

# EXHIBIT "C"

AMENDED AND RESTATED  
INITIAL RULES AND REGULATIONS

OF

ISLAND WEST HOMEOWNERS ASSOCIATION, INC.

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FEBRUARY 3, 2015

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The following restrictions shall apply to all of Island West until such time as they are amended, modified, repealed, or limited pursuant to Article IV of the Declaration.

**1. General**

Island West shall be used only for residential, recreation, and related purposes consistent with this Declaration and any Supplemental Declaration.

**2. Restricted Conditions and Activities ... May Require Prior Authorization**

The following are **restricted** conditions and/or activities within Island West unless expressly authorized by and then subject to such conditions as the Board may impose:

A. **Pool and Exercise facilities:**

Rules specific to the use of the Island West pool and exercise facilities are posted in each of the areas and must be adhered to by all members and their guests. These rules may be changed by the Board as needed to meet Federal or State regulations and to provide healthy and safe enjoyment for all in the Community.

B. **Parking:**

- (a) Any vehicles on streets or thoroughfares within the Community between the hours of 2 AM and 6 AM unless okayed by a call to the Island West Management Company identifying the vehicles involved;
- (b) Parking on the grass, center islands, or vacant areas, or parking of commercial vehicles (unless indistinguishable from non-commercial vehicles other than by the window stickers; that is, no signs covered or not, ladders, or other equipment left out) or equipment, mobile homes, recreational vehicles, golf carts, boats and other watercraft, trailers, snowmobiles, stored vehicles, or inoperable vehicles in places other than enclosed garages;
- (c) Construction, service, and delivery vehicles shall be exempt from above parking provision during daylight hours for such period of time as is reasonably necessary to provide service or to make a delivery to a Unit or the Common Area;
- (d) A homeowner may park a commercial vehicle at their home for a lunch break for up to 2 hours;
- (e) Overnight parking is permissible at the Palm House parking lot with prior approval from the Island West Management Company;
- (f) Boats, RV's, utility trailers, etc. may be parked in property owners driveway for up to 72 hours as long as the Island West Management Company is notified in advance and intentions are stated. The equipment to be parked in the property owners driveway must be owned by that property owner and/or their guest and cannot be parked at any other location within Island West. Parking of any equipment in a property owner's driveway

cannot exceed more than 3 consecutive nights or 6 nights per month without expressed written permission from the Island West Management Company, approved by the BOD.

All above vehicles may not be used for additional living quarters. All vehicles may be parked for loading, unloading, general cleanup and washing and maintenance. However, all materials and waste generated must be disposed of in an environmentally acceptable manner.

Any vehicle that does not fit in owner's driveway and any vehicle parked on the street overnight requires Island West Management notification.

C. Pets:

- (a) A reasonable number of dogs and cats is allowed (the combined number of dogs and cats not to exceed three) or other usual and common household pets may be permitted in a Unit;
- (b) Those pets whose Owners allow them to roam free, or, in the Board's sole discretion, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Units, shall be removed upon the Board's request. If the pet Owner fails to honor such request, the Board may remove the pets. Dogs shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling if not contained by a fence or electronic fence that does not encroach upon the easement.
- (c) Pets shall be registered, licensed, and inoculated as required by law;
- (d) Owners must clean up after their dogs and cats, as per Beaufort County Law, anywhere in Island West.

D. Residence:

- (a) Signs: No commercial signs, including "for rent" or "for sale" and other similar signs, shall be erected or maintained on a Unit or anywhere within the Property by anyone, including, but not limited to, the Owner, a realtor, a contractor or subcontractor.
- (b) Obstruction or rechanneling drainage flows on any Unit after location and installation of drainage swales, storm sewers, or storm drains, except that the Association shall have such right; provided, the exercise of such right shall not materially diminish the value of or unreasonably interfere with the use of any Unit without the Owner's consent;
- (c) On-site storage of gasoline, heating, or other fuels, except that a reasonable amount of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment, and the Association shall be permitted to store fuel for operation of maintenance vehicles, generators, and similar equipment. This provision shall not apply to any underground fuel tank authorized pursuant to Article V;

- (d) Accumulation of rubbish, trash, or garbage except between regular garbage pick-ups, and then only in approved containers. Such containers shall be either screened from view or kept inside, except as reasonably necessary for garbage pick-ups. Trash in closed garbage pails may be put out the night before; trash in black plastic bags of 30 gallons or larger size may be put out the morning of pickup. Trash not picked up that day should be taken inside;
- (e) Any business, trade, garage sale, moving sale, rummage sale, or similar activity except that an Owner or occupant residing in a Unit may conduct business activities within the Unit so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (ii) the business activity conforms to all zoning requirements for Island West; (iii) the business activity does not involve door-to-door solicitation of residents of Island West; (iv) the business activity does not, in the Board's judgment, generate a level of vehicular or pedestrian traffic or a number of vehicles being parked within Island West which is noticeably greater than that which is typical of Units in which no business activity is being conducted; and (v) the business activity is consistent with the residential character of the community and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents within Island West, as may be determined in the sole discretion of the Board.

The term "business" and "trade," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time, (ii) such activity is intended to or does generate a profit, or (iii) a license is required.

Leasing of a Unit shall not be considered a business or trade within the meaning of this subsection.

- (f) Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area on any Unit without prior approval pursuant to Article V;
- (g) Any construction, creation, placement, or modification of anything, permanently or temporarily, on the outside portions of the Unit, whether such portion is improved or unimproved, except in strict compliance with the provisions of Article V of the Declaration. This shall include, without limitation, landscaped or grassed areas, signs, swing sets, and similar sports and play equipment; clotheslines; garbage cans; woodpiles; in-ground swimming pools; docks, piers, and similar structures; and hedges, wall, dog runs, animal pens, or fences of any kind. Under no circumstances shall the ARC approve the replacement of all or a majority of the grasses area of a Unit with mulch or stone; and
- (h) If a holiday display creates a significantly increased traffic flow within the Community, the Unit's Owner or occupant responsible for such display shall remove it upon request of

the Board. If the Owner or occupant does not remove such display within a reasonable time, the Board may remove the display.

- (i) Satellite dishes, antennas, and similar devices for the transmission of televisions, radio, satellite, or other signals of any kind, except that the Association shall have the right, without obligation, to erect or install and maintain any such apparatus for the benefit of all or a portion of Island West;
  - i. satellite dishes designed to receive direct broadcast satellite service which are one meter or less in diameter;
  - ii. satellite dishes designed to receive video programming services via multi-point distribution services which are one meter or less in diameter or diagonal measurement;
  - iii. antennas designed to receive television broadcast signals

(i), (ii), and (iii), collectively, shall be permitted; however, any of these permitted devices must be placed in the least conspicuous location on the Unit (generally being the rear) at which an acceptable quality signal can be received and is not visible from the street, Common Area, or neighboring property or is screened from the view of adjacent Units in a manner consistent with the Community-Wide Standard and the Architectural Guidelines.

E. Personal Activity:

- (a) Swimming, boating, use of personal flotation devices, or other active use of lakes, ponds, streams, or other bodies of water within Island West, except that fishing from the shore shall be permitted with appropriate licenses. The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of rivers, lakes, ponds, streams. Or other bodies of water within or adjacent to of Island West;
- (b) Capturing, trapping, or killing of wildlife within Island West, except in circumstances posing an imminent threat to the safety of person using Island West or damage to property.
- (c) Adding your own plants in unplanted common island areas except by approval from the board.

**3. Prohibited Conditions and Activities**

The following are **prohibited** conditions and/or activities within Island West:

A. General:

- (a) Any activity which violates local, state, or federal laws or regulations;

- (b) Any activity which emits foul or obnoxious odors outside the Unit or creates noise or other conditions which tend to disturb the peace or threaten the safety of the occupants of other Units;
- (c) Pursuit of hobbies or other activities which tend to cause an unclean, unhealthy, or untidy condition to exist outside of enclosed structures on the Unit;
- (d) Any noxious or offensive activity (including, without limitation, barking dogs) which in the reasonable determination of the Board tends to cause embarrassment, discomfort, annoyance, or nuisance to persons using the Common Area or to the occupants of other Units;
- (e) Any activities which materially disturb or destroy the vegetation, wildlife, wetlands, or air quality within Island West;
- (f) Operation of motorized vehicles on pathways or trails maintained by the Association;

B. Pets:

- (a) Dogs and cats are prohibited from being walked on the golf course, cart paths or other homeowner's lawns, driveways, mail posts or property.
- (b) Raising, breeding (including pets raised for commercial purpose), or keeping animals, livestock, or poultry of any kind (except as outlined above in section 2, paragraph titled "Pets");

C. Personal Activity:

- (a) Use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device so as to be audible to occupants of other Units, except alarm devices used exclusively for security purposes;
- (b) Use and discharge of firecrackers and other fireworks;
- (c) Discharge of firearms; a firearm is a portable gun, being a barreled weapon that launches one or more projectiles often defined by the action of an explosive or any object that discharges a projectile that may cause harm.
- (d) No solid or liquid waste may be dumped in any drainage ditch, storm drain, stream, pond, lake or on any land within Island West. This may include grass clippings, leaves, other debris, pet waste, petroleum products, fertilizers or any potentially hazardous or toxic substances. Fertilizers may be applied to landscaping provided care is taken to minimize runoff;
- (e) Children under the age of 16 fishing in Island West ponds or lagoons without adult supervision;

- (f) Operating golf carts, dirt bikes, and other motorized recreational vehicles on the roads of Island West unless licensed by the state of South Carolina, insured, and driven by licensed drivers;
- (g) Plants, animals, devices, or other things of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of Island West;
- (h) Outside burning of trash, leaves, debris, or other materials
- (i) Operating noisy equipment such as mowers and blowers between the hours of 8 PM and 8 AM;

D. Residence:

- (a) Builders dumping and burying rocks and trees removed from a building site on such building site;
- (b) Structures, equipment, or other items on the exterior portions of a Unit which have become rusty, dilapidated, or otherwise fallen into disrepair;
- (c) Use of any Unit for operation as a timesharing, fraction-sharing, or similar program whereby the right to exclusive use of the Unit rotates among participants in the program on a fixed or floating schedule over a period of years;
- (d) Subdivision of a Unit into two or more units, or changing the boundary lines of any Unit after a subdivision plat including such Unit has been approved and Recorded;
- (e) Installation of any sprinkler or irrigation systems or wells of any type, which draw upon water from lakes, creeks, streams, rivers, ponds, wetlands, canals, or other ground or surface waters within Island West, except that the Association shall have the right to draw water from such sources;

**4. Leasing of Units**

“Leasing,” for purposes of this Paragraph, is defined as regular exclusive occupancy of a Unit by any person, other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument. All Leases shall be in writing.

- (a) The Association requires a minimum Lease term of **twelve months**.
- (b) Notice of any Lease, together with such additional information as may be required by the Board, shall be given to the Island West Management Company by the Unit Owner within ten days of execution of the Lease.
- (c) The Owner MUST make available to the Lessee copies of ALL the Island West Homeowner Association Governing Documents.