

HIDDEN POINT HOA Bylaws  
RULES AND REGULATIONS  
ARTICLE X

Fences, Property Maintenance, Landscaping & Lawns, Garbage, Street Usage,  
Pet Control, Renting your home, Fireworks, and New construction

**SECTION 10.01. In General.** The following are rules and regulations have been adopted by the Board of Directors as permitted by Article V, Section B. (1) on March 4, 2014, to be effective as of April 1, 2014. Terms not defined herein shall have the meanings set forth in the Declaration.

**SECTION 10.02. Fences:** The following are rules and regulations to be used by the Building Design and Landscaping Committee (“BDLC”) with respect to requests for the construction of fences:

Fences shall be permitted on a Unit of Hidden Point when the conditions set forth in Article IX of the Declaration (pages 28-47) have been satisfied and all of the following rules, regulations and any other concerns of the BDLC have been satisfied:

(a) Prior to submitting application for a fence to the Building Design and Landscape Committee (BDLC), a survey of the property must be performed by a Professional Surveyor. The cost of the survey shall be paid for by the applicant. The property survey is to be submitted with the proposed plan for the fence.

(b) Applicant is to contact Miss Utility to identify the location of underground utilities before the survey is prepared.

(c) The design for the proposed fence shall be prepared on a scale drawing of the Unit indicating the location of the dwelling, any underground utilities, and the proposed location of the fence relative to the same and UNIT boundaries.

(d) The design and color of the fence must be submitted by applicant and approved by the Building Design and Landscape Committee (BDLC) before construction shall commence. The BDLC shall provide a written response to the application within 30 days of submission.

(e) Fences may be located in the backyard of the Unit only. Fences may not be toward the street frontage of a Unit beyond the rear corner of the home constructed on a Unit. Where a Unit adjoins a street on two (2) sides, the fence shall not extend toward the street beyond the side of the dwelling constructed on the Unit.

(f) A fence may extend 1 foot from the side property lines. Where a unit adjoins a street on two (2) sides, the fence shall not extend toward the street beyond the side of the dwelling.

(g) A fence shall not be less than forty-eight (48”) inches or exceed seventy-two (72”) in height.

(h) All fencing styles, excluding wood and chain link fences, will be considered on a case-by-case basis. Fencing hardware shall be galvanized or stainless steel to prohibit rust.

(i) All fences must have at least one hinged lockable gate not to exceed 5’ in width.

(j) Installation of all fences shall be constructed in accordance with the fence manufacturer’s published instructions, if any, and any liability for failure to follow the instructions shall be the liability of the applicant.

(k) Once constructed, the property owner shall periodically inspect, maintain, keep clean and free of mold or other foreign material, and effect repairs of the fence promptly.

(l) The Building, Design and Landscape Committee reserve the right to inspect the fence.

**SECTION 10.03. Property Maintenance, Landscaping & Lawns, and Garbage:** The following are rules and regulations to be used by the Association with respect to determine whether an Owner is properly maintaining a Unit. The items stated below are an effort to maintain a clean and presentable level of decorum expected by the citizens of Hidden Point community.

**10.03.1: Property Maintenance**

(a) Prolonged storage of building materials on a Unit is prohibited

(b) Owners shall keep exterior lighting in operable condition.

(c) Owners shall not park vehicles on the lawn except on a temporary short term basis. Continued parking on the grass, resulting in grass deterioration and dirt being tracked onto roadways, is not permitted.

(d) Owners shall keep any drainage ditches located in an easement area open and unobstructed so that drainage of storm water is not interfered with.

(e) Gutters and downspouts shall be regularly inspected and kept clean of debris to prevent them from overflowing.

(f) Owners are encouraged to keep driveways and walkways clear of the accumulation of ice and snow. Snow shall not be pushed from the Units into the roadway. The use of calcium chloride, rock salt is also not recommended due to the negative effects on concrete.

(g) Holiday decorations shall be removed within 20 days of the holiday end, weather permitting, but under no circumstances shall they be displayed beyond 60 days following the end of the holiday.

(h) Burning of grass clipping, trash or leaves is **not permitted** in the development.

(i) Damage to Units resulting from but not limited to wind, fire, negligence, or other acts of god shall be repaired within 30 days upon settlement with the Owner's insurance company or upon written notification by the BDLC.'

(j) Fallen leaves shall be collected and disposed of properly.

#### **10.03.2: Landscaping & Lawns**

(a) If the Unit is improved, grass shall be kept below five (5) inches in height.

(b) If the Unit is un-improved and is located between improved Units, the ground cover (i.e. grass and weeds) shall be kept below twelve (12") in height.

(c) If the Unit is un-improved, a five foot wide strip of the ground cover shall be maintained below twelve inches in height along the road and along the borders of any adjacent improved Unit.

(d) The Owner shall prune trees, shrubs and plantings regularly to prohibit growth from impeding into roadways, onto walkways, onto other Units, and from blocking the vision of motorists.

(e) Owners shall not plant trees or shrubs in proximity to roads or other structures that will create obstruction upon their maturity.

(f) If a Unit has a fence, it shall be the responsibility of the fence owner to maintain the lawn on both sides of the fence and keep grass and weeds under control with regular mowing and trimming as provided for herein.

(g) The planting of strip hedges along Unit boundaries is prohibited.

(h) Owners shall keep lawns and landscaped areas alive and free of weeds. Remove dead plantings. Trees, bushes and plantings should be periodically trimmed to promote new growth and health.

(i) Vegetable gardens shall not be planted in front yards and are subject to the same restriction relative to Unit boundaries as other improvements.

### **10.03.3: Garbage**

(a) Each Unit Owner is responsible for contracting with the local sanitation department for garbage removal.

(b) Each Unit shall have at least one garbage can with lid and use that when setting out garbage for the sanitation department pickup. Multiple garbage cans shall be utilized if the typical volume of weekly trash mandates that.

(c) Containers and refuse may be placed within public view 24 hours before the day of regularly scheduled pick-up, and shall be made at such place to provide handy access by the collecting agency.

(d) Upon trash collection, the garbage can shall be removed from the street within 12 hours.

(e) The house number shall be placed on the garbage can and lid.

**SECTION 10.04. Street Usage:** As defined in the Declaration of Common Interest Community for Hidden Point Subdivision, Article IX, Section B (16) under The Units –Use, Transfer, and Other Restrictions and Rights: **There shall be no street parking except occasional guests.** The design of our neighborhood streets and the close spacing between houses did not create enough curb space for on-street parking in our development. Therefore, all residents should park in their own garage or driveway with street parking reserved for special circumstances such as visiting guests or occasions where you are cleaning or moving items in and out of your garage/driveway. Please keep in mind that these special circumstances should occur on a *limited* basis and that street parking restrictions refer to *both* daytime and overnight parking. Having too many cars to fit in your driveway/garage is not a valid reason for street parking.

The 2015 HOA Board has signed a contract with Summer’s Towing of Morgantown for the towing of vehicles in violation of the parking policy. This contract stipulates that Summer’s Towing will ONLY tow vehicles AT THE REQUEST of the HOA Board. Each home will receive two warnings of the violation. If residents fail to comply following the warning, vehicle(s) may then be towed.

It is important to note that these parking restrictions do not just apply to personal vehicles. As defined in Article IX, Section B. (11): **No trailer, camper, mobile home, commercial vehicle, truck (other than standard size pickup or van), boat... or similar equipment shall be permitted to remain within the Planned Community, other than temporarily, unless maintained within an enclosed garage. The Declarant or Association shall have the right to have any vehicles in violation of this restriction removed from the property at the owner’s expense.**

**SECTION 10.05. Pet Control:** As defined in the Declaration of Common Interest Community for Hidden Point Subdivision, Article IX, Section B (12) under The Units –Use, Transfer, and Other Restrictions and Rights: **No animals, livestock, reptiles, or insects shall be raised, bred, or kept within the Planned Community. However, usual and ordinary household pets such as dogs, cats, birds, etc. may be kept within the Planned Community subject to such rules and regulations as may be adopted by the Declarant or Association, so long as they are not kept or bred for commercial purposes. Notwithstanding the foregoing, Pit Bulls and Rottweilers are excluded from the Planned Community. Notwithstanding the foregoing no pets may be kept permanently outside. No pets may be kept in any manner which is obnoxious or annoying to others within the Planned Community. All pets must be kept within the owner's Unit at all times, unless leashed. Any unleashed pets may be removed at the expense of the owner. Pets or domestic animals may not be maintained or kept outside of a dwelling Unit.**

Monongalia County also has a passed “Dogs Running at Large” Ordinance which addresses (1) Dogs Running at Large (leash rules) (2) Trespassing Upon or Damaging Property of Another, (3) Impoundment, (4) Enforcement, and (5) Penalty and Enforcement.

The 2019 HOA Board has voted to fine each home \$25.00 after getting two warnings. After two warnings, the HOA Board will contact Monongalia County Animal Control for possible removal of your pet from the neighborhood. The HOA Board will only send the warning notices of the violation when a resident provides proof (photo and or video), of the violation. The following are considered violations:

- (a) Dogs not on leash outside the owner’s property.
- (b) Dogs using property other than their owners as a bathroom and owners not cleaning up after their dogs.
- (c) Dogs being tied outside their residence and annoying neighbors by barking for extended periods of time.
- (d) Dogs damaging another’s property.

**SECTION 10.6. Renting your home:** You have the right to rent your home. If you do rent your home, it is your responsibility to:

- (a) Notify the HOA board of your current mailing address and any phone number changes.
- (b) Notify the HOA board of the name of the person(s) renting your home.
- (c) Notify the HOA board of when renter information changes.
- (d) Notify your renters of the HOA rules. This includes but not limited to:
  - Street Parking
  - Lawn Maintenance

- Banned dogs – Pit Bulls and Rottweilers
  - Firework ban
- (e) Maintain grass below five (5) inches in height while the house is un-occupied. As a courtesy to the new renters, it is recommended that the lawn be mowed before they move in.
- (f) When a renter disregards the HOA rules or you disregard your responsibilities as the homeowner, the owner may be fined.

**SECTION 10.7. Fireworks:** Fireworks are banned from usage within the development even though the state of West Virginia state code permits the sale of fireworks. This by-law is for the safety and peace of the homeowners, residents, and pets in the Hidden Point Subdivision. The HOA board felt it had several good reasons to pass this and include within the by-laws. The first, is to prevent property damage and fires. The second is for individual personal safety. Another reason is to prevent the disruption of the public peace caused by the notice.

The definition of fireworks includes “any combustible or explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.” This includes blank cartridges, toy pistols, toy cannons or toy guns in which explosives are used, floating lanterns, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs or other fireworks of the like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance.

Sparklers and novelties are not considered fireworks which include these: explosive caps designed to be fired in toy pistols that the explosive mixture of the caps show not exceed twenty-five hundredths of a grain for each cap; snake and glow worms; smoke devices consisting of a tub or sphere containing a pyrotechnic mixture that produces white or colored smoke; trick noisemakers such as a party popper, a string popper, a snapper or drop pop and wire sparklers; and other sparkling devices that emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, are hand-held or ground based and cannot propel themselves through the air.

The 2019 HOA Board has voted to fine each home \$250.00 with no warning. If a renter of the home, violates this by-law, the homeowner will be held responsible for the fine.

**SECTION 10.08. New Construction:** The Declaration of Common Interest Community for Hidden Point Subdivision, Article IX, Section B defines the Use and Occupancy Restriction imposed upon Units in the CIC. In addition to those restrictions, the following restrictions have also been imposed.

- (a) The minimum livable footage for a new build is 1100 square feet.

- (b) Any new build must include at a minimum a one stall garage.
- (c) Any damage done to existing homes and/or land due to new construction is the responsibility of the builder to work with the homeowner and repair the damage back to their original condition. A minimum of three quotes must be obtained to fix damage.
- (d) Any damage done to the community roads due to new construction is the responsibility of the builder to work with the HOA and repair the damage back to their original condition. A minimum of three quotes must be obtained to fix damage.
- (e) Any new construction must be completed within 8 months of groundbreaking. (Article IX, Section B, #3)
- (f) All plans need to be approved by the Building Design and Landscaping Committee to ensure the new dwelling will meet community standards. (Article IX, Section B, #3)
- (g) No residence shall be occupied until the same has been substantially completed. (Article IX, Section B, #4)
- (h) All structures and improvements constructed or placed on any Unit shall be built of new material or approved reconditioned material. (Article IX, Section B, #5)
- (i) All structure placement shall not be located nearer than twenty (20) feet to the front, nearer than ten (10) feet to the rear line, or nearer than five (5) feet to an interior or side Unit line. (Article IX, Section B, #6)
- (j) No structure shall be constructed or occupied and used for other than single family residential purposes and no trade or business shall be conducted therein. (Article IX, Section B, #7)
- (k) No owner shall be permitted to install or use window air conditioning units. (Article IX, Section B, #19)
- (l) All areas of a Unit exposed by construction must be seeded, stabilized or otherwise protected against soil erosion at all times and in accordance with the rules and regulations of the West Virginia Department of Environmental Protection, or its successor. The Unit shall be returned to grade and all landscaping shall be completed before occupancy and within thirty (30) days of the completion of construction unless waived by the Building Design and Landscaping Committee, based upon inclement weather or other extenuating circumstances. (Article IX, Section B, #20)
- (m) Each Unit Owner shall maintain at all times a comprehensive insurance policy insuring his Unit and the improvements thereon against the risk of loss due to fire, casualty or

other disaster in an amount equal to at least ninety per cent (90%) of the purchase price of the lot and improvements. In the case of fire, casualty or other disaster, each Owner covenants, at the minimum, to apply all insurance proceeds to the extent necessary to return the Unit to grade. If the Unit Owner chooses to reconstruct, the Owner shall restore all buildings and landscaping to substantially the same condition in which they existed prior to the fire, casualty or other disaster. Each Owner covenants and agrees to carry a policy of liability insurance and to name therein the Association as an insured party. (Article IX, Section B, #21)

(n) All construction sites must be kept neat, clean and free of any scattered debris and trash every day throughout the construction process. No trash or scrap piles are permitted to be in front of or along the side of any Unit where visible from any street within the development. However, such accumulations in small quantities may be kept towards the rear of the Unit or in a location upon the Unit as designated by the Declarant or the Building Design and Landscaping Committee. It shall be the responsibility of the Unit Owner to ensure that construction sites and Units are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials and the like are kept in a neat and orderly manner. (Article IX, Section B, #23)

(o) During construction, all Unit lines must be aggressively protected by ditching, bales of straw, silt fence or other acceptable means to prevent silt, dirt or mud from washing onto adjoining lots and more particularly into the storm sewers or roadways. Any areas where the natural vegetation has been removed must be seeded and strawed immediately to prevent erosion of the soil. (Article IX, Section B, #24)

(p) No modular housing shall be permitted within the CIC. (Article IX, Section B, #25)

(q) All construction work within the CIC shall be done between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. (modified Article IX, Section B, #26).

(r) All disturbed soil areas shall be protected from eroding and shall be reseeded within a reasonable time, not to exceed two months.

(s) All homes in the Planned Community must have a minimum roof pitch of 8/12. (Article IX, Section B, #27)

(t) All exposed foundations must be a minimum of split faced block or covered with stone, brick or other exterior finish material acceptable to the Building Design and Landscaping Committee. (Article IX, Section B, #29)