

COPPERFIELD COMMUNITY ASSOCIATION, INC.

RULES AND REGULATIONS

ARTICLE I AUTHORITY, PURPOSE AND DEFINITIONS

Section 1. Authority. This rules and regulations, having been approved by the Board of Directors of the Copperfield Community Association, Inc., are authorized under Article VII, Section 1(a) of the By-Laws.

Section 2. Purpose. The purpose of these rules and regulations is to provide guidance to the Board of directors in enforcing the Declarations and By-Laws of the Association and to protect the financial and property interests of the Association and its Members.

Section 3. Definitions. The definitions in Article I of the Declaration and Article I of the By-Laws shall apply to these rules and regulations. In addition, the following definitions apply:

(a) “Declaration” and “Covenants” shall mean the Copperfield Community Association, Inc. Declaration of Covenants, Conditions and Restrictions and any amendments thereto.

(b) “By-Laws” shall mean the By-Laws of Copperfield Community Association, Inc. (Exhibit “B” to the Declaration).

(c) “Board” shall mean the duly elected Board of Directors of Copperfield Community Association, Inc. as described in Articles IV and V of the By-Laws, or its agents.

(d) “Architectural Controls” shall refer to those restrictions contained in Article VI of the Declaration that govern the construction, addition, alteration, placement or maintenance of buildings, fences, walls, signs or other structures.

(e) “Architectural Review” shall refer to the process established by the Board and the Architectural Control Committee whereby Members are able to seek Architectural Control Committee approval for plans required by Article IV, Section 1 of the Declaration.

(f) “Architectural Approval” shall refer to the Architectural Control Committee’s written approval of plans required by Article IV, Section 1 of the Declaration.

(g) “Overlook Park” shall refer to that part of Common Area at the Northwest corner of the development that is not part of the Storm Water Management Area.

(h) “Main residential structure” shall refer to the main residential building on a lot and includes an attached garage.

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Section 4. Conflicts and Severability. Should these rules and regulations be deemed in conflict with the Declarations and By-Laws, the Declaration and By-Laws shall be considered

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correct. Invalidation of any part of these rules and regulations for any reason shall in no way affect any other parts which shall remain in full force and effect.

Section 5. Applicability and Interpretation. These rules and regulations apply only to those situations and issues clearly contemplated and addressed by the plain language of these rules and regulations. Interpretations not supported by the plain language of the actual text contained in these rules and regulations are not valid. Situations or issues that are not covered by these rules and regulations or the Declaration shall be referred to the Board for a policy or rulemaking decision. The Board shall serve as the final administrative authority in determining the applicability and interpretation of these rules and regulations. See Article IV , Section 1 of these rules for the procedures to be followed when applying this rule to architectural standards and approvals.

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ARTICLE II **ENFORCEMENT PROCEDURES**

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Section 1. General. Article III, Section 1 of the Declaration gives the Association the right to enforce the Declaration and By-Laws of the Association. Should the Board decide to exercise this right on behalf of the Association, the procedures outlined in the following sections of this Article shall be followed by the Board and/or the Architectural Control Committee to the extent practicable.

Section 2. Initiation of the Enforcement Process. Enforcement procedures will be initiated when the Board receives a valid Complaint that another Member, or their Tenant, is in violation of the Declaration, By-Laws or Rules and Regulations (a violation). A valid complaint is defined as either of the following:

(a) Written notification delivered to the Board or its agent specifying the Article(s) and section(s) of the Declaration, By-Laws, or Rules and Regulations that have been violated. The complaint must outline the condition or action by another Member that constitutes a violation. The complaint must identify the alleged violator, either by name or address, and must be signed by a Member with voting rights.

(b) A written committee report, signed by the committee chair, that includes the information specified in Section 2.(a) above and specifically recommends Board initiate enforcement action.

Section 3. Initial Enforcement Action. If the complaint involves the violation of Architectural Controls, the board shall refer the matter to the Architectural Control Committee for processing under these procedures. For other violations, if the Board decides to act on a complaint the following steps will be taken:

(a) Within 15 working days of being notified of a violation, the Board will send an initial letter of enforcement via first class mail to the person alleged to be in violation (violator). The 15 day period shall start on the day the complaint is received by the board or its agent. This date shall be noted on the face of the original complaint. The letter will include:

(1) The specifics of the alleged violation.

(2) Require that the alleged violator either provide evidence that the violation did not take place, or present a proposed plan and timetable the alleged violator will follow to remedy the situation.

(3) Require that the alleged violator provide a written reply within a specified period that shall not exceed thirty days from the date of the Boards letter.

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(b) The Board will acknowledge receipt of the original complaint by mailing a copy of the initial letter to the Member making the original complaint.

(c) If the alleged violator provides evidence refuting the violation, the Member will be notified in writing that the Board considers the matter closed. If the violator presents the Board with an

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unacceptable plan or timetable to remedy the violation, the Board will notify the violator in writing that the proposed plan is unacceptable and identify the particulars that are unacceptable.

(d) If the alleged violator fails to respond in the required period specified in the initial enforcement letter, proposes an unacceptable plan, or fails to follow the proposed remediation plan and time table, the Board may send a second enforcement letter.

Section 4. Second Enforcement Letter. If a second letter is sent .

(a) The letter will include:

(1) The specifics of the alleged violation.

(2) Require that the alleged violator either provide evidence that the violation did not take place, or remedy the violation within 30 days.

(3) A copy of the initial letter.

(4) Require that the alleged violator provide a written reply within a specified period that shall not exceed thirty days from the date of the Boards letter.

(5) A warning that failure to respond or remedy the violation could result in penalties and or legal action.

(b) If the alleged violator provides evidence refuting the violation or that the violation has been remedied, the Member will be notified in writing that the Board considers the matter closed. If the violator fails to remedy the violation or fails to respond in the period specified in the second enforcement letter, the Board may send a third enforcement letter.

Section 5. Third Enforcement Letter. If a third letter is sent:.

(a) The letter will include:

(1) The specifics of the alleged violation.

(2) Require that the alleged violator either provide evidence that the violation did not take place, or remedy the violation within a specified period that shall not exceed thirty days from the date of the Board's letter.

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(3) A copy of the initial and second letters.

(4) Require that the alleged violator provide a written reply showing that the violation has been remedied within the period specified in the Board's letter.

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(5) A warning that failure to respond or remedy the violation could result in penalties and or legal action and that violator may be liable for the Association's legal costs..

(b) If the alleged violator provides evidence refuting the violation or that the violation has been remedied, the Member will be notified in writing that the Board considers the matter closed. If the violator fails to remedy the violation or fails to respond in the required 30 day period, the Board may proceed with legal action or impose such penalties as are authorized by the Declaration, By-Laws and Rules and Regulations. The Board will decide on whether or not to impose penalties, which penalties to impose, or to proceed with legal action by a majority vote of the Board.

Section 6. Discretionary Powers of the Board. The Board will normally act on a valid complaint without further deliberation. However, the Board shall have broad discretion in administering the enforcement process. This discretion includes, but are not limited to:

(a) Declining to act on a complaint or terminating the enforcement process if it is in the best interests of the Association. Such a decision shall be made by a majority vote of all the Board members and must be made within 15 working days of receiving a complaint. If the Board declines action, the Board shall inform the Member making the complaint in writing that:

- (1) That the Board has declined to act on the complaint and the reasons for such a decision.
- (2) That the Member has the right to pursue enforcement under Article VIII, section 1 of the Declaration.

(b) Suspending the enforcement process if it is in the best interests of the Association. The decision to suspend the enforcement shall be made by a majority vote of all the Board members. If the Board suspends enforcement, the Board shall inform the alleged violator and the Member making the complaint in writing that:

- (1) That the Board has suspended enforcement action on the complaint, the reasons for the suspension and the period of the suspension.
- (2) That the Member making the complaint has the right to pursue enforcement under Article VIII, section 1 of the Declaration.

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(c) So long as there is not an unreasonable delay, failure of the Board to meet the exact timelines described above shall not constitute a termination or suspension of the enforcement process. Nor shall it constitute a violation of these Rules and Regulations.

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ARTICLE III
COMMON AREAS AND STORM WATER MANAGEMENT AREA

Section 1. General. The rules and regulations in this article are established under the authority in Article VII, Section 1.(a) of the By-Laws.

Section 2. Delegation of Use.

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(a) Any Member of the Association or their tenant may delegate the right to use Overlook Park for non-commercial recreational activities to the members of their family and household guests without prior approval by the Board.

(b) Any use of the other Common Areas or the Storm Water Management area or use of Overlook park for other than recreational purposes must be approved by the Board.

(c) Any member desiring to use Overlook Park for an organized event (company party, charitable event, etc.) where more than twelve non-members are expected to attend shall obtain prior approval by the Board. Such use shall be in accordance with any conditions set by the Board at the time of approval.

Section 3. Emergency Repairs. In the event that the damage or destruction to a Common Area creates a situation that is hazardous or, if left unabated, will result in continuing destruction or damage, any Board Member or the Chair of the Landscape Committee may take the actions deemed necessary to abate the hazard or halt the continuing damage.

Section 4. Member Responsibilities. It is the responsibility of every Member to ensure that their conduct and the conduct of their guests or tenants in the Common Areas does not result in damage or destruction to the Common Areas, create a hazardous situation or impair other Members' enjoyment and use of the common areas. Should the Board determine that a Member has not met these responsibilities, the Board may impose any or all of the penalties listed below.

(a) Suspend the Member's right to use the Common areas for a period not to exceed one year.

(b) In the event of damage or destruction to a common area or the Storm Water Management Area, require the responsible Member to either personally repair such damage or pay for repairs. If emergency repairs were necessary and made in accordance with Section 3 of this Article, the responsible Member shall be required to reimburse the Association for any costs associated with those repairs (the option of the Member personally effecting the repairs is forgone).

(c) Levy a fine that shall not exceed:

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- (1) For a first offense: the amount of the annual Association assessment.
- (2) For a second offense occurring within a year of a first offense: Twice the amount of the fine for the first offense.
- (3) For a third offense occurring within a year of a first offense: Three times the amount of the fine for the first offense.

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ARTICLE IV

ARCHITECTURAL CONTROL COMMITTEE PROCEDURES

Section 1 General

(a). Purpose. This article establishes supplemental Architectural standards and lays out the procedures necessary for a Member to apply for and obtain approvals from the Architectural Control Committee that are required by Article VI, Section 1.(a) of the Covenants. The rules and regulations in this article are established under the authority in Article VI, Section 1.(b) of the Covenants.

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(b) Applicability and Interpretation. The architectural standards outlined below apply only to those situations and issues clearly contemplated and addressed by the plain language of standards. Interpretations not supported by the plain language of the actual text contained in these rules and regulations are not valid. Should the Architectural Committee receive a request for architectural approval that is clearly not contemplated by these rules and regulations, the procedures below shall be followed:

- (1) The Architectural Committee shall disapprove the request citing this section and paragraph as the reason for disapproval and inviting the requesting homeowner to participate in drafting a proposed rule for consideration by the Board.
- (2) The Architectural Committee shall draft a proposed rule and forward it to the Board for action under Article V, Section 2 of these rules and regulations.

Section 2. Supplemental Architectural Standards. In addition to the Architectural Control standards set forth in Article IV of the Declaration, or any amendments, the following standards shall apply.

(a) **Storage Sheds.** Sheds will have a maximum size of 170 square feet when placed along the rear property line and no more than 100 square feet when any part of the structure is located forward of the rearmost plane of the main residential structure. Between these two locations, shed size shall be scaled proportionally. No shed shall be placed so that any part of the structure is forward of the nearest front corner of the main residential structure. For corner lots, sheds placed on the street side of the lot must be placed inside the allowed fence perimeter. All sheds must be enclosed on all four sides and have one or two doors that swing or slide open. *Roller doors(garage type) are not permitted.* Shed architecture shall be consistent and harmonious with the main residential structure. Exterior colors of the shed must *match* or be harmonious with the existing residential structure.

- (b) **Fences.** All relevant architectural standards for fences are contained in the Declaration. The term “rear corner” as used in Article VI , Section 2.(d) is defined as any corner of the main residential structure where two walls of at least eight feet in length come together to

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make a corner that can be seen when viewed from behind the rear most plane of the main residential structure.

(c) **Storm Doors.** Storm doors shall be full view style with at least 50% of the door clear glass. Storm doors with less than 75% glass must be painted to match the existing trim color. Storm doors with more than 75% glass may have white or black frames or may be painted the existing trim color.

(d) **Decks.** Where deck railings are required by building codes, the railing may not be higher than the minimum height required by the building code. If the deck is to be stained or

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painted with a coating other than a clear sealer, the final color shall be harmonious with the colors of the main residential structure.

(e) **Pools - General.** Any pool that requires pumping and filtration equipment is considered a permanent structure and requires architectural approval. All pools must meet the following requirements and restrictions.

- (1) Diving boards, water slides or any other like equipment may not exceed 1 meter in height. Height for this type of equipment is defined as the distance between the pool deck or top of the pool wall to the highest point on the equipment.
- (2) If fences need to be installed to meet government pool enclosure regulations, plans for the required fencing must be submitted as part of the application for the pool. The Architectural Committee may approve a fence tall enough to satisfy government regulations or insurance requirements requiring a fence higher than the **40"** maximum specified in Article VI , Section 2 of the Declaration.
- (3) Homeowners with pools must secure and maintain personal and property liability insurance policy of at least \$300,000. The policy must specifically cover any damages that may occur to other homeowner's property as a result of the pool bursting or draining. The policy must be effective on the date that construction of the pool starts and be maintained continuously as long as the pool is located on the property. Homeowners with pools shall be required to provide proof of insurance to the Architectural Committee annually.
- (4) Pools must be maintained so they do not become a health or safety hazard or an eyesore. Within 72 hours of being notified of a deficiency, a homeowner shall contact the Architectural Committee with a proposed remediation plan. This time limit supersedes the time limits specified in Article II of these rules and regulations. The Architectural Committee shall have broad discretion to approve, disapprove or suggest changes to an remediation plan.
- (5) All pool machinery and equipment (pumps, filters, cleaning equipment) must be shielded from view so that it cannot be seen by a person standing at ground-level anywhere along the perimeter of the property. The materials, color and architecture of the screening shall be harmonious with the main residential structure and other structures on the property. Shrubbery and plantings are not acceptable screening materials
- (6) Pools must be located as close to the main residential structure as practical. When reviewing the location of a proposed pool the Architectural Committee shall consider the existence of other permanent structures, the topography and size of the lot and any other factors the Committee deems relevant to the proposal at hand.
- (7) The water surface area of any pool shall not exceed 1,000 square feet.

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(e) **Pools – Above ground.** Above ground pools are not permitted.

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Section 3. Alterations that do not require approval. The following specific types of alterations to not require approval by the Architectural Control Committee. Any alterations or construction not specifically meeting the criteria in this section must be submitted for approval.

(a) Maintenance and repairs. Maintenance and repairs that restore damaged or weathered exterior surfaces of an existing structure to their original condition. This includes repainting a structure using the original colors (Changing the color scheme requires approval).

(b) Antennas used for receipt of video programming services. Satellite dishes one meter or less in diameter, and television antennas of any size may be installed without prior approval as long as they do not extend beyond 12 feet above the roofline. Installation of transmitting antennas, satellite dishes larger than one meter or antenna installations extending beyond 12 feet above the roofline require full architectural approval.

(c) 100% Full view storm doors. Storm doors that are 100% glass except for the frame may be installed without approval if the frame is painted white, black or to match the existing trim color.

Section 4. Requests for Architectural Review and Approval. The mandatory 30 day review period for Architectural Approvals shall start when a valid request for Architectural Review and Approval (request) is received by the Architectural Control Committee. A valid request is defined as follows:

(a) All requests shall be in writing and include the name, signature, address and daytime and evening telephone numbers of the Member making the request.

(b) Requests involving new construction or significant structural alterations to existing structures. This type of request includes, but is not limited to: Requests for the approval of the construction of buildings, fences, walls, pools, retaining walls, structures of any other kind or additions to existing structures, including decks and patios. Such requests must include:

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- (1) A site plan showing the location of the proposed structure or alteration, the location of all existing structures, and the location of building setback lines.
- (2) The materials to be used for all exterior exposed surfaces.
- (3) The colors of all exterior exposed surfaces. If colors other than the natural color of the construction materials or the existing colors of the residential structure are to be used, the request shall include samples of those colors.
- (4) Diagrams or drawings of the structure or alteration. Diagrams and drawings shall be in sufficient detail and number such that the Architectural Control Committee can determine if the proposed structure or alteration is in compliance with architectural standards and guidelines. For fences, a drawing or picture of a typical section is sufficient for this requirement. For decks, patios, and structures other than fences, elevation drawings for at least two sides of the

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structure are required. All diagrams and drawings must show dimensions that are relevant to the applicable architectural controls.

- (5) For pools, proof of the insurance (a binder is sufficient) required by Article II, Section 2.(e) of these rules and regulations.

(c) Requests involving alterations to the exterior of existing structures that do not require significant structural alterations. This type of request includes, but is not limited to: installing attic vents, new windows and doors, shutters, storm doors, replacing windows with a different style of window. Such requests shall include:

- (1) A drawing or photograph of the portion or portions of the existing structure to be altered.
- (2) A drawing showing the location and nature of the alteration. For replacement windows and doors, or installation of storm doors, a picture or drawing of the proposed replacement is sufficient.
- (3) The colors of all exterior exposed surfaces. If colors other than the natural color of the construction materials or existing color of the residential structure are to be used, the request shall include samples of those colors

(d) Requests for painting or changing the colors on the exterior of existing structures shall include:

- (1) A color photograph of the existing structure.
- (2) Samples of the new colors to be applied and a description of which color is to be applied to which part(s) of the structure.

Section 5. Request Screening. The Chair of the Architectural Control Committee (the Committee) shall screen all requests for architectural approval (requests) for completeness and validity. This responsibility may be delegated by the Chair to other members of the Committee. Upon receipt of a request for architectural approval, the person exercising the Chair's

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responsibility for screening (the Screener) shall mark the request with the date it was received. The Screener shall then:

- (a) Determine if the request is a complete, valid request.
- (b) If the request is complete and valid, the screener shall forward the request to the full committee for review and approval.
- (c) If the Screener determines the request is incomplete or not valid, the Screener shall notify the Member making the request that the request is not complete. This notification shall specifically identify what additional information is required and inform the Member that the 30 day review period specified in Article VI, Section 1.(a) of the Declaration will not begin until the additional information is received. This notification may be made in writing, using a form letter

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or check-list or orally in person or by telephone. If the notification is made orally the Screener shall note on the face of the request or on a separate document to be kept with the request:

- (1) The date and time the notification was made.
- (2) The name of the person to whom the notification was given.
- (3) If made by telephone, the telephone number called.
- (4) Note the information requested and note that the Member was informed that the 30 day review period had not commenced.

Section 6. Request Approval. The Committee shall review requests using such forms, checklists, methods and procedures deemed appropriate by the Committee. All approvals and disapprovals shall be in writing and signed by a Committee member. Disapprovals shall include specific reasons for disapproval.

Section 7. Appeals of Architectural Committee Decisions. Architectural Committee decisions may only be appealed by a homeowner whose request has been disapproved. Disapproved requests may be appealed only if there is a dispute concerning the facts of the request or if there is a dispute concerning interpretation of the Declaration, By-laws or Rules and Regulations.

(a) All appeals must be in writing and be made within 15 calendar days of receiving written disapproval and shall be forwarded to the Architectural Committee.

(b) In the case of a factual dispute, appeals must specify which facts that are in dispute. Appeals concerning disputes over the interpretation of the Declaration, By-laws or Rules and Regulations must include the specific section(s) that are in dispute and the homeowner's interpretation of the section(s).

(c) Upon receipt of an appeal the Architectural Committee shall review the appeal and either approve the request or sustain their disapproval. If the Committee sustains its disapproval it shall notify the homeowner in writing of the disapproval and the reasons for sustaining the

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disapproval. This notice shall specifically address the facts or interpretations that the homeowner holds in dispute.

(d) If the homeowner's request is not approved on appeal, the homeowner may refer the matter to the Board by sending the Board a letter requesting review. The request for a Board review must include the copies of:

- the original Architectural Review request
- the original disapproval
- the homeowner's appeal
- the Architectural Committee's disapproval on appeal

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(e) Upon receipt of a homeowner's request for a review, the Board shall take such steps as it deems necessary and render a final decision on the request. The Board's decision shall be final and binding on both the homeowner and the Architectural Committee.

Section 8. Current Standards and Retroactivity. All architectural approvals must be considered and judged against the standards contained in the Declaration, By-Laws and Rules and Regulations at the time a valid request for approval is received by the Committee. Pending changes or standards no longer in force may not be considered. Once architectural approval has been given in writing, it may not be rescinded. Changes in standards may not be applied retroactively to previous approvals.

Section 9. Enforcement of Architectural Standards. Complaints concerning violations of Architectural Controls may be received directly by the Architectural Control Committee or may be forwarded to the Committee by the board for action.

(a) In either case, the Committee shall follow the enforcement procedures set out in Article II of these Rules and Regulations when pursuing a complaint concerning Architectural Controls.

(b) With the exception of initiating legal action or imposing penalties (Article II, Section 5.(b)), the Chair of the Architectural Control Committee is hereby delegated the authority to make any determinations or sign any letters required or permitted by the enforcement procedures in Article II.

(c) Should the Committee pursue an enforcement action through the Third Enforcement Letter without resolution, the Chair of the Committee shall refer the case to the Board for action. Referrals shall include copies of all relevant documents and letters as well as the action recommended by the Committee.

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ARTICLE V CHANGES AND AMENDMENTS

Section 1. General. This article establishes the procedures for making changes to these rules and regulations.

Section 2. Homeowner Petition. Homeowners may petition the Board of Directors for changes to these rules and regulations. Such petitions must be presented to the Board for final action and contain the information detailed below:

(a) The exact words to be added or deleted, as applicable.

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- (b) The printed name and signature of each homeowner signing the petition.
- (c) A clear indication next to each homeowner's signature as to whether the homeowner supports or opposes the proposed change.
- (d) The address or lot number of each homeowner signing the petition.

Section 3. Board Action on Homeowner Petitions. Homeowner's petitions presented to the Board shall be acted on by the Board as follows:

(a) If the petition has the signatures indicating than less than 51% of Association members in good standing support the requested change, the Board may approve the change by a majority vote of all the members of the Board.

(b) If a petition with signatures indicating that 51% or more of the members of Association good standing support the requested change, the board shall first verify that names on the petition are those of members in good standing. If the number of verified names supporting the requested change on the petition represent 51% or more of the members, The Board shall approve the change unless the Board determines that:

- (1) The proposed change is contrary to the law, or
- (2) The proposed change is contrary to or in conflict with, the Declaration and By-laws

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