

# Community Rules and Regulations

# PROMENADE AT JOHN TYLER, A CONDOMINIUM

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## **Welcome to Promenade at John Tyler, A Condominium, Inc.**

Promenade at John Tyler is a condominium development within James City, established under the laws of the Commonwealth of Virginia. This Association Handbook is designed to introduce you to Promenade at John Tyler and the facilities available. In order to get the most enjoyment out of your neighborhood, it is imperative that certain rules and regulations are observed. This Handbook is not intended to supersede or replace the recorded Declaration or Bylaws. If this Handbook conflicts with the recorded Declaration and Bylaws, then the latter will prevail.

Please read this Handbook carefully and enjoy condominium-living to the fullest. If you have any questions, please contact the Association

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Promenade at John Tyler consists of:

- 19 Acres
- 1 Swimming Pool
- 1 Clubhouse

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Please read this Handbook carefully. If you have any questions, the Association will welcome them.

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***This Handbook is not intended to supersede or replace the recorded Declaration and Bylaws. The Board of Directors reserve the right to amend the Rules and Regulations when necessary.***

## YOUR CONDOMINIUM PROPERTY

The condominium concept of real estate ownership had its origin in the laws of ancient Rome, and has been made a part of modern living by laws enacted by the Virginia Legislature.

Condominiums generally consist of three separate elements:

- Common Elements – These include practically everything outside your door, i.e. the grass, roadways and sidewalks, and recreational facilities.
- Limited Common Elements – These include your assigned parking spaces and your patio. Although technically common elements, these are limited to your specific use.
- Condominium Unit – This includes the perimetrical boundaries of your unit up until the common elements begin.

## BOARD OF DIRECTORS

The affairs of the Association are governed by a Board of Directors consisting of no less than three (3) nor more than five (5) members elected in accordance with your Declaration and Bylaws. The Declaration and Bylaws and such Rules and Regulations guide the Directors in their administration of the Association.

## THE ADMINISTERING ASSOCIATION

Your Condominium Association is administered, supervised, and managed by Associa Community Group whose office is located at 4808 Courthouse Street Suite 205, Williamsburg, VA 23188. The members of the Association elect a board of Directors in accordance with the Declaration and Bylaws after the initial period of Declarant control. The Board of Directors is vested with the rights, powers and privileges necessary to fulfill the obligations set forth in the Declaration, Bylaws, and the Rules and Regulations adopted by the Association, and in accordance with the Condominium Act of the Commonwealth of Virginia.

## RESIDENT OWNER

A Resident Owner (RO) is an owner of record of a unit who permanently resides in that unit. A visiting member of the family is not considered a resident, but is a guest subject to all the rules applicable to guests.

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## NON-RESIDENT OWNER

A Non-Resident Owner (NRO) is an owner of record of a unit who does not reside in the unit. A NRO may serve on the Board of Directors or any of the various committees and retains the privilege of voting at elections.

## RESIDENT TENANT

A Resident Tenant (RT) is a tenant in a unit and as such is entitled to the use of all of the amenities of the Association unless the non-resident owner retains amenity privileges. A RT may not serve on the Board of Directors, but may serve on any of the various committees. A RT may not vote unless given a proxy to do so by the NRO. A NRO is responsible for the actions of their RT and to make sure that they receive a copy of and abide by the Rules and Regulations of the Association.

## RENTAL RESTRICTIONS OF UNITS

The Declaration and Bylaws provide that units may not be rented for less than one hundred and eighty days (6 months). FHA guidelines provide that there shall be no transient leasing of units (defined as 30 days or less). These restrictions prohibit the use of Airbnb, FlipKey, VRBO and other online or app based platforms if such use results in the rental of any unit for less than one hundred and eighty days. A unit owner is obligated to advise the Association when a unit is rented and must provide the Association with the tenant's names, occupants, contact information, vehicle, and pet information with ten days of leasing unit including a copy of the executed lease.

## RESALE OF UNITS

It is the obligation of the seller to notify the Association of the pending sale of a unit and to obtain the necessary documents as required by the Commonwealth of Virginia.

## ACCESS TO UNITS

The Declaration and Bylaws give an irrevocable right, to be exercised by the Association, the Managing Agent, or other agents or contractors authorized by the Association, to have access to any unit from time to time during reasonable hours as maybe necessary for the maintenance, repair or replacement of any of the common elements or to another unit or units. Notice will be given to the unit owner or resident whenever possible. Please note that in the event of an emergency entry may be made without notice.

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## ASSESSMENT

The following is a list of the items your monthly assessment pays for:

- Maintenance of Recreational Facilities
- Maintenance of the exterior of all buildings
- Maintenance of Common Areas
- Electricity for Common Area lights
- Electricity and gas for the Clubhouse
- Snow Removal
- Landscaping
- Association Insurance
- Legal and Accounting Services
- Reserve replacement Fund
- Professional Management Services

*Below is a list of unit owner responsibilities versus Association responsibilities.*

### UNIT OWNER RESPONSIBILITIES

Interior Plumbing	Interior Electric
Interior Maintenance	Homeowner's Insurance
Air Conditioning System	Heating System
Cleaning of Deck	Windows
Cleaning of Windows	Appliances
Cleaning of All Vents	Locks
Interior Exterminating	Doors
Interior Painting	Real Estate Taxes
Water Meters	Exterior Lights-Unit
Hot Water System	
Mailbox Lock Repair and/or Replacement	

### ASSOCIATION RESPONSIBILITIES

Clubhouse Maintenance	Exterior Building Maintenance
Pool Maintenance/Management	Exterior Electric
Landscaping	Trash Removal
Community Roads – Pavement	Snow Removal
Common Area Insurance	Exterior Painting

*For All Maintenance Issues, Please Contact the Management Office at (757) 345-6400.*

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## COMMITTEES

It must be remembered that all Board and Committee members of the Association are unit owners or tenants who volunteer their time and efforts to serve the community. All residents should appreciate the general giving of their time and knowledge for the betterment of the community. PLEASE REMEMBER THAT ALL BOARD MEMBERS ARE VOLUNTEERS AND SERVE WITHOUT COMPENSATION.

The Board of Directors will establish an Advisory Committee as soon as an adequate number of residents have moved in to the community. Additional Committees in accordance with the Declaration and the Bylaws will be appointed at a future date.

## RULES & REGULATIONS

### COMPLAINTS

All complaints should be registered through Associa, the Management Company and must be in writing and submitted in accordance with the Complaint Policy.

### LAWN & SPRINKLERS

The Association is responsible for lawn maintenance and foundation plantings installed by the Developer. There will be no irrigation or sprinkler system installed nor may any homeowner water the grounds.

### SNOW REMOVAL

The Association contracts for snow removal for streets and sidewalks. Usually a Board or Committee member will be designated as a liaison with the contractor to determine when to come onsite to commence the removal of snow, when deemed appropriate. This is normally done when snow has accumulated to a depth of 2 inches and it is not anticipated that a quick melt will occur. All unit owners, tenants and guests should exercise care during any type of hazardous weather event.

Individual entrances and driveways will not be cleared by the association and are the responsibility of the unit owner.

No use of any salt products on the sidewalks or entranceways is permitted. Unit owners are permitted to use calcium chloride, if necessary. Salt will destroy the cement and the surrounding lawn areas and will discolor brick pavers. Do not use "ice chippers" anywhere as they are not permitted. They will cause cracks in the concrete and brick pavers.

### STREET AND COMMON AREA LIGHTING

The Association is responsible for the common area lighting such as the street lighting. Most street lights have a number on them. If one in your area is not working, please call the Management Office and give them the light pole number.

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## NOISE

As a matter of neighborly courtesy, the operation of washers, dryers, vacuuming, loud radios, television and similar disturbances is discouraged after 10 pm. No offensive noise shall be allowed in/on any of the limited common elements, common elements, or in any unit.

## WATER BILL

The Association will bill unit owners monthly for water. The water bill will be mailed to the Unit Owner. Unit Owners are required to notify the Association, in writing, in the event that their mailing address and phone numbers change.

## LATE FEE POLICY

The monthly assessment is due by the 1<sup>st</sup> of each month. Assessments received after the 10th of the month will be assessed a late fee of \$30 or 10% of assessment, whichever is greater.

## RESIDENT ABSENCE

Residents who are going to be absent from their units for a period of seventy-two (72) hours or more are encouraged to notify the Management Office, leaving an address or telephone number where they can be reached in the event of an emergency.

## SOLICITATION

Solicitation without prior approval of the Board of Directors is prohibited. This includes the posting of any type of signs inside or outside of any unit.

## POSTING OF SIGNS

Advertisements, signs or posters may not be placed at any location other than the community bulletin board located in the Clubhouse. Bulletin board postings are for community business or activities and not for personal business or private matters. Signs, lettering or posters are not permitted on the unit or any common element with the exception of a "FOR SALE" sign, which may be placed in the unit window provided it is limited to one professional sign not to exceed 24 inches by 36 inches.

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## TRASH REMOVAL AND RECYCLING

1. The Association provides weekly trash removal as well as recycling opportunities through Virginia Peninsula Public Service Authority through James City County. The exact schedule for recycling will be provided at a later date.
2. Recycling is strongly encouraged at the Recycling Center on Tewning Road in Williamsburg until curbside pickup is available.
3. TFC Recycling Company will provide weekly trash removal services for the community. The trash company will provide each unit with one trash bin. Please only use the bin provided by the trash company.
4. All trash cans shall be stored indoors or out of sight in the dedicated location adjacent to the unit to which the can belongs.
5. Trash cans shall only be placed on the street the night before pickup and must be removed the following evening.

**NOTE:** *No trash, garbage pails or recycling bins are to be kept on decks, balconies, in driveways or outside your front door. All must be out of view.*

## SATELLITE DISHES, CABLE TV AND OTHER COMMUNICATION EQUIPMENT

Each unit is pre-wired for cable TV reception. Connection to the cable system is the responsibility and expense of each individual unit owner and must be arranged directly with the cable TV company. No antenna or satellite dish of any type is permitted on the exterior of any building.

Unit owners are not permitted to run wires on the exterior of the building or put holes in the exterior of the building to install wires, without written permission from the Association. Unit owners who do so may be charged per day until they are compliant with the Association Rules and Regulations, and may be responsible for any damages.

## ANIMAL CONTROL

1. All pets must be kept on a leash at all times and are not allowed to run freely.
2. Cats should be kept indoors at all times.
3. Pets are not allowed to be fed outside of a unit on common grounds or left unattended on porches, patios or at the main entrance of a unit.
4. No resident shall keep or maintain any animal that habitually howls, barks, whines or cries so as to disturb other unit owners or tenants.
5. No animals are allowed in the Clubhouse or in any of the recreational areas.

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6. Owners must carry a pooper scooper or other means of picking up their pet waste and dispose of the waste immediately in their household trash.
7. Disposing of pet waste down a storm drain or disposing of cat-litter down a toilet is prohibited and a health hazard. Please be considerate of fellow residents when caring for your pets.
8. Unit owners are prohibited from hanging birdhouses, birdseed bags or tossing/leaving bread or any food on the ground to feed animals, birds, ducks and geese. The Association will remove birdhouses and birdseed bags and the unit owner will be charged for the removal.
9. The Association will provide a "Bark Park" with rules to be established and posted at the park.

*It is prohibited to walk a pet to relieve itself on the lawns, sidewalks, roadways, parking areas, or common grounds **in the immediate front, rear or side of any unit.***

### OUTDOOR GRILLS OR GAS BURNERS

1. Residents are not permitted to use or possess barbecue grills or outdoor gas burners, stoves or fryers of any type or description, except those powered by electricity.
2. The use of propane or charcoal grills is prohibited, as is the storage of propane in any form.

*If the Association received a violation for the storage of propane as the result of a unit owner, their family member(s), guests or tenants, the unit owner will be responsible to remove the propane and to pay the charges imposed.*

### WINDOW AIR CONDITIONERS AND WINDOW FANS

The use of window or wall air conditioners and window fans is strictly prohibited.

### ARCHITECTURAL MODIFICATIONS

No architectural modification can be made without the written approval of the Association before any work is begun.

### INSTALLATION OF STORM DOORS

Storm door installation is permitted, and the following model has been approved as the standard door for the community and is the only one allowed: Full view, clear glass (no decorative) white in color. Hardware color must match existing door hardware.

### GUESTS

Unit owners and RT are fully responsible for the conduct of their guest(s). Members must sign guest(s) in at all recreational facilities and shall be responsible for the payment of appropriate fees, if any.

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## LAUNDRY

Hanging of laundry outdoors on a clothesline or dryer rack is prohibited. No laundry or towels may be hung from any patios or balconies where it might be visible to the adjacent units or from the common elements.

## SOUND SYSTEMS

Residents are not permitted to play stereos, sound systems, speakers or other music or voice amplification devices inside or outside of their units so as to disturb their neighbors. Residents are also required to turn their vehicle sound systems down upon entering and driving through the community so as not to disturb fellow residents.

## OUTDOOR FURNITURE

1. Outdoor furniture may not be placed anywhere other than on your deck or patio.
2. Lawn ornaments, bird baths, decorative flags, and or other decorations are prohibited.
3. No birdbaths, wind ornaments, wind chimes, statues, signs or artificial plants (plastic or wood) of any kind may be placed on the common elements.
4. No fencing or edging of any kind may be installed.

*The Association and/or the landscape contractor are not responsible for damage to Unit Owners outdoor furniture that is left on the common elements.*

## PLANTING GUIDELINES - - COMMON ELEMENTS PLANTING BEDS

1. No trees, flowers, fruits or vegetables may be planted in the common elements.
2. No decorative rocks, sea shells, pine bark, marble chips or any other mulch may be added to the common elements.
3. Living plant material placed by the Developer or the Association may not be removed or relocated without prior approval of the Association

## PLANTS & DECORATIONS ON STAIRS, DECKS, FENCES & LANDINGS

The rules with respect to plants and other decorations on stairs, decks, fences and landings have been instituted for safety reasons. No exceptions will be allowed and no modification requests will be considered except as required by law.

1. No plants or any other decorations may be placed on outdoor stairs.
2. No flower box or hanging plant may be hung in such a way that it extends directly over any Common Element.

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3. Plants and patio furniture may be placed on patios or balconies provided such items are kept in good order.

### STORAGE

Storage of baby strollers, bicycles, trunks, water bottles, garbage cans, recycling cans, any personal items, etc., is prohibited on or under stairwells, on balconies or front entrances, or driveways. All such items must be placed in the storage closet or garage of the unit owner.

### TRAFFIC & PARKING

#### NOISE

There will be no revving of vehicle engines or motorcycles while on community property. Any amplified audio system emanating from any vehicle must be kept at a minimum.

Residents and their guests are required to turn their vehicle radios down upon entering and driving through the community so as not to disturb fellow residents.

#### SPEED LIMIT

The speed limit throughout the neighborhood is 15 MPH.

#### VEHICLE MAINTENANCE

With the exception of changing a flat tire, or washing and waxing a vehicle, no other type of vehicle maintenance is permitted within the Association property.

#### PARKING

1. No street parking is allowed on any street in the Association, whether posted or not. This includes any dead ends or parking in any way that blocks a driveway.
2. The regular use of unassigned parking spaces instead of one's driveway, garage or assigned parking space is prohibited.
3. No unit owner, resident or guest may park in someone else's parking area without permission of the owner.
4. All vehicles parked in Promenade at John Tyler must be kept in an operable condition and have current license plate decals, inspection stickers and registration.
5. No vehicle may utilize more than one parking space.
6. Only private passenger-type cars, station wagons, pick-up trucks, vans and two wheeled, motorized vehicles are allowed to park overnight. Motorcycles should have a board or other device under the kickstand so as to prevent damage to the parking surface.

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7. No recreational vehicles (campers, house trailers, motor homes, boats, jet skis, etc.) or commercial vehicles will be allowed to park overnight without special permission of the Association. When such permission is granted, the vehicle must be parked in a pre-designated area and shall not be used as living quarters. Vehicles such as automobiles, mini-vans, SUVs and pick-up trucks not exceeding three-quarter ton, that are used for both business and personal use and have minimal business markings, signage or logos may be permitted upon the written approval of the Board of Directors.
8. During snow removal, residents must cooperate with the contractors by moving their vehicles when requested to do so.

*Vehicles that are illegally parked will be towed without notice at the vehicle-owner's expense.*

### PORTABLE STORAGE CONTAINERS

Portable storage containers are allowed as a means of moving residents into or out of the Promenade in accordance with the following conditions:

1. The portable storage container must be placed in the driveway. Care shall be taken to avoid any damage to the property including the driveway, buildings, and common elements.
2. The portable storage container is allowed to be kept onsite no more than four (4) days including the day of delivery and the day of removal. Any portable storage container remaining onsite more than four (4) days will be subject to removal by the Association at the expense of the unit owner.
3. Upon removal of the portable storage container, the property shall be inspected for damage. Any cost to repair damage shall be charged to the unit owner accordingly.

### BICYCLES – RULES & STORAGE

1. All bicycles must obey Virginia Bicycle Laws. This includes, but not limited to:
  - A. Bicyclists must obey all traffic signs, signals, lights, and markings.
  - B. Stopping at all posted stop signs.
  - C. Everyone is strongly encouraged to wear a safety helmet.  
(NOTE: JCC ordinance provides that every person fourteen years of age or younger shall wear a protective helmet whenever riding or being carried on a bicycle on any highway, sidewalk, or public bicycle path).
2. Bicycle riding through landscaping or planting beds is prohibited

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3. No bicycle may be left in the street or on any walkway. Storage of bicycles must be in the garage or in designated bike racks.
4. No bicycles may be stored on any balcony or deck, and may not be locked to any railing or lamppost. Bicycles may not be left in any planting bed or on the grass.

### RECREATIONAL FACILITIES

#### USE OF CLUBHOUSE DURING OFFICE HOURS

1. The Clubhouse is open for the use of residents of Promenade at John Tyler subject to the limitations below. The Clubhouse will be open at all other times except for Association activities and private functions.
2. The principal use of the Clubhouse is as a community center with a focus on recreation, fitness and small work spaces.
3. Appropriate attire is required.
4. Children under 16 must be accompanied and supervised by an adult resident at all times.
5. The Clubhouse may be used for business or social meetings or gatherings.

#### POOL RULES AND REGULATIONS

1. Children under the age of 12 must be accompanied by an adult (at least 18 years old).
2. No food is permitted in the pool area. Non-alcoholic beverages are permitted. However, glass containers are not permitted. Alcoholic beverages are prohibited. Smoking is prohibited including electronic cigarettes and vaping.
3. Tables, chairs and lounges cannot be reserved. Residents may bring their own chairs and lounges. These items cannot be left in the pool area overnight.
4. Pool appropriate bathing suits are required. Cutoffs and T-shirts are not considered bathing suits and are not permitted. Swimming diapers are permitted for both children and adults.
5. No flotation devices, balls, frisbees, etc. are permitted in the pool area.
6. No diving or jumping into the pool, no running, roller-skating, skateboarding, scooters or bike riding around the deck. No horseplay or unnecessary splashing will be permitted in the pool area. Spitting, roughness or other conduct affecting the safety and comfort of others shall not be permitted.
7. No pets, except service dogs shall be permitted.
8. All persons shall shower before entering the water (shower off most of the tanning lotions).
9. Any person showing evidence of skin disease, sore or inflamed eyes, cold, nasal, or ear discharges or any communicable disease

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- may not use the pool area.
10. Persons with excessive sunburn, open blisters, cuts, or bandages are prohibited from swimming in the pool, but may use the pool area.
11. Persons under the influence of drugs or alcohol shall not be permitted to enter the pool area.
12. Swimming is prohibited during an electrical storm. No lifeguard, member of the Board of Directors or Association manager is required to be on site to determine the opening and closing of the pool due to a weather event. Determining whether current conditions are safe for swimming is entirely up to the individual user. Individual owners and their guests are to exercise the utmost caution when swimming or using the pool area during or after a weather event. In the event lightning or thunder is seen or heard, the pool should be vacated for at least fifteen minutes from the last occurrence of lightning or thunder.
13. Under normal circumstances the following schedule will prevail. Hours: 10am to 8pm daily. In the event the pool is closed for any reason and cannot be reopened by 4pm, the pool will remain closed for the day.
14. Shoulder length hair and long hair must be tied back, clipped up or contained by a bathing cap.
15. No person shall bring soap or shampoo to the pool showers.
16. Audible speakers or stereos are not permitted. Audio devices with earphones are permitted.
17. Guests must be accompanied to the pool by the Unit Owner/Resident they are visiting. Only two (2) guests per household are permitted and the Unit Owner must have guest passes on file.
18. The pool is not guarded and swimming is at your own risk.
19. All guests at the pool will be required to have the proper method of access.

### PENALTIES FOR VIOLATIONS

The Board has the authority to charge Residents for violating the Rules and Regulations. The process is as follows:

1. First Violation: A written warning shall be provided to the unit owner and/or tenant.
2. Second or subsequent Violation shall be handled in accordance with Va. Code 55-79.80:2.
  - A. A written notice of violation shall be sent to the unit owner at the address on the books of the Association giving the unit owner an opportunity to cure the violation.
  - B. If the unit owner does not cure the violation, the Association shall

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hand-deliver or mail by certified or registered mail, return receipt requested a notice of hearing at least 14 days prior to the hearing date. The notice shall include the possible actions that can be taken by the Association.

- C. Within 7 days of the hearing, the unit owner shall be notified of the results of the hearing.
- D. The unit owner has the right to attend the hearing and an opportunity to be heard and represented by counsel.
- E. The Association may suspend the unit owners right to use services or facilities, or assess charges against the unit owner for any violation by the unit owner, their family members, tenants or guests. Such charges shall not exceed \$10.00 per day for any continuing violation for a maximum of 90 days, or \$50.00 for a violation constituting a single offense.

### SUMMARY

These Rules and Regulations for Promenade at John Tyler are published for the benefit of all who reside in and visit your community. Condominium living may be new to many of you and will require considerable adjustment, sacrifice, indulgence and cooperation by all. As unit owners are elected to the Board of Directors and to the many committees, they may well see fit to change or modify this booklet. Your input into all of this is vital to the successful administration and future growth of your Association.