must be located on the lot on which the work is conducted, and
 - iii. the sign may only be located on the lot from the date on which the work is contracted until the date of substantial completion of the work.
 - e. Political campaign posters, signs, flags, and banners may be displayed on a resident's own private property for sixty (60) days prior to a general election, including early voting, until

* The term "landscapers" shall mean parties grading or planting, but exclude parties primarily performing maintenance function such as mowing, weeding, spraying, or trimming.

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one (1) day after that general election. Signs may not be placed in a public right-of-way, in medians, or on utility poles.

9. Display of American Flag. In accordance with 2017 Tennessee Code Title 66, Property, Chapter 27, Multiple ownership of Property, Part 6, Display of Flags, FPOA property owners may display the flag of the United States of America or an official or replica flag of any branch of the United States Armed Forces on the property owner's property. The property owner must display the flag of the United States of America in accordance with 4 U.S.C. §§ 5-10.
10. Tree Cutting. There is a plat restriction on lots 115 through 137 and 191 through 193 which reads: **"No trees larger than 6 inches in diameter may be cut in this area without the written approval of Foothills Pointe Owners' Association."** To request permission from the Association, the lot owner is required to submit a request in writing, specifying the trees to be cut and the reason(s) for cutting, to the Board.

I. Waste Treatment

1. Responsibility. Upon acceptance and after expiration of the contractor's warranty, the FPOA is responsible for normal maintenance of the waste treatment system components from the cells up to and including the tanks on the individual owners' property. The owner is responsible from the house to the tank and may be responsible for the pump or other part of the system if there is abuse to the system.

J. Conducting a Retail Business

1. Retail Business. To maintain the residential character of Foothills Pointe, minimize traffic on the community's private roads, and retain the property values associated with a "quiet residential community," home-based retail businesses are not allowed in Foothills Pointe.