

# Mariner's Cay Homeowners Association

## Rules and Regulations

Condominium living may be a new experience for many residents in Mariner's Cay and requires understanding and cooperation from everyone residing in the community. In order to create a congenial and dignified living atmosphere, your Board of Directors (BOD) has adopted these Rules and Regulations as guidelines for all homeowners, their families, guests, and tenants at Mariner's Cay.

These Rules have been developed over time as a result of our own experiences and the experiences of other condominium environments. These Rules and Regulations may not please everyone. They were not designed to satisfy individual pursuits or desires. From our experience, these Rules meet the approval of a large majority of homeowners, which is extremely important in successful condominium living.

Everyone is encouraged to COEXIST as friendly neighbors and AVOID CONFRONTATION whenever possible. Individual homeowners may point out violations to violators, but are STRONGLY DISCOURAGED from arguing about or trying to enforce the rules, unless it is a matter of SAFETY OF PEOPLE or property. Repeated or excessive violations of all rules SHOULD BE REPORTED to the Mariner's Cay (MC) property manager or a member of the BOD. The BOD has the right to impose fines as it sees fit, and is NOT LIMITED by amounts quoted in the Rules.

Any questions, suggestions, or complaints should be made to the MC Management Company, preferably in writing. If the Management Company cannot resolve your concerns, they will be forwarded to the Board of Directors for review.

Mariners Cay is a residential community. Our residents voluntarily provide services, including picking up litter, policing the grounds, etc., and it is our desire to have the understanding and cooperation of all homeowners, guests, and tenants so we may all mutually enjoy to the fullest the benefits of living and visiting at Mariner's Cay. Please follow the rules, and do not litter or damage our community. MCHOA and its BOD are not responsible for any accidents or damages caused by individuals on Mariner's Cay property.

Board of Directors, Mariner's Cay Homeowners Association

## **MARINER'S CAY HOMEOWNERS ASSOCIATION RULES AND REGULATIONS**

### **1. The Rules and Regulations are hereby amended as follows:**

To protect the best interests of homeowners, a program of strict compliance with Rules and Regulations is being initiated. In fairness to all owners/tenants, we request that ALL RESIDENTS AND THEIR GUESTS/TENANTS comply with the reasonable requirements set forth herein. When a violation occurs a NOTICE OF VIOLATION will be issued, a fine will be imposed, and a copy will be mailed to the owner of the unit. The owner or his appointed agent may appeal by personally appearing before the Board of Directors at their next regular meeting. If the owner and/or agent fail to appear, the violation and fine will be affirmed. The City of Folly Beach Police Department has authority on the premises and will be called when circumstances warrant.

- 1.1. Since homeowners are ultimately responsible for violations by their guests and/or tenants, a copy of these rules WILL be posted in all rental units by the homeowner. A second copy WILL BE PROVIDED as part of the rental/lease agreement.

### **2. SECURITY GATE**

- 2.1. The entrance security gate is set to permit passage of one vehicle at a time. DO NOT TAILGATE! If the gate is forced open to gain access, or damaged while attempting to tailgate, a fine plus the cost of repairs will be imposed. Forcing the gate open or tailgating constitutes "breaking and entering", "unlawful entry" and/or "trespassing." Since the City of Folly Beach Police Department has jurisdiction on the premises, the violator will be reported immediately and prosecution will be vigorously pursued.
- 2.2. Unauthorized use of security codes to enter Mariner's Cay is considered "unlawful entry" and/or "trespassing" and will be reported to the Folly Beach Police Dept. for prosecution. Additional fines may be levied by Mariner's Cay. Security codes are issued in very limited numbers to emergency personnel and selected vendors, and will be monitored on a regular basis.

### **3. SWIMMING POOL – No Lifeguard, Swim At Your Own Risk**

**Pool area is defined as the area enclosed by the fence and lagoon boundaries.**

- 3.1. In event of an accident or medical emergency, dial 911 on the telephone located near the Pool Restroom entrance.

- 3.2. Glass containers are NOT allowed in the pool area. NO EXCEPTIONS. A fine will be imposed, plus the additional cost of draining and cleaning the pool if there is broken glass.
- 3.3. Infants and toddlers who are not potty-trained must wear swimming diapers as labeled by the manufacturer. No cloth or regular diapers are allowed in the pool. A fine per occurrence will be imposed, plus the cost to close and clean the pool for fecal incidents.
- 3.4. NO Excessive Noise and No Profanity allowed in the pool area.
- 3.5. Children under 13 are not allowed in the pool area unless accompanied by an adult 18 years or older.
- 3.6. Mariner's Cay pool tags are required at the pool. Two tags have been issued per unit. Use of the pool without a tag is considered trespassing.
- 3.7. Pool hours are 6:30AM to 10:00PM, without exception.
- 3.8. Pets are not allowed in the pool area, per DHEC. NO EXCEPTIONS.
- 3.9. Health and safety rules required by SC Department of Health and Environmental Control (DHEC) are posted for your information. Please read and obey.
- 3.10. Gate to pool MUST remain closed at all times, as mandated by DHEC.
- 3.11. No running, pushing, shoving, "dunking," horseplay or unsafe conduct are allowed in pool area.
- 3.12. Music played without headphones is not allowed in the pool area.
- 3.13. Pool furniture is to remain in the pool area.
- 3.14. No floats are allowed in the pool, with the exception of swimming aids. A swimming aid is defined as a personal flotation device that does not extend beyond the body of a single individual. Pool noodles are allowed only when used as a personal flotation device.
- 3.15. Do not remove the safety rope. It is there for emergencies. Do not hang onto or play on the rope.
- 3.16. Trash and personal belongings, including pool toys, must be removed when leaving the pool. Personal items left behind will be disposed of.
- 3.17. Grills, picnic tables and surrounding areas are to be cleaned by users, and all trash discarded in trash receptacles. Use of grills and picnic areas is on a first come, first serve basis.
- 3.18. Unauthorized or forcible entry into the pool area constitutes "breaking and entering," "unlawful entry" and/or "trespassing," and will be reported to the Folly Beach Police Department for prosecution. Additional fines may be levied by Mariner's Cay.
- 3.19. A homeowner wishing to use the pool area for a party of more than six guests must receive written permission from the MC Property Manager. Permission for a party of more than six people does not include or imply a reservation of the gazebo area, grills, tables, chairs, or any other specific pool areas. Use of these areas and items are first come, first serve.
- 3.20. Parties will not be approved on summer holidays, except for Board approved community wide events.

#### **4. PETS**

- 4.1. Homeowners and tenants keeping pets must comply with Definitions, Article IX, Section III of the Master Deed. Tenants keeping pets must have a signed lease for a minimum 28 day rental period and written permission from the condo owner. A fine will be imposed per violation.
- 4.2. Owners of pets must immediately remove their pet's defecation and dispose of it in a trash receptacle, not the marsh, water, lagoons or under buildings, etc.
- 4.3. All pets, including cats, must be kept on a leash while outside their unit. Collars and valid inoculation tags are required.
- 4.4. All pets kept within or using Mariners Cay common elements must be registered with the MC Property Manager's office, and wear a Mariners Cay Registration Tag on their collar. There will be a fine for missing tags. Pets may be registered on the Mariners Cay Homeowners Portal at <http://marinerscayhoa.com/> or contact the MC Property Manager directly.
- 4.5. In addition to Mariners Cay Rules & Regulations, City of Folly Beach Animal Control Ordinance will be enforced.
- 4.6. MC unit owners are responsible for all damages to MC property caused by their pets and the pets of their renters or guests.

## **5. TENNIS COURTS**

- 5.1. Courts are for tennis play only. No skateboarding, bicycles, or other activities are permitted. Tennis shoes are REQUIRED.
- 5.2. Children under 10 must be supervised by an adult 18 years or older.
- 5.3. NO pets are allowed on the tennis courts.
- 5.4. Debris and personal items must be removed from the court area when play is completed.
- 5.5. Profanity, unsportsmanlike conduct and excessive noise are not allowed on the tennis courts.
- 5.6. Please limit time of play to 1½ hours if others are waiting to play.
- 5.7. Tennis Court Hours are from 8:00AM to 10:00PM

## **6. CLUBHOUSE**

- 6.1. The Clubhouse is reserved for homeowners only. Homeowners may sponsor usage by making reservations and access arrangements with the MC Management Company at least two weeks in advance.
- 6.2. All parties/events must end no later than 10:00 PM.
- 6.3. Homeowners must be in attendance during the rental period and will be responsible for the conduct of guests and for any damages that occur.
- 6.4. NO pets are allowed in the Clubhouse.
- 6.5. A rental of the Clubhouse does not include use of the pool.

- 6.6. A refundable cleaning deposit is required with each reservation. The cleaning deposit may be refunded per the Reservation Agreement terms and conditions.

## **7. GENERAL**

- 7.1. At least one working, multi-purpose, ten pound fire extinguisher, or two of five pound capacity, as well as working smoke alarms, are required in each unit by our fire insurance carrier. These should be inspected at least every six months and replaced, repaired or recharged as necessary.
- 7.2. No smoking is allowed in common and limited common areas, including all porches, open balconies, sidewalks, etc, within 15 feet of the buildings. In addition, there will be no smoking at the swimming pool, on tennis courts and in or around the clubhouse.
- 7.3. Home owners are responsible for maintenance and repair of, or damage resulting from malfunction of all plumbing fixtures, washing machines, dryers, hot water heaters, refrigerators/ice makers, dishwashers ceiling fans, electrical ranges and any part of the HVAC system, whether the components are inside or outside the residential unit.
- 7.4. Homeowners are responsible for insuring that dryer vents are not clogged and that dryers are not overheating.
- 7.5. Use of charcoal grills and open flame devices are not permitted within 15 feet of any building. Use of grills is not permitted in front of the buildings.
- 7.6. Garbage and trash must be deposited directly into the dumpsters. Recycle bin is for recyclables only. Garbage may NOT be left on porches, balconies, decks, or in storage rooms at any time. There will be a fine per occurrence.
- 7.7. Excessive noise or disturbances from any source are not permitted at any time, particularly between 10:00PM and 8:00AM. Folly Beach Police have specific authority on the premises.
- 7.8. No loud music, no excessive noise or profanity allowed at any time on open balconies or porches where others may be disturbed.
- 7.9. Nothing is allowed on windows, doors, balconies, entrance porches, decks or railings that is visible from the street. See Article VII, Section 1, of the Master Deed.
- 7.10. Antennas, and satellite dishes, etc, are NOT allowed on common or limited common elements, per Mariner's Cay Master Deed, Page 27, Section 6.
- 7.11. Security cameras are not allowed in common or limited common areas, with the exception of cameras embedded in doorbells or door locks.
- 7.12. No private or commercial business may be conducted within the MC property bounds, except those stated in Article IV and IX of the Master Deed.
- 7.13. Community informational handbills\public postings must be pre-approved by the MC BOD.
- 7.14. No commercial or personal signage allowed on MC property.
- 7.15. No solicitation, signage or handbills are allowed to be displayed or distributed by anyone on MC property. This includes political campaigns and solicitation.
- 7.16. Homeowners shall familiarize or provide their contractors with the contractor's rules and regulations. Contractors should pick up a copy of the MCHOA Contractor

Regulations and Conduct form from the MC Property Manager before proceeding with any work. Contractors are responsible for the actions of their employees/ subcontractors regarding the speed limit, gate access, parking, noise violations, etc. Homeowner will cooperate with MC Management to enforce the rules. Work schedule is Monday-Friday, 8:00AM-5:00PM, WITH NO WORK ON SATURDAYS, SUNDAYS or HOLIDAYS, except with special permission from the MC Property Manager.

- 7.17 All construction dumpsters require approval by the ARB and are subject to ARB construction rules and regulations. Construction dumpsters must have approval of the MC Management Company as to the length of time and where they are allowed to be placed on the property. ALL dumpsters MUST have plywood/particle board placed underneath to protect the asphalt.
- 7.18 Each owner shall, at his expense, keep the limited common area and facilities to which his unit has exclusive access, and of which he has exclusive use, clean and neat. See Article VIII, Section 2 of the Master Deed.
- 7.19 Plants may not be added to or removed from landscaped areas. No alteration to landscaping is allowed without written approval from the BOD.
- 7.20 Vandalism or destruction of property will not be tolerated. Homeowners are responsible for such violations by themselves, their families, their visitors and/or their tenants, and will be fined and billed for appropriate repairs. Prosecution of the perpetrator(s) will be vigorously pursued by MC. City of Folly Beach Police have authority on the premises.
- 7.21 Due to fire and liability insurance restrictions, storage of personal items of any description is not permitted in Electrical Service Rooms on 2nd floor of Building 5.
- 7.22 Combustible materials CANNOT BE STORED within or under ANY building including stairways, hallways, closets etc. Combustible materials include, but are not limited to, propane tanks, gas cans, paint thinners, etc.
- 7.23 Storage of personal items is allowed in permitted common areas, e.g., stairwells under buildings, closets, under building areas, etc, on a first come, first serve basis. All personal property stored in permitted common areas must be properly tagged with the homeowner's unit # and be in useable condition. Under stairwell storage, which is open and visible upon entering the buildings, must be kept neat and clean by homeowners using the areas.
- 7.24 Bicycles, riding toys or other obstructions are not permitted on sidewalks. When not in use, all items must be properly stored out of sight. Bicycles may not be parked on sidewalks, the lawn, entry porches, or permanently parked on concrete pads next to entries. Bicycles may not be chained to trees or other MC properties.
- 7.25 Bicycles may be stored under building 5, under buildings 1-4 in accessible areas, and in common areas under stairwells when space is available, providing bikes don't encroach on sidewalks. Bikes may also be stored under back staircases of first floor units, providing bikes are completely under stairs and do not encroach on the lawn. Bikes may be temporarily parked during the day on concrete pads next to entries of buildings 1-4.

- 7.26 Skateboards, hoverboards, etc., are not allowed on MC property.
- 7.27 Use of the boat ramp is restricted to authorized people. The gate must be locked after each use. Tie-up of one hour is permitted at the resident's dock. Overnight tie-up is not permitted.
- 7.28 Boats are to be washed at the boat ramp. Vehicles should be washed in the Marina parking lot ONLY, not in vehicle parking spaces.
- 7.29 The MC Management Company must be provided with a working duplicate key to each unit and outside storage closets for use in an emergency. See Article VIII, Section I, of the Master Deed.
- 7.30 No renovations may be made to any condo unit without written approval of the Mariner's Cay Architectural Review Board (ARB). Contact MC Property Manager for approval forms and regulations. Compliance with all Folly Beach and Charleston County zoning and building regulations is required. All Permits and Mariner's Cay approved ARB Forms must be posted on the nearest window to the condo unit's front door.
- 7.31 Homeowners are required to obtain and maintain HO6 insurance for their unit to provide liability protection, assistance with **storm related deductibles, special assessments**, and coverage for damages not provided by the Mariner's Cay master insurance policy.
- 7.32 Lawn furniture and all other personal property must be removed from the common areas at the end of each day.
- 7.33 Owners relinquish all Mariner's Cay regime privileges during any period of time that their unit is rented or leased.
- 7.34 All renters must be registered with the HOA, per the Mariner's Cay Master Deed, using the latest published process (for details contact Mariner's Cay Property Manager). Owners who rent their unit will be held fully responsible for their tenants, and all fines and damages that result from their misconduct while staying at Mariner's Cay.
- 7.35 Owners who rent their unit must maintain both a valid business license and a short term rental registration from the city of Folly Beach, per city regulations, and comply with all Folly Beach laws and regulations.
- 7.36 Homeowners who rent their unit must take all necessary steps to insure their required HO6 policy covers all rental activities in their unit.
- 7.37 Only Mariner's Cay homeowners/residents may invite guests to use the Mariner's Cay amenities, pursuant to all Mariner's Cay's Rules and Regulations.
- 7.38 Homeowners who did not have a signed contract to purchase a specific unit at Mariner's Cay before July 1, 2019, may not rent their unit for a period of less than 30 days, based on the Moratorium that took effect on July 1, 2019, and until such time as the Moratorium is no longer in effect.
- 7.39 Per Mariner's Cay's Master Deed, Article IX, Section 7, no less than all of a condo unit may be rented. Therefore, condo units may not be subleased or partially rented or leased in any manner.
- 7.40 Drone operation has raised a concern for the privacy of MC residents. MC is within

five miles of the Charleston Executive Airport Class E Airspace, therefore drone operation in and above Mariner's Cay is governed by the FAA as it applies to Charleston Executive Airport Class E Restrictions. The FAA requires recreational drone operators to give notice to the airport operator for flights within five miles of a non tower airport. Please abide by the National Telecommunications Information Administration Guidelines for Drone Operation. Please inform the Mariners Cay Property Manager of any drone operations in and above Mariner's Cay, and respect the privacy of Mariner's Cay residents.

- 7.41 Mariner's Cay residents/visitors/renters, etc, may not intentionally or unintentionally damage or alter the marshlands, vegetation and/or environment adjacent to Mariner's Cay. **Per SC DHEC, Mariner's Cay is responsible for damage or alterations to marshlands, vegetation and environment adjacent to and emanating from Mariner's Cay's property.**
- 7.42 Should signs of damage to or alteration of the marshlands, vegetation and/or environment adjacent to Mariner's Cay's property become apparent, the damaged/ altered areas will be marked and restricted from further use by Mariner's Cay residents/ visitors/renters until the damages/alterations are no longer apparent, and all restrictions have been removed by Mariner's Cay.
- 7.43 Each Condo Owner whose Unit includes a wood burning fireplace is required to submit written proof annually that the fireplace components have been inspected and are safe for wood burning use. The inspection must have been conducted in the prior twelve months, and inspection results are to be stated in an invoice or on letterhead from a qualified entity. Written proof of inspection must be submitted to the HOA Property Manager no later than March 1st of each year.
- 7.44 Each Condo Owner whose Unit contains a wood burning fireplace is fully responsible for proper maintenance, including full maintenance costs, of the fireplace components, including the flue. **In addition, the Condo Owner is responsible for proper and safe use of the fireplace, and any damages resulting from negligent use of the fireplace.** The HOA is responsible for maintaining the common element chimney components.

## **8. VEHICLE OPERATION AND PARKING**

- 8.1. Any vehicle and/or boat/trailer found in violation of the parking rules will be ticketed and a fine imposed. If vehicle is not moved within 12 hours the vehicle may be towed at owner's expense. A second violation by the same owner, vehicle or boat/trailer will result in towing without notice at the owner's expense.
- 8.2. Vehicles CANNOT be parked on sidewalks or landscaped areas within property bounds. Parked vehicles, including trailer hitches, shall not overhang and block any portion of the sidewalk.
- 8.3. No more than TWO vehicles per unit may be parked within the Mariner's Cay property bounds. This applies to owners, residents, guests/visitors, and renters.



- 8.3.1 Owners/residents must register their vehicles with the Mariner's Cay Property Manager, and will be issued parking decals for up to TWO vehicles. Decals must be affixed inside the vehicle's lower left windshield (driver's side). Owners/residents may register their vehicles on the Mariner's Cay Homeowners' Portal at <http://marinerscayhoa.com> or may contact the Mariner's Cay Property Manager directly.
- 8.3.2 Mariner's Cay owners and long term residents will be issued two hanging tags for the use of visitors. The Visitor's Tags must be prominently displayed in the visitor's vehicle when parking at Mariner's Cay overnight or longer. Please contact the Mariner's Cay Property Manager if Visitor's Tags are needed.
- 8.3.3 Renter's must display a Renter's Pass issued by Mariner's Cay, containing all required information, in the vehicle's front windshield when parking on Mariner's Cay Property. Renter's Passes are issued upon completion of the Mariner's Cay registration process. A limit of TWO Renter's Passes will be issued per unit. Owners may register their renters by using the currently published process. For instructions or help, please contact the Mariner's Cay Property Manager directly.
- 8.4. Residents may park in the numbered spaces for their unit and spaces marked "Residents." Residents should not park in spaces marked "Visitors" unless no other spaces are available. Residents may not park in numbered spaces reserved for units other than their own without permission.
- 8.5. Visitors may park in resident host's numbered assigned space, with host's permission, or in spaces marked "Visitors." Visitors parking at Mariner's Cay overnight or longer must display a Mariner's Cay Visitor's Pass, issued by Mariner's Cay. Visitors staying longer than seven consecutive days must make other parking arrangements for their vehicle, if it is in addition to two vehicles already being parked for the unit.
- 8.5.1 Renters may park in the numbered space assigned to their rental unit and/or spaces marked "Visitors." A Mariner's Cay Renter's Pass, issued by Mariner's Cay, must be prominently displayed in the vehicle. A limit of TWO Renter's Passes will be issued per unit.
- 8.6. Marina patrons and tenants park in spaces marked "Marina" or Visitors" only.
- 8.7. Any vehicle illegally parked in a reserved numbered space will be fined and may be towed without notice.
- 8.8. Moving vans, vehicles, trailers, etc, used for the purpose of move-in or move-out of household goods may remain on the property for 48 hours. Such vehicles must not impede the flow of traffic or block other residents' assigned parking spaces without permission of the affected residents.
- 8.9. Pods or any storage device must be approved in advance by the MC Property Manager and must be removed within 48 hours of initial delivery. ALL Pods must be placed on plywood or particle board to protect the asphalt underneath. Absolutely no storage in Pods is allowed on the property.

- 8.10. The parking of commercial vehicles with or without trailers is strictly prohibited, except while commercial services are being rendered to residents of Mariner's Cay during approved service hours.
- 8.11. Parking of personal vehicles displaying signage of any kind is prohibited. Vehicles parked at Mariner's Cay may not display "for sale" signs.
- 8.12. Vehicles may not be stored on the premises. Residents using their unit as a second home may leave one vehicle for use when staying at Mariner's Cay (with BOD approval only), but that vehicle must display current licensing and a current Mariner's Cay decal, be in operational condition, and be left parked in the assigned, numbered space for that unit. A key must be left with the property manager, in case the vehicle needs to be moved for parking lot maintenance or cleaning, or in case of emergency. Mariner's Cay accepts no responsibility for vehicles left on the premises under these circumstances.
- 8.13. Motorcycles, mopeds or scooters (motorized or otherwise) are not allowed on MC property.
- 8.14. Campers, camping trailers, recreational vehicles (RV's), utility trailers, vehicle carrying trailers, motorcycles, golf carts, low speed vehicles, (LSV's), mopeds, go-carts and like vehicles are STRICTLY PROHIBITED on the premises.
- 8.15. Boat trailers must be parked in assigned spaces only, and display a Mariner's Cay decal. Boats in excess of 20 ft. must have written approval from the Board of Directors. Boat parking spaces are limited and assigned by the HOA. Only Mariners Cay residents will be assigned a boat parking space.
- 8.16. Boats or Boat trailers of non-residents MAY NOT BE PARKED anywhere in Mariner's Cay and will be towed immediately without notice at owner's expense.
- 8.17. Jet Skis are STRICTLY PROHIBITED on the premises.
- 8.18. Any vehicle or boat/trailer, owned or leased, with expired license plates, not displaying a current Mariner's Cay decal, and not in an operable condition, will be ticketed, and if not removed after 72 hours, will be towed without further notice at owner's expense.
- 8.19. Speed Limit throughout Mariner's Cay is 12mph for the safety of our residents and guests. Please observe. Violators will be fined.

## **9. FINES/PENALTIES**

- 9.1. Fines/Penalties may be levied, when appropriate, for violations of Mariner's Cay's Master Deed, Bylaws, and Rules and Regulations. Mariner's Cay's complete Collection Policy is available from the MC Property Manager and is posted on the Homeowners Web Portal.
- 9.2. When Assessments, Fines/Penalties, etc, become delinquent per the MC Collections Policy, use of Mariner's Cay's recreational facilities, amenities, voting privileges, use of HOA services, etc, may be revoked. Once any of the previously mentioned privileges have been revoked, continued use of same will result in additional Fines/Penalties.
- 9.3. A copy of Mariner's Cay's Rules and Regulations and the List of Fines/Penalties is available from the MC Property Manager and is posted on the Homeowners' Web Portal.

**These amended Rules and Regulations have been approved by the Board of Directors and are in current effect, as of January 31, 2021.**