



RULES AND REGULATIONS

TERRE DU LAC ASSOCIATION, INC.

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TERRE DU LAC ASSOCIATION, INC.

RULES AND REGULATIONS

TITLE I – GENERAL PROVISIONS

The purpose of this regulation is to specify general provisions, as related to the conducting of business with and by Terre Du Lac Association, Inc. (hereafter referred to as “TDL Association”).

CHAPTER 1. OFFICIAL MAILING ADDRESS

The official mailing address of Terre Du Lac Association, Inc. is 111 Rue Terre Bonne, Bonne Terre, Missouri 63628.

CHAPTER 2. PUBLICATION OF REGULATIONS

The Board of Directors will publish a list of Regulations concerning uses of the amenities, annually. These will be made available to all property owners at 111 Rue Terre Bonne, Bonne Terre, Missouri to review, or there is a \$10.00 charge to purchase a copy, they are also available on the TDL website at www.terredulacassn.org.

Article A. Official Copy of Regulations

An official original copy of these regulations will be maintained by the Secretary of the Board. All questions related to the text and/or content will refer to this copy.

CHAPTER 3. COUNSEL TO BOARD OF DIRECTORS

TDL Association shall retain an attorney as counsel to the Board of Directors. The attorney will be utilized as needed.

CHAPTER 4. CONFIDENTIALITY OF DAILY VISITOR’S PERMIT

Information from daily visitor’s permits is considered confidential.

CHAPTER 5. RATE FOR USE OF FAX

The rate for use of the FAX service shall be \$3.00 for the first page and \$1.00 for each additional page (including cover pages) sent. The rate for receiving FAX messages shall be \$1.00 for each page received.

CHAPTER 6. DOOR TO DOOR SOLICITING

No door to door soliciting is allowed in TDL.

CHAPTER 7. BLACKWELL PROPERTY

The property known as the Blackwell Property has a provision in its deed for ingress/egress over, on and into their property. A recorded Agreement for Easement and Restrictions dated March 30th, 2006 which assigns “terms, conditions, and restrictive covenants” to the land including that each owner must pay the annual assessment for improved property, whether said real estate is improved or not. The payment of the assessment does not give the owner rights to any common areas or lakes in Terre Du Lac. See Blackwell File for entire document.

CHAPTER 8. COMPLAINTS AND SUGGESTIONS

Person(s) submitting complaints or suggestions must submit them in writing before Board consideration. The name(s) of person(s) making the complaints or suggestions will be kept confidential. If there is no name and phone number, the complaint or suggestion will not be considered.

CHAPTER 9. RENTERS' RIGHTS

Renters have an ingress/egress by the most direct route only to their residence and do not have the right to use any Association Common Areas, Picnic Areas, Lakes or Beaches. The property owner must obtain an occupancy permit for all new renters or when there is a change in renter, cost of \$50.00.

CHAPTER 10. NONCOMPLIANCE

Noncompliance with Covenants and Restrictions and Rules & Regulations is a civil matter. If the matter cannot be resolved and compliance obtained, enforcement will be by civil suit. (See TITLE XI NONCOMPLIANCE)

CHAPTER 11. REGULATIONS

Article A. Scope of Regulations

The Board of Directors may from time to time enact regulations as hereinafter provided. Such regulations shall govern the use of the Common Area and facilities, the conduct of property owner(s) and their guests, compliance with restrictions and covenants filed of record and relating to the use of land or improvements within the Development, and other matters necessary to insure the health, safety and welfare of residents and value of properties: common, residential and commercial.

Article B. Assessments, Penalties, and Sanctions

Assessments, penalties and sanctions are defined in TITLE XI NONCOMPLIANCE or the pertinent Title, Chapter, Article or Section of the regulation. There will not be an additional violation notice given for a period of 30 calendar days from the date of an offense.

CHAPTER 12. BILLING AND FINANCE

Article A. Billing Date for Dues and Assessments

Section 1. Dues and Assessments for improved and unimproved lots are billed yearly. Persons buying property from the Developer or Terre Du Lac Association, Inc., will not be billed for Dues and Assessments in their first year. A statement will be enclosed that Dues and Assessments will be billed the following year.

Article B. Penalties for Late Dues, Assessments and Penalties

Dues, assessments, and penalties not paid on or before May 1 shall be charged an additional 10% late payment assessment. In addition, thereafter, there shall be a 1.5% per month, 18% per annum interest charge.

Article C. Lien Notification for Late Dues, Assessments and Penalties

A second notice is mailed in June to all delinquent accounts stating that liens may be filed in September if not paid.

Article D. Application of Dues and Assessments for Unplatted Areas

Section 1. Unplatted
Unplatted areas, except where previously determined, will be considered Residential Areas and not defined as a lot.

Section 2. Two Unplatted Parcels

The two unplatted parcels at the front entrance are to be classified as unplatted areas. Dues are \$50.00 and assessments the same as unimproved for this classification.

Article E. Application of Dues and Assessments for Certain Designed Unplatted Areas

Section 1. TDL Utilities Corporation

Terre du Lac Utilities Corporation, a member of TDL Association, has ~~two~~ _____ parcels of property. Dues and assessments shall be limited to those _____ commercial parcels.

Section 2. TDL Country Club

Terre Du Lac Country Club Inc., a member of TDL Association, has three parcels of commercial property. Dues and assessments shall be limited to those three commercial parcels.

Article F. Sale of Lots by TDL Association, Inc.

In order to facilitate the sale of undeveloped lots owned by TDL Association, Inc., a Corporate resolution was passed authorizing the sale of real estate. In addition to a Sales Contract, upon completion of the sale and a title search is paid by the purchaser, a Corporation Warranty Deed is issued and signed by the President and Secretary and notarized. Also, First Right of Refusal and a Letter of Acceptance from the TDL Association are required.

Article G. Sale Price of Certain Lots

The Board sets the price for the sale of lots owned by the TDL Association. The Board is to be notified of all offers made for these lots.

Article H. Requirements of Dues and Assessments for Property Acquired at Tax Sales

Balance of dues and assessments of all lots going on 1st, 2nd or 3rd year tax sale will be charged off and considered as bad debt and will not bill for future bills until said lots are sold through the County, at which time the new owner would owe just the current year dues and assessments. In the event the taxes are paid current, the total amount owed would be added back and remain owed by the initial owner.

Purchasers of TDL property acquired at a Tax Sale shall not be required to pay all back Dues and Assessment. Payment of two prior years fees (dues & assessments) and the current year dues and assessments plus a \$50.00 administration fee along with presentation of a recorded deed to the TDL Association Office, must be done before membership is granted.

Article I. Guaranteed Funds

It is the policy of the TDL Association to guarantee funds deposited in TDL Association bank accounts are secured against loss. If one depository is used, the total funds will have securities pledged to cover the full amount of investment. It is also required to obtain regular updates to document the securities pledged cover the funds at any given time, the Administrative Manager will be responsible for maintaining this documentation.

TITLE II - ADMINISTRATION

The purpose of this regulation is to specify provisions, as related to the administration of business activities of the TDL Association.

CHAPTER 1. PAYMENT OF BILLS

Bills must be presented for payment three business days prior to end of the month for payment at the following monthly Board meeting. All bills are reviewed by the Board President and Treasurer prior to payment.

CHAPTER 2. VOID CHECK POLICY

Checks not cashed by the payee will be voided after six (6) months from the date the check was written. The check will be voided per the TOPS system crediting the checking account and a debit to the expense account it was charged to.

CHAPTER 3. SIGNATURE REQUIREMENT OF CHECKS

All checks written require two signatures. Checks shall be signed by the President, Vice President, Treasurer or Secretary.

CHAPTER 4. INDEMNIFICATION OF BOARD MEMBERS

Members of the TDL Association Board of Directors are indemnified in their action as members of the Board.

CHAPTER 5. COMPETITIVE BIDS AND PRICE COMPARISON

Three competitive bids should be sought on purchases of more than \$500. Price comparisons shall be made, if possible. The Board retains the right to accept or reject bids and accept a bid which may not be the lowest, for cause.

CHAPTER 6. PURCHASE VERIFICATION

Each purchase of \$100.00 or more must be approved by the Board. The President, Treasurer or Department head can approve operating expense purchases that are within the budget. If an item exceeds budget or is a capital expense, it would need Board approval.

CHAPTER 7. PURCHASE POWERS OF PRESIDENT

The President, or the Vice President in the absence of the President, may authorize expenditures of up to \$1,000.00 for any one emergency expense without Board approval.

CHAPTER 8. PRIVATE CAR MILEAGE RATES

Persons on authorized Association business trips using a private vehicle shall be reimbursed at a rate equal to the current IRS accepted rate.

CHAPTER 9. PETTY CASH FUND

The TDL Association will maintain a petty cash fund of \$300. Accountancy of this fund is to be reported along with the monthly bills.

CHAPTER 10. USE OF OFFICE FACILITIES, FILES, RECORDS, AND MONIES

Use of the TDL Association office facilities, files, record, and monies shall be restricted to Board Members, designated employees, and those person(s) as provided for by regulations or state statutes.

CHAPTER 11. INSUFFICIENT FUNDS CHARGE

A charge will be made for each check returned for insufficient funds or for each stoppage of payment on a check. The charge for a returned check is \$25.00.

CHAPTER 12. ACCESS TO LOCK BOX

The President, Vice President, Treasurer and Secretary shall have access to the safety deposit box at the bank.

CHAPTER 13. CONFLICT OF INTEREST

The purpose of this policy is to protect TDL Association's interests when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer or director of TDL Association or might result in a possible excess benefit transaction. Any director or officer who has direct or indirect financial interest, as defined below:

- ❖ An ownership or investment interest in any entity with which TDL Association has a transaction or arrangement,
- ❖ A compensation arrangement with TDL Association or with any entity or individual with which TDL Association has a transaction or arrangement, or
- ❖ A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which TDL Association is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. The Board will address this issue every year at the Annual Board Meeting in January. Each Board member will be required to disclose any potential conflict-related party issue. A conflict of interest statement must be signed annually by each elected board member. Failure to sign a statement by any elected member shall result in immediate suspension of voting rights until the document is signed and removal from the Board after three meetings following presentation of the statement to Board members for signature. The statement reads as follows:

"We, the Directors of the Terre Du Lac Association, Inc., resolve that no member of the Board of Directors shall participate in any discussion or vote on any matter in which he or she or a member of his or her immediate family has potential conflict of interest due to having material economic involvement regarding the matter being discussed. When such a situation presents itself, the director must announce his or her potential conflict, disqualify him or herself, and be excused from the meeting until discussion is over on the matter involved. The President of the meeting is expected to make inquiry if such conflict appears to exist and the Board member has not made it known."

CHAPTER 14. FRAUD PREVENTION AND DETECTION

It is the policy of the TDL Association Board of Directors to develop and implement programs, controls and measures that prevent, deter and detect fraud and ensure a culture and environment that promotes honest and ethical behavior. It is the responsibility of management to be proactive in eliminating or reducing fraud opportunities by a) identifying and measuring fraud risks, and b) implementing and monitoring appropriate preventative and detective internal controls and other deterrent measures. The Board meets regularly and reviews and approves purchases and other Association business. The Association hires an accounting firm to perform an annual audit and review the financial statements.

CHAPTER 15. INTERNAL CONTROL POLICIES

It is TDL Association's policy to maintain a system of internal controls that include both administrative controls and accounting controls. The objective of this internal control system is to provide management with reasonable, but not absolute, assurance that resources are being used and accounted for appropriately. In 2012, TDL Association Administration personnel converted to a new accounting system. The "TOPS" system is fully integrated with Accounts Receivable, Ownership Records, Accounts Payable, and General Ledger. Payroll is a separate program that is updated annually. This system has given the TDL Association better control of financial records being produced and reconciled to the system.

CASH RECEIPTS: There are numerous ways the TDL Association receives cash receipts. TDL Association's revenue is primarily from dues and assessments that can be paid by mail, in person in the Association Office, by drop box located near the front door, or by phone with a credit card. **As of August 1st, 2020, a 3% surcharge will be added if paying with a credit card.** When a payment is made, the TDL Association's copy of the customer bill is pulled and stamped paid or received, depending on whether the account is paid in full or not. The payment is kept in the safe until it is put with other payments for a deposit, this is done daily. In preparing a deposit, all payments for dues and assessments are reconciled, taking the amount of cash and checks received and balancing with the Association copies and any additional payments that have been made (auto stickers, boat/ORV/golf cart stickers, copies, etc.). The Administrative staff has three employees: the Administration Manager oversees the daily activities including the receivables and accounts payable. The Collections Specialist receives all payments after they have been taken in and begins preparing them for recording to the appropriate accounts. The Administrative Assistant is primarily responsible for receiving payments and serves as custody for payments until they are collected and then passed on for deposit. The Administration Manager is able to prepare and post payments in the absence of the Collections Specialist and the Administrative Assistant.

Payments are automatically distributed into the General Ledger to the appropriate accounts (120 current dues, 121 prior dues, 122 current assessments, 123 prior assessments, 124 current interest, 125 prior interest, 126 current late pay assessment & 127 prior late pay assessments, 128 Road Improvement Assessment). The Administration Manager verifies the deposit is accurate and prepares the deposit slip. The Police are responsible for taking the deposit to the bank. After all payments have been entered, each property owner account is logged into, verified the correct amount has been credited to the account, and any sticker numbers are also entered. Other payments are directly entered into the General Ledger and again balanced back to the actual deposit. All accounts are balanced with the monthly Bank statement and also the General Ledger and Accounts Receivable are balanced monthly by the Administration Manager and reviewed by the Treasurer. Each time a deposit is made, a transaction must be made in the General Ledger to transfer the total amount from the depository account to the Repurchase Account, the insured account where the majority of the money is kept. Staff prepares a check from that account to be deposited to the checking account, when necessary, for payment of monthly bills. All checks require two signatures. These checks are kept in the safe in the Board room.

REVENUE: The TDL Association bills annually for the dues and assessments. Auto, boat/ORV/golf cart, family and vendor stickers are also required to be updated annually. The billing is run in March to be mailed on or by March 15th as per the By-Laws. Every month a report is run showing any accounts not paid in full. These reports can be compared along with the cash deposits to verify the amounts are correct. A cash register is used for all transactions, other than dues and assessments and permits, such as car stickers, fax or copy fees (miscellaneous) and animal control charges. The cash register tape is reconciled at the end of the day. The TDL Association always keep a balance of \$100.00 for making change in the cash register. The TDL Association balances the receipts to the \$100.00 balance at least weekly, if not daily. Petty Cash in the amount of \$200.00 is kept in a petty cash box in the safe for small transactions and reimbursement of small charges. The Petty Cash box is also reconciled per receipts and cash. Any amounts spent are reimbursed per check when necessary. There is a separation of duties in the TDL Association Office. One employee is primarily responsible for receiving cash transactions, custody of cash, and a second employee prepares and posts the transactions and bank deposits – recording. The Administration Manager reviews them for accuracy. The police officer on duty delivers the deposit to the bank. In addition, the employee who primarily prepares the deposits, payroll and accounts payable is not who reconciles the bank statements monthly. Bank statements are reconciled monthly by the Administration Manager and reviewed by the Treasurer.

EXPENSES: The majority of the TDL Association's monthly bills are paid at the beginning of the month just prior to the Regular Monthly meeting. Each department turns in receipts and or invoices to the Administration Department. Supervisors of the departments are required to sign each invoice and assign an account number for the amount to be charged prior to them being turned in. Most vendors send a statement at the end of the month. The invoices/receipts are stapled together with the statement and coded for payment. The Collections Specialist is responsible for entering invoices in the Payables and printing the checks. If the Collections Specialist is unavailable, the Administration Manager will prepare checks. Once the checks are printed they are reviewed again by the Administration Manager and then given to Board Members (usually President and Treasurer) for review along with all invoices to compare and verify. All checks written by the Association require two signatures. The payable checks are kept in a locked closet in the Board Room. Only the officers; President, Vice-President, Secretary or Treasurer can sign checks.

PAYROLL: Employees are paid weekly. After department supervisor's review and sign all time sheets for their staff, they are turned in to the Collections Specialist for payment. The Collections Specialist enters the hours into the TOPS system and the payroll proofs are produced. If the Collections Specialist is unavailable, the Administration Manager will prepare payroll. The President, Vice President, or Treasurer reviews the time sheets along with the proofs. If an employee fails to turn in a time sheet for any particular week, the payroll is not run. After all reports and time sheets are reviewed, the payroll is automatically deposited through the employee's bank account.

EMPLOYEE'S RESPONSIBILITIES: Employees are expected to determine and implement the appropriate internal control procedures relating to their areas. Questions should be directed to the employee's immediate supervisor. If an employee finds that internal controls are lacking or are not effective, then he/she is expected to notify the their immediate supervisor who will be responsible for establishing the necessary controls.

CHAPTER 16. TDL ASSOCIATION FLEET MANAGEMENT

It is the desire of the TDL Association to set a Fleet Management plan by department to:

- ❖ Improve vehicle operations and overall department efficiency
- ❖ Reduce unnecessary spending when pertaining to repairs and maintenance
- ❖ Maximize what is received in the resale or trade-in of Association vehicles/equipment
- ❖ Reduce civil liability: ensure the TDL Association provides safe and reliable vehicles/equipment for employees

Article A. POLICE DEPARTMENT

This policy will provide a recommendation of timely removal/disposal of vehicles/equipment before major repair costs ensue. This policy is based on a Fleet Replacement Evaluation pertaining to the following criteria:

Age:

Replacement at 6-7 years

Mileage:

Mileage for replacement approximately 80,000 miles

Repair Cost vs. Current Residual Value:

Repairs exceeding the residual value of the vehicle in question.

- ❖ Exceptions to the maximum age and mileage of replacement can be made by the Chief of Police or Board of Directors if there is a repair cost vs. current value situation.

Current Condition Evaluation Report:

A physical evaluation conducted and documented by the Chief of Police to determine if each vehicle meets or exceeds the base standards listed above.

If a vehicle meets the maximum age or mileage of recommended replacement, a Current Condition Evaluation will be conducted and presented to the Board with only facts pertaining to that vehicle.

Article B. FIRE DEPARTMENT

Article C. PUBLIC WORKS DEPARTMENT

TITLE III - MEMBERSHIP

The purpose of this regulation is to specify provisions, as related to the membership and meeting dates of the TDL Association.

CHAPTER 1. ANNUAL MEMBERSHIP MEETING

The Annual Membership Meeting shall be held at a location designated by the Board at 7:00 p.m. Central Standard Time on the first Wednesday of January, and on the first Wednesday of January of each year thereafter, for the purpose of hearing reports of the officers, and transacting any other necessary business; provided, however, that in the event that the day is a holiday, meeting shall be held at the same hour on the succeeding day. (By. Laws-Sec. 5 Par. C).

CHAPTER 2. REGULAR BOARD MEETING

Regular Board Meetings are to be held on the second Wednesday of each month at 7:00 p.m.

CHAPTER 3. QUORUM REQUIREMENT FOR BOARD MEETING

Five Board Members need to be in attendance for a quorum at the opening of the meeting.

CHAPTER 4. PARLIAMENTARY PROCEDURE

Robert's Rules of Order shall be used as the parliamentary procedure for the TDL Association Meetings.

CHAPTER 5. FAILURE TO DISPLAY CAR STICKER

Cars not displaying new window stickers by May 2 will be barred from all Terre Du Lac common areas and may subject to other sanctions as set forth in Title VI of these regulations .

CHAPTER 6. DISTINCTIVE EMBLEMS FOR IDENTIFICATION PURPOSES

Distinctive emblems are issued by the Association for identification purposes. These must be permanently attached to vehicles. License numbers are to be recorded. See Title I. Chapter 11 for additional regulations. All stickers remain the property of the TDL Association and are subject to removal if necessary. A fee is collected to offset the cost of the stickers. All stickers must be affixed to the lower right (passenger) side of the front windshield.

Article A. Property Owners Stickers

The property owner will be required to provide, ownership information for the vehicle(s), including year, make and license number for all vehicle stickers requested. These are issued to members only. Colors are changed yearly. A property owner sticker may not be used in lieu of a vendor pass on commercial vehicles if licensed over 18,000 pounds.** Effective September 27, 2011, a violation will be given to anyone misusing and/or abusing property owner and family stickers. Any property owner that gives a property owner or family sticker

to parties that are not eligible will be fined \$100.00 for the first offense and the sticker will be revoked.

Article B. Family Stickers

Family Stickers are available to immediate family of resident members in good standing at a fee set by the Board.

Article C. Rental Stickers

Rental Stickers are issued to those who rent or lease a residence in Terre Du Lac and sold at a fee set by the Board. Renter stickers only give ingress/egress only.

Article D. Ingress & Egress Stickers

Round black stickers can be purchased by property owners that are not able to pay their Dues and Assessments in full. These stickers are for ingress & egress to their homes only.

Article E. Vendor Tags

Employees, Construction, and Vending Tags are issued to those who have a bon-a-fide purpose or business in Terre Du Lac at a fee of \$25.00 for the first pass and \$10 for each additional pass for the same company. Businesses cannot be run out of homes which are located in residential areas of Terre Du Lac. The Vendor tag must be displayed (hung on rear view mirror) so that it is clearly visible to approaching traffic at all times while in the TDL development. Vendors are only allowed ingress and egress to their business interest, there is no door to door solicitation allowed within Terre Du Lac. Vendor passes are good from May to May each year. Check with the Association Office for exemptions from fees.

Article F. Boat and Trailer Sticker

Boats and Boat trailers owned by members must display a distinctive emblem. See Title VII for additional regulations and fees.

Article G. Motorcycles, ATV, and Other Self Propelled Vehicles Stickers

All vehicles must be stickered and are subject to annually published regulations. If there is a windshield on the vehicle, a sticker must be affixed to the windshield. Otherwise it should be prominently displayed on the rear of the unit. Certain service vehicles are exempt and issued permits by the Board of Directors.

CHAPTER 8. GUEST PASSES

Guest passes are issued to bon-a-fide guests on a daily basis. These are not permanently attached but must be prominently displayed, usually on the windshield of the automobile, at all times while inside the community. Guests are only allowed access to and from the residence or business they are visiting and that if they use the lakes or common grounds or travel to another area of the community they must have a property owner in good standing present with them at all times.

CHAPTER 9. PROPERTY OWNERS' ADDRESS LIST

Article A. Property Owners' List

The TDL Association's property owners' list will be confidential. The list shall only be used for official TDL Association business.

Article B. Elections

For the purpose of informing property owners as to a Board candidate's qualifications and positions, Official candidates may purchase a disk with property owners listing for \$75.00 and a signed statement agreeing to use such information for campaign purposes only.

TITLE IV – SIGNS AND ADVERTISING

The purpose of this regulation is to specify provisions, as related to signs and advertising, within the boundaries of those areas controlled by the TDL Association. In accordance with restrictions and covenants, the construction or maintenance of yard signs, building signs, billboards or advertising structures of any kind on TDL properties is prohibited except as follows:

CHAPTER 1. RESIDENCE FOR SALE OR LEASE SIGNS AT OTHER TIMES

One Real Estate sign of standard size, as described in Chapter 3, will be permitted in the residence or Commercial property yard. Restriction against signs on undeveloped lots will remain in effect.

CHAPTER 2. RESIDENCE FOR SALE - OPEN HOUSE WEEKENDS ONLY

A single sign offering the residence for sale or lease may be displayed but only on Saturday and Sunday afternoon, during the hours of 1:00 p.m. to 5:00 p.m. At all times when such signs are displayed, the selling agent must be on the premises being advertised.

CHAPTER 3. SIZE RESTRICTIONS

Such signs may not exceed five square feet in area.

CHAPTER 4. GARAGE SALE SIGNS

Garage sale signs are permitted during the time of the sale, provided such signs are removed during any period the sale is not open to the public. Permission must be requested in writing to the Association Board of Directors, and a \$25.00 deposit paid. When all signs are removed, the deposit will be refunded. Must be Member in Good Standing. Public Auctions and Estate Sales with an Auctioneer are permitted and refreshments may be served at these two events only, if requested.

CHAPTER 5. TEMPORARY SIGNS

Signs of a temporary nature such as those advertising social events or political endorsements may be displayed on the side of roadways, provided they are removed upon the completion of the event so advertised. Signs may be displayed 30 days prior to the event.

CHAPTER 7. VIOLATION

Article A. Penalties for Violation of TITLE IV SIGNS AND ADVERTISING

Signs displayed in violation of these regulations shall be subject to removal. The TDL Association shall have no responsibility for their safekeeping.

Section 1. First Offense

First offense may result in removal of sign(s), notification to the property owner and a penalty of \$25.00.

Section 2. Second Offense

Second offense may result in removal of sign(s), notification to the property owner and a penalty of \$50.00.

Section 3. Subsequent Offenses

Subsequent offenses may result in removal of signs, civil action, notification to the property owner and a penalty of \$100.00.

TITLE V - PERSONNEL

The purpose of this section is to specify provisions, as related to the personnel matters of employees of the TDL Association.

CHAPTER 1. BENEFITS FOR ALL FULL-TIME EMPLOYEES

All employees are considered as at-will employees. This regulation herein does not confer any contractual rights to any employee.

New Hires - All new employees will have a 90 day probationary period.

Hire date is anniversary of employment. Vacation and Sick Leave will begin to accrue.

Pre-Employment drug testing for all new employees and volunteers (fire department).

All employees will have a driving history (license verification by the TDL Police Department) and background check (Highway Patrol) prior to employment and the driving history annually thereafter during the month of their anniversary date.

The Board has adopted the following NEPOTISM policy:

PURPOSE:

The purpose of this Policy is to forbid nepotism in the hiring and employment practices of the TDL Association.

RATIONALE:

It is the general opinion and practice of organizations throughout the country that nepotism in the hiring and employment of personnel is contrary to the best interest of the organization, whether public or private, and leads to the deterioration of morale, accountability and performance between supervising personnel and employees under them, as well as throughout the organization in general. The practice of nepotism should be prohibited.

POLICY STATEMENT:

The practice of nepotism at the TDL Association is prohibited. For purposes of this policy nepotism is defined as the hiring or employment for compensation by a Director, Officer or Employee having the authority to hire or appoint employees, whether such employment is in writing or oral, of a relative.

For purposes of the Policy, the word "relative" shall be defined as:

- A. A present husband or wife or domestic partner of either gender.
- B. A child, natural born or adopted, step child, or their children, or the husband or wife or domestic partner of any such person.
- C. A brother, sister, father, mother, grandparent, stepbrother or sister or father or mother, or grandparent, nephew, niece, aunt, uncle, 1st cousin or husband or wife or domestic partner of any such person.

- D. A relative of a present husband or wife or domestic partner. No officer or employee of the TDL Association having the power to hire or employ persons for compensation shall hire or employ any relative of him or her, or any relative of any other officer or employee of the TDL Association having authority to hire or appoint employee.

Review and Evaluation:

This Policy, and implementation thereof, shall be reviewed by the Board of Directors at least annually. The nepotism rule will exclude part-time employees.

CHAPTER 1A. EMPLOYEE PAY SCALE AND CLASSIFICATIONS

Evaluations for hourly employees are performed annually in April. Annual pay increase consideration is given at that time by the Board per recommendations from Supervisors. Pay increases are never guaranteed. At any time Department Supervisors can present a request for a merit pay increase or promotion with adequate documentation to support the request. The budget will also be considered prior to a request being submitted. Job Descriptions and qualifications are maintained by the Department Supervisors. Annual review of the Director of Public Safety, Fire Department Chief, and Director of Public Works are completed in December and any pay increase, if granted, begins January 1st. The President shall complete the reviews for the Director of Public Safety, the Fire Department Chief, Director of Public Works, and the Administration Manager.

Article A. Administration

The Administration department consists of three full-time employees: Administration Manager, Collections Specialist, and Administrative Assistant/Receptionist. Pay increases will be based on annual reviews and merit raises for exceptional job performance.

1) Starting Pay for Administration:

- Collections Specialist - \$10.00 - \$15.00/hour based on experience
- Administrative Assistant - \$9.50 - \$11.00/hour based on experience

Article B. Fire Department

The Fire Department consists of one full-time employee. Pay increases will be based on annual reviews. Promotion and merit raises will be based on training and/or experience.

1) Starting Pay for the Fire Department:

- \$11.00 - \$17.00/hour based on experience

Article C. Police Department

The Police Department consists of seven full-time employees. The Chief (Director of Public Safety) and six officers. Pay increases will be based on annual reviews.

1) Starting Pay for Police Officers:

- \$12.00 - \$17.00/hour based on experience one year anniversary \$1.00/hr. Increase
- 2) The chain of command of the TDL Police Department are Chief, Captain, Lieutenant, Sergeant, Corporal and Detective.

The Chief is responsible to present requests to the Board for promotion per the following:

- Detective – 1 year minimum employment = \$1.25/hr. Increase
- Corporal - 1 year minimum employment = \$1.25/hr. Increase
- Sergeant - 2 years minimum employment = \$1.50/hr. Increase
- Lieutenant – 4 years minimum employment = \$1.50/hr. Increase
- Captain - 6 years minimum employment = \$1.75/hr. Increase

Article D. Public Works Department

The Public Works Department consists of six full-time employees and one summer/part-time employee. The Director and five additional employees. Pay increases will be based on annual reviews.

- 1) Starting Pay for Public Works:
 - Trainee/Level 1 Maintenance/Construction Laborer
\$10.00 - \$11.00/hr. based on experience
 - Part Time/Summer \$8.00 - \$9.50/hr.
- 2) The Director of Public Works is responsible to present requests to the Board for promotion per the following:
 - Level 2 Maintenance/Construction Laborer –
Category 2 Equip. Operator – 1 year minimum employment
\$11.00- \$13.00/hr.
 - Level 3 Maintenance/Construction Laborer –
Category 3 Equipment Operator – 2 years minimum employment
\$13.00 - \$15.00/hr.
 - Level 4 Maintenance/Construction Laborer –
Category 4 Equipment Operator – 3 years minimum employment
\$15.00 - \$17.00/hr.
 - Level 5 Maintenance/Construction Laborer –
Category 4 Equipment Operator – 4 years minimum employment
\$17.00+/hr.
 - Primary Equipment Operator
Class A-Commercial Driver’s License (CDL) Required & 3 years
Minimum employment \$15.00+/hr.

Note: Specific job descriptions are kept at the department level by Supervisors and copies on file at the Administration office.

CHAPTER 2. VACATIONS

Article A. Permanent Full-Time Employees

Vacation will accrue from the employees full-time hire date – a vacation of five days/40 hours is allowed after the first year of employment and will accrue at .77 hour per pay period. The employee cannot use any vacation hours until successfully completing one full year of employment. During the second year the employee will accrue vacation time at 1.539 hour per pay period for a total of two weeks’ vacation (80 hours). After ten years the employee will receive three weeks’ vacation (120 hours) and it will accrue at 2.31 hour per pay period. Department heads and Supervisors are allowed four weeks’ vacation (160 hours) after fifteen years of employment which will accrue at 3.077 hour per pay period. One personal day (8 hours) will be given after 90 days from the date of full time hire and annually upon the employee’s anniversary date. If an employee leaves the employ of the TDL Association after satisfactory service, accrued vacation will be paid.

Article B. Number eligible for vacation within a Department

No more than one employee from any department shall be scheduled for vacation during any given period.

Article C. Police Department Limitations

Police officers may schedule one vacation during the months of June, July and August (maximum of 40 hours) and this shall not include Memorial Day, July 4th or Labor Day.

Article D. Payment During Vacation

Paychecks will be deposited on the normal deposit day (Friday weekly) when an employee is on vacation as all checks are paid per automatic deposit.

Article E. Requirement to use Earned Vacation

Employees are required to take earned vacation each year during the 12 month period following the year in which the benefits were earned.

CHAPTER 3. SICK-TIME PAY

Employees will accrue sick time at .77 hour per pay period beginning on the date of full time employment. Accumulation of sick time will be allowed with a maximum amount of sick time accumulated set at 240 hours. Any unused sick time will not be paid for upon termination, regardless of the reason for termination. Sick leave is a benefit provided our employees so they do not suffer loss of pay due to an illness. The Board requests employees treat sick leave as a privilege and not abuse the system.

CHAPTER 4. BEREAVEMENT LEAVE

In the case of a death of a member of an employee's immediate family (parent, grandparent, brother, sister, child, grandchild or close in-law the employee may be excused from work for the equivalent of three 8 hour shifts if such time is necessary.

CHAPTER 5. PROPERTY OWNER STICKERS

Full-time employees are allowed access to the TDL Association's amenities and functions for them and their immediate families. Employees will not be allowed to register watercraft, ORV's or golf carts and they will not be allowed to bring guests. Each employee will be allowed two auto stickers. If an employee is no longer employed by the TDL Association, the stickers will be returned.

CHAPTER 6. LEGAL HOLIDAYS

The TDL Association will provide full-time, permanent employees with eight paid holidays as follows: New Years Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Friday, and Christmas Day.

CHAPTER 7. HOLIDAY PAY

To receive payment for a holiday, the employee must work the day before and the day after the holiday, unless such absence is approved by department Supervisor in writing.

CHAPTER 8. ALTERATION OF HOLIDAYS

Special member service may be required during certain periods, thus altering the normal holiday schedule for some employees. If such is the case, your supervisor will work out with you an alternate schedule. Public Safety (Police & Fire) & Public Works during inclement weather, etc. The employee must work 40 hours the week of a holiday in order to receive "holiday pay". If an Employee physically works the day of a scheduled Holiday that employee will be paid time & ½ for those hours worked - in addition to "holiday pay".

CHAPTER 9. INSURANCE

Article A. Health Insurance Coverage

Effective April 1, 2015 TDL Association does not offer Health Insurance coverage for employees. The Association will continue Group Life Insurance and Air Evac coverage for all employees.

CHAPTER 10. PAYROLL

Article A. Paychecks Distribution

Payroll is automatically deposited into employee's bank account per automatic deposit every Friday. In order to receive pay the employee must have time sheets turned in by 8:00 a.m. on Thursdays unless pay day is changed due to a Holiday.

Article B. Payroll Questions

All questions regarding your paycheck should be referred to the Administration Department.

Article C. Time Sheets When on Vacation

When on vacation, time sheets should be filled out for each week and marked "vacation". If time sheet is not received by the payroll department, no check will be issued.

Article D. Payment while on Vacation

While on vacation, the employee's payroll will be deposited on the regularly designated day.

Article E. Overtime

Hourly employees must work (work includes holiday and vacation) 40 hours per week to be eligible for overtime. These hours in excess of 40 hours will be paid at the rate of time and one-half. Overtime must be authorized by department supervisor.

Article F. Holiday Pay

For each holiday, 8 hours will be added to the total hours actually worked by full-time personnel and they will be paid time and one-half for any hours in excess of the regular forty hour. Sick days are not added to time actually worked and overtime will not be paid until after forty hours are actually worked.

Article G. Jury Duty

If summoned for Jury Duty and time off is cleared first with department supervisor, you will be paid for your regular salary for 40 hours worked, less the amount you are paid for performing this citizen's duty. You must show a receipt for Jury Duty compensation or no check will be issued.

Article H. Advance Pay

The general regulation of the TDL Board is not to advance pay.

Article I. Remuneration for Holidays

Those full time employees who by virtue of their employment work a 40 hour week, when holidays are granted, they shall receive remuneration for said holidays.

Article J. Military Leave

Military leave for employees shall be in concurrence with state and Federal law.

Article K. Deductibles for Medical Insurance

Deductibles for medical insurance shall be the responsibility of the insured.

Article M. Anniversary Dates

Anniversary dates, for full time permanent employees will be their hire date.

Article N. Drug Testing

Pre-employment drug testing is required for all personnel and volunteers for Fire Department prior to becoming active member of department. Drug testing may be randomly administered for employees and/or volunteers. Refusal to submit to random drug testing is cause for immediate termination.

Article O. Bonus

All bonuses are at the discretion of the Board and are never guaranteed from year to year.

CHAPTER 11. UNIFORMS

The TDL Association provides uniforms for employees in order to identify employees to the public and/or the safety of employees in different positions. Upon issue, the uniform becomes the responsibility of the employee for maintenance and care. In the event of termination of employment, employees are required to return all issued uniforms as part of the exit process.

Article A. Police Uniforms

Police Department – new hires regarding initial police duty uniforms provided by the Association. The initial purchase of an officer’s uniform shall be provided by Terre Du Lac Police Department. However, a deduction of ten dollars shall be taken from the officer’s paycheck for each forty hour or more work week. This deduction shall remain in effect for fifty two weeks. The officer shall receive a full refund of the \$520 collected if the officer completes the following:

1. Completion of the officer’s one year of service.
2. Has received fifty-two paychecks that reflect the \$10 deduction

If an officer does not fulfill these requirements, any money collected from the officer will be considered forfeited and kept in the Association’s account. All new uniforms and replacements shall be supplied by the TDL Association (Police Department).

Article B. Department Uniforms

TDL Association will provide uniforms for the Public Works Department as follows:

5 – Hi-Vis short sleeve shirts; 5 Hi-Vis long sleeve shirts; 2 Hi-Vis sweatshirts; 5 pair of jeans (\$100 maximum per employee per year) and 1 Hi-Vis work jacket

All employees that have been employed 2 years or more will receive one pair of work boots every 2 years (maximum \$150 per employee per purchase year).

In addition Terre Du Lac Association, Inc. will provide safety equipment necessary (i.e., safety glasses, gloves, reflective vests, etc.)

Fire Department: 5 short sleeve t-shirts; 5 long sleeve t-shirts and 1 sweatshirt

Administration: 5 short sleeve shirts and 5 long sleeve shirts

All shirts are purchased by the Association from a vendor that has Company Logo and are not replaced annually. Police, Fire and Public Works have a separate line item in the Budget for uniforms (Accounts 511, 523 & 563). It is up to the Director of Public Safety and Public Works to manage their budget and maintain expenses within the annual budget. All uniform purchases will be made by the Director of each department.

The Administration Department uniform shirts are purchased from Miscellaneous Expense (Account 589).

CHAPTER 12. CELL PHONE REIMBURSEMENT

TDL Association reimburses the Director of Public Safety, Fire Department Chief, Director of Public Works, Administrative Manager and the Administrative Assistant \$90.00 per quarter (January, April, July & October) for use of their private cell phones for Association business.

CHAPTER 13. TRAVEL EXPENSES

TDL Association will reimburse employees for reasonable and necessary expenses incurred in connection with approved travel on behalf of the company. Mileage will be paid per the federal mileage rate, employee must document mileage travelled with the time left and returned along with odometer reading for exact mileage travelled. Mileage will only be paid when a personal vehicle is used. Meals will be reimbursed if an employee travels for training or other approved assignment more than 45 miles from the community and will be gone longer than a regular work day of 8 hours. To be reimbursed for meals the employee will document what time they leave and return and distance to location along with the purpose of the travel and presentation of a receipt. Meals will be kept within a reasonable amount - \$10.00 maximum per person.

CHAPTER 14. ASSOCIATION CREDIT CARDS

TDL Association will issue company credit cards to certain employees for use in their jobs; this policy sets out the acceptable and unacceptable uses of such credit cards. The Administration Manager, Director of Public Safety, Fire Department Chief, and Director of Public Works have authority over the TDL Association issued credit cards and must authorize any use of this company credit card.

TDL Association also has vehicle fuel purchase only credit cards, these credit cards are issued to each specific vehicle for purchase of fuel in TDL Association owned vehicles. With each use of the fuel credit card the employee must log in with their specific pin number and mileage of the vehicle. Each card has a report that is accessible at any time online to track usage of where gas is purchased, how many gallons, who purchased it and the mileage. Use of TDL Association credit cards is a privilege, which the Company may withdraw in the event of serious or repeated abuse. Any credit card issued by TDL Association must be used for business purposes only, in conjunction with the employee's job duties. Abuse of credit card use could result in disciplinary action and/or termination. Employees will be responsible for any charge that is determined not to be authorized for TDL Association purposes. All TDL Association employees that are authorized use of the company credit card will be required to sign an Agreement for the use of a company credit card and acknowledge repercussions for abuse of this privilege.

CHAPTER 15. TIME SHEETS

In keeping with the Federal Wage and Hour Law, all employees must keep a record of hours worked on a weekly time sheet. These time sheets will be provided by the department Supervisor. Each employee must fill out their own time sheet. Employees not recording their time correctly will be subject to immediate disciplinary action up to and including dismissal. The following procedures should be followed:

Article A. Frequency of Recording

Time sheets must be filled out daily.

Article B. When to Record

Each day, indicate the exact time started to work in the morning, time out for lunch, time returned, and time out for the day.

Article C. Time Sheet Increments

Enter total hours and minutes worked and round to the nearest fifteen minutes.

Article D. Sick Leave and Vacation Time

Do not add any time not actually worked such as sick time or vacation time.

Article E. Requirement for Lunch Hours

Lunch rules will be determined by the department supervisor.

Article F. Submission Deadline

Submit your time sheet to your department supervisor after 4:30 p.m. on Wednesday.

Article G. Supervisor's Responsibilities

Section 1. Checking of Time Sheets

It is the responsibility of the supervisor to check the employee's time sheet, and if in order, to sign the time sheet.

Section 2. Forwarding to Administration

The time sheets should be sent immediately after the end of each week to the administration department.

Section 3. Favoritism

It is the responsibility of the supervisor to never grant favors regarding tardiness or absenteeism. It is imperative that these items be marked on the time sheet.

CHAPTER 16. ATTENDANCE

Your attendance at work is important for the mutual benefit and interest of your fellow employees and the Association. Absences can cause, among other things, a reduction in our ability to serve our membership and inconvenience to your fellow employees who may have to do your work.

CHAPTER 17. NOTIFICATION OF SUPERVISOR

Recognizing that situations do occasionally arise when you have no other alternative but to miss work, it is important that you notify your supervisor as early as possible. This will give your supervisor the opportunity to make the best arrangements possible to meet the Association's objectives.

CHAPTER 18. CHANGE IN PERSONAL STATUS

Any change in personal status, such as marriage, dependents, address, etc., should be reported to the Administration department immediately.

CHAPTER 19. BOARD RESERVATION OF CERTAIN RIGHTS

The Board of Directors reserves the right to consider employees on a case-by-case basis as to conferring and/or the withdrawing of any of the listed perquisites and disciplinary actions policies.

CHAPTER 20. DISCIPLINE REGULATIONS

Article A. Standard of Conduct

It shall be the duty of each member of the staff to maintain high standards of conduct, cooperation, efficiency and economy in their work for the TDL Association. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Written warnings with sufficient time for improvement shall precede formal discipline.

Article B. Duties and Responsibilities of Employee

It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of TDL Association personnel rules and regulations.

Article C. Employee's and Supervisor's Responsibilities

Section 1. Performance Correction

It is the duty of each employee to attempt to correct any faults in their performance when called to their attention and to make every effort to avoid conflict with the rules and regulations.

Section 2. Inadequate/Improper Performance

It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.

Article D. Grounds for Action

The following are declared to be ground for disciplinary action of an employee:

1. Conviction of a felony or other crime involving moral turpitude.
2. Acts of incompetency.
3. Absence without leave.
4. Acts of insubordination.
5. Intentional failure or refusal to carry out instructions.
6. Misappropriation, destruction, theft, or conversion of TDL property.
7. Acts of misconduct while on duty.
8. Habitual tardiness and/or absenteeism.
9. Falsification of any information required by the TDL Association.
10. Failure to properly report accidents or personal injuries.
11. Neglect or carelessness resulting in damage to TDL Association property or equipment.
12. Repeated convictions during employment on misdemeanor and/or traffic charges.
13. Use of, or under the influence of, intoxicating liquor and/or nonprescription mood altering drugs, at the work place during duty hours. Refusal to take a drug test is grounds for immediate dismissal.

Article E. Procedures for Employee Terminations or Resignations/Computer

On the employees last day the following rules will be enforced:

1. If the employee has an association computer, it will be given to the employee's director along with a list of all passwords, prior to the employee leaving the premises. The employee will not be allowed to remove anything from the computer.
2. All association keys will be turned in at this time. In the case of Police officers, all badges, guns and other PD equipment must be given to the Chief.
3. All other Association owned items, (uniforms, clothing, boots, etc.) must be returned prior to the employee receiving his/her final check.
4. All un-keyed locks the employee had access to must be changed at this time.
5. Department supervisors will review the computer and other inventory as soon as possible to insure everything is accounted for and the computer will be prepared for use by other employees as needed.

CHAPTER 21. DESIGNATION AS TO FLSA

Article A. Designation of Employees as to FLSA

All employees of the TDL Association are designed as Hourly (Non-Exempt) for the purpose of compliance to the Fair Labor Standard Act (FLSA), except the Chief of Police (Director of Public Safety) and Director of Public Works who are designated as Salaried (Exempt) employees. Salaried/Exempt employees are not eligible for overtime under any circumstance.

Article B. Overtime Compensation

All hourly employees of the TDL Association are eligible for overtime pay.

Article C. Official Records of Attendance

The Official Record of Attendance shall be maintained and secured in the Association Office.

Article D. Departments Hours of Operation

Hours may be changed from time to time by the Supervisor.

Article E. Overtime Approval

All overtime will be approved in advance, except in emergencies, by the Department head. Snow removal and related activities are considered emergencies for the purpose of this regulation. All Departments will submit number of overtime hours to their supervisor, as soon as possible, in cases of emergencies to ensure compliance.

CHAPTER 22. EMPLOYEE VEHICLE OPERATOR LICENSE

Any employee who operates a vehicle as part of their given duties shall possess an appropriate, valid Missouri State Operators License, subject to random inspections. Failure to provide proof of a current, valid license may result in suspension or dismissal. All employees will have a driving verification during the month of their anniversary annually. Supervisors will ensure compliance; the Director of Public Safety will ensure volunteer firefighters are authorized and currently licensed to operate TDL equipment.

CHAPTER 23. EMPLOYEES – TAKE HOME VEHICLES

Any employee that is allowed to take a TDL Association-owned vehicle to and from work for transportation due to the demands of their position to come in to work during hours other than their scheduled work hours, are only allowed to use the TDL Association vehicle to go to and from work, not for

personal use. Each employee will sign an acknowledgement showing they have read and agree to these terms.

CHAPTER 24. EMPLOYEE NOTIFICATION REQUIRED WHEN ABSENT FROM WORK

Any employee who is absent from work without notification to a supervisor may be considered for disciplinary action including suspension or dismissal. After a period of three days without notification it will be assumed that the employee has vacated their position.

CHAPTER 25. INJURY AND ILLNESS – EMPLOYEE REPORTING PROCEDURES

Article A. Injury

Section 1. On-the-job injury reporting

When an employee is injured while performing required tasks, an accident report form shall be completed by the supervisor, as soon as possible.

Section 2. Physician Examination Requirement

Following an injury, the TDL Association may require an examination and work release by a TDL Association-approved physician.

Article B. Illness

Following an illness and absence from work for three days or more, the TDL Association may require an examination and work release by a TDL Association-approved physician.

Article C. Reservation of certain rights

The Board of the TDL Association reserves the right to require an examination and work release by a TDL Association-approved physician in any case where such an examination is believed to be in the best interest of the employee and/or the TDL Association.

TITLE VI – MOTOR VEHICLES

The purpose of this regulation is to specify provisions, as related to the matters of public safety within the confines of TDL as related to ownership, operation, storage and parking of motor vehicles, as defined in these regulations.

CHAPTER 1. GENERAL TRAFFIC LAWS

General traffic laws apply to roads within the land development known as TDL. All motor vehicles operated upon any thoroughfare owned or maintained by the TDL Association shall be subject to the provisions of the regulations adopted by TDL Association.

CHAPTER 2. ORV (Off Road Vehicles) NON-LICENSED MOTOR VEHICLES

Article A. Defined

Any non-licensed motorized vehicle, whether driven on or off roads, including, but not limited to, All Terrain Vehicles (ATVs), Side by Sides, Motorcycles, Mopeds, Golf Carts and Go-Carts are included in this regulation.

Article B. Registration

Section 1. Annual Registration

All vehicles must be registered annually.

Section 2. Due Date

Due date for registration is May 1 of each year or on the date of purchase.

Section 3. Cost

The annual cost is set by the Board.

Section 4. Requirements to Register

- a. Proof of membership in Terre Du Lac Association, Inc.
- b. Proof of ownership of the vehicle.
- c. A valid driver's license.
- d. Proof of liability insurance in the amount of \$25,000/50,000 liability and \$25,000 property damage - excluding golf carts

Article C. Vehicle Regulations

Section 1. Application of Missouri Laws

All vehicles, are subject to and must be operated in accordance with the laws of the State of Missouri.

Section 2. Operations Standards

Vehicles as defined in this article must:

- a. Be owned by a property owner and displaying a current sticker.
- b. Not be operated before 7:00 A.M. and after 9:00 p.m. Golf carts are exempt.
- c. Not carry a passenger thereon unless designed specifically for passengers.
- d. Not ride on any of the beaches or common area grounds.
- e. Not be in excess of 25 MPH or posted speed limits if it is less than 25 mph.
- f. Not be driven by persons under the age of 16, unless such person is accompanied by and under the direct supervision of an adult, who is authorized by the operator's parent or guardian to supervise the operator.
- g. Not be on private property without the consent of the property owner.
- h. Not be ridden in any careless way so as to endanger the person or property of another.
- i. Not be on any property or road posted as "Off Road Vehicles Prohibited."

Article D. EQUIPMENT REQUIREMENTS

Section 1. Muffling Device

A satisfactory spark arresting muffling device installed at all times to keep noise at a minimum. Deliberate gunning of motors and other means of causing excessive noise is not permitted.

Section 2. Lights – (also applies to bicycles)

A lighted head lamp and tail-lamp which must be in operation anytime the vehicle is being used in TDL, ½ hour prior to daylight and ½ hour before dusk.

Section 3. Safety Flag

A safety flag is required for ATV's & Go Carts. They must extend not less than seven feet above the ground and attached to the rear of the vehicle. This flag will

be triangular in shape with an area of not less than 30 square inches and will be "Day- Glo" in color.

Section 4. Safety Helmet

A securely fastened safety helmet must be on the head of any individual under 18 years of age, while operating ATV's and Go Carts or while being towed or propelled by an ATV.

Article E. PENALTIES FOR VIOLATION OF TITLE VI – MOTOR VEHICLES

Enforcement of these regulations is the responsibility of the TDL Association.

Section 1. First Offense will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, at the owners expense. Notification to the property owner and a penalty of ~~\$25.00~~ **\$50.00** Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 2. Second Offense will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 30 days and a penalty of ~~\$50.00~~ **\$100.00**. Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 3. Subsequence Offenses will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 90 days and a penalty of ~~\$100.00~~ **\$250.00**. Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 4. Subsequent Offenses will result in the immediate removal of the vehicle from common grounds of Terre Du Lac and loss of all privileges for the use of the ATV/ORV or Boat from the date of the violation for a period of one (1) year.

CHAPTER 3. COMMERCIAL MOTOR VEHICLES

Article A. Defined

Any commercial vehicle licensed for 18,000 GVW or more.

Article B. Storage and Parking of Commercial Vehicles

Commercially licensed & business related vehicles and equipment of all types shall not be parked or stored on any residential property, within TDL, except vehicles licensed for 18,000 GVW or less may be permitted, if not parked or stored on common grounds.

CHAPTER 4. OTHER VEHICLES

Article A. Defined

Other motor vehicles includes camping trailers, travel trailers, motorized homes and utility trailers.

Article B. Storage and Parking of Other Vehicles

Other vehicles, as defined in this section shall not be parked or stored on any residential property, within TDL except in accordance with the following provisions:

Section 1. Storage of Vehicles

Such vehicles, including boat trailers, will not be stored or parked on any street, right of way, or TDL Association property.

Section 2. Camping/travel trailers

Camping or travel trailers will not be occupied within TDL except in an approved travel trailer court, in which case, access to water and sewage utilities must be provided.

CHAPTER 5. NON-LICENSED VEHICLES AND TRAILERS OF ALL TYPES

Article A. Defined

Any vehicle not displaying a current license, which would require a State of Missouri license to operate on the roads and highways, excluding those defined in TITLE VI Motor Vehicles, Chapter 2, Article A of these regulations.

Article B. Storage and Parking of Licensed and Non-Licensed Automotive Vehicles

No Licensed vehicles will be allowed to be parked on road right of ways on any arterial roads in TDL, excluding parking for special events. Parking on the road right of way on all other TDL roads will be allowed as long as vehicles are parked on the right of way and not on the road surface. Non-Licensed motor vehicles, as defined in this section, shall not be parked or stored on any residential property, within TDL except in accordance with the following provisions:

Section 1. Non-licensed automotive vehicles

Non-licensed automotive vehicles (trucks & utility trailers included) without current license plates shall not be stored or parked within any residential area of TDL except when behind the front yard building line and screened from the street and adjacent lots by a fence approved by the TDL Association. No non-licensed automotive vehicle (trucks included) shall be parked or stored on any residential property for more than six months, except those enclosed in a building.

Section 2. Two non-licensed automotive vehicles

No more than two non-licensed automotive vehicles (trucks included) may be stored or parked on any residential property unless enclosed in a building.

Section 3. Storage

Non-licensed automotive vehicles (trucks included) will not be stored or parked on any street, right of way, of the TDL Association property.

Section 4. Abandoned or derelict vehicles

Abandoned or derelict vehicles (defined as: non-operable vehicle or trailer) vehicles may be deemed a nuisance by the Board. When necessary, the President is authorized to have such vehicles towed away to abate the nuisance. Upon notice of nuisance, the owner shall have seven days to remove the vehicle. If the offending vehicle is not removed, a commercial towing service shall be instructed to remove and hold it in a safe place at the owner's expense.

CHAPTER 6. ENFORCEMENT AND PENALTIES FOR VIOLATION OF TITLE VI – MOTOR VEHICLES.

Enforcement of these regulations is the responsibility of the TDL Association.

Article A. First Offense

First offense will result in the immediate removal of the vehicle from common grounds of TDL, at the owner's expense. Notification to the property owner and a penalty of \$25.00. Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Article B. Second Offense

Second offense will result in the immediate removal of the vehicle from common grounds of TDL, notification to the property owner, suspension of privileges for 30 days and a penalty of \$50.00.

Article C. Subsequent Offenses

Subsequent offenses will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 90 days and a penalty of \$100.00.

TITLE VII – WATERCRAFT, WATER-SKIING, SWIMMING, SCUBA DIVING AND FISHING

The privileges of using the lakes of TDL Association, are for the recreational benefit and enjoyment of all Association members in good standing. Regulations are formulated in the best interest of TDL Association members with respect to the use of various TDL Association areas and facilities. Registration fees are used to defray the cost.

Due to the limited size of TDL lakes and for the health, welfare and safety of members and their guests, the following regulations have become a part of the regulation of TDL Association. It is expected that everyone who participates in any water activity will exercise good judgment to coincide with the established rules and regulations.

CHAPTER 1. ENFORCEMENT

The Police Department of Terre Du Lac Is charged with enforcing the regulations.

CHAPTER 2. PROPERTY OWNER'S LIABILITY

The property owner shall be responsible for any liability resulting from any accidents or action which may occur on Association owned lakes, common grounds, roads, or parking lots.

CHAPTER 3. MOORAGE SPACE

All boat moorage spaces will be available to members in good standing on a lottery system. All of those interested in applying should contact the TDL Association Office by April 1 of each year. Special application must be made to the TDL Association Office for a permit prior to any moorage on Lacs Carmel and Marseilles dams by March 31 of each year (if a weekend, by the next business day). Applicants for moorage will be chosen randomly by April 1. Association Office staff will notify applicants if they have been chosen or not chosen for moorage.

CHAPTER 4. WATERCRAFT

Article A. Missouri Watercraft Safety Regulations

Missouri State Watercraft Safety regulations will be observed, in addition to the TDL Association regulations on TDL lakes. Neglecting to follow any of the state or TDL Association regulations could mean loss of lake privileges.

Article B. Eligible Watercraft

Only eligible watercraft owned by the property owner, who has paid the current dues and assessments and has currently registered the watercraft with the Administration Dept. (Police Dept during hours when office is closed), knowing the watercraft must meet state safety

regulations (registration, life jackets, throw cushions, a fire extinguisher, paddle/oar, etc.) are permitted on TDL lakes. Guests are not permitted to use property owners' boat unless the property owner is present.

Article C. Quantity of Watercraft Eligible for Registration

Quantity of watercraft registered per property owner voting privilege (regardless of whether or not the voting privilege is exercised) is a total of eight watercraft. Only three being in the powerboat with a gasoline/diesel engine over 10 horsepower.

Article D. Annual Registration Required

All watercraft must have current TDL registration prior to putting watercraft on or over TDL waterways. The definition of a watercraft is any boat, craft or a vessel used or capable of being used as a means of transport on water. Proof of ownership, copy of Liability Insurance and the watercraft owner's current TDL Association dues and assessments receipt are required to register eligible watercraft with the TDL Association. A valid Title or Missouri Watercraft Registration Certificate or notarized Document of Assignment to the owner are acceptable as proof of ownership. All watercraft must display a current year registration sticker affixed to each side of the watercraft, in such position as to provide clear legibility on the rear of the boat, above the water line. One corresponding sticker will be affixed to each associated watercraft trailer. Due date for a registration sticker is the first day of May. (Violations of Article D, see Chapter 12 Enforcement) The registration fee for all watercraft will be set annually by the Board.

Article E. Jet Skis or Personal Watercraft

Jet Skis or Personal Watercraft (PWC) as defined by the Missouri Watercraft Manual are prohibited.

Article F. Excessive Noise

Watercraft with external exhausts that produce a noise of over 86 decibels are prohibited.

Article G. Internal Combustion Engines Restrictions on Certain Lakes

Only watercraft that are propelled by paddle, sail boats less than 20 ft in length, or trolling motors are permitted on Lacs Benet, Bergerac, Bourbon, Catalina, Calista, Darcie, Michel, Emerald, Renee, Tiffany and Veron.

Article H. Parasailing and Kite Tubing

Parasailing and Kite Tubes are prohibited on all lakes in TDL.

Article I. Horse Power Restrictions on Lac Carmel

No watercraft with a motor exceeding 10 hp may be operated on Lac Carmel. Motors exceeding this may be used for loading and unloading only, for navigation they must be propelled by an auxiliary trolling motor, paddle or oar.

Article J. Speed Limits on Certain Lakes

The maximum speed limit on Lacs Capri, Marseilles, Shayne and Lafitte Is 30 mph. The maximum speed limit on all TDL lakes before 8:00 AM and after sunset is idle speed. All lake areas where water skiing is not allowed are no wake zones.

Article K. Watercraft Direction of Travel

All Watercraft must be operated in a counter clockwise direction on all TDL lakes. Sailboats, where winds are a factor, are an exception. Non-motor powered watercraft shall have the "Right of Way."

Article L. Common Ground Mooring on Lac Carmel and Marseilles

Registered watercraft only may be parked or moored on "common grounds" on Lacs Carmel and Marseilles dams from April 1 thru October 31. Any boat moored on Lacs Carmel and Marseilles dams will be subjected to a moorage fee set by the Board for a 7-month season. No watercraft or watercraft trailers may be left overnight on Association parking lots of lakes. Violations are subject to removal.

Article M. Responsibility for Proper Mooring and Storage

Watercraft owners are responsible for the proper mooring and storage of their watercraft. Association police are empowered to temporarily secure or remove any unsecured and unattended watercraft on lakes, which in their opinion, could become a hazard to persons or property.

Article N. Movable Floating Docks and Platforms Prohibited

Floating dock and platform devices, which are not permanently secured to the shoreline, are not permitted on lakes. Such devices are not watercraft and fall into the general category of "Boat Docks" for which a permit must be obtained prior to construction or placement on a lake.

Article O. Watercraft with Living Quarters Prohibited

Watercraft designed with living quarters, such as (but not limited to) houseboats and barges, are not permitted on any TDL lakes.

Article P. Discharge of Waste Prohibited

The discharge of any waste into any TDL lake, either directly or indirectly, is not permitted. This is in violation of "Covenants and Restrictions" Item 4, and state, federal laws and regulations.

Article Q. Watercraft as Camping Device Prohibited

No watercraft will be used as a camping device to circumvent the intent of "Covenants and Restrictions."

CHAPTER 5. WATER-SKIING (INCLUDING WATERCRAFT)

Article A. Water Skiing Time Restrictions

Water Skiing or similar activities are not allowed between sunset and sunrise. In addition, refer to CHAPTER 4. ARTICLE J.

Article B. Water Skiing Distance Restrictions

No watercraft or person pulled on any device, such as skis or tubes, will come within a distance of 100 feet of the shoreline or designated swimming area when moving in excess of idle speed.

Article C. Visibility of Skiers When Not in Tow

Skiers should make every effort to visibly identify their whereabouts in the waters when not in tow (holding ski in the air or waving arms).

Article D. Operation Requirements when Towing Skiers

The operator of any watercraft, being used for towing a person on any device such as skis or tubes, must have, in addition to himself/herself, another person on board the watercraft, seated in a position so as to observe the progress of the person(s) being towed. Boats must be equipped with a ski mirror and Orange Ski Flag, as approved by the Missouri State Water Patrol.

Article E. Intentional Dropping of Ski Prohibited

The intentional “dropping” of a ski within normal skiing routes is prohibited.

CHAPTER 6. SWIMMING RESTRICTIONS

Personal swimming away from personal docks, property and anchored boats is limited to 50 feet or less.

CHAPTER 7. BEACH REGULATIONS

Article A. Property Owners and Guests

Beaches are for the exclusive use of property owners in good standing. Property owners may authorize guests to use beach facilities but guests must be accompanied by the property owner.

Article B. Buoys

Buoys are placed on applicable lakes by the TDL Association to designate public beach areas and no wake zones. No buoys are allowed on any lake except those placed by the TDL Association.

Article C. Lifeguards

There are no lifeguards at TDL Association beaches. Property owners and guests swim at their own risk.

Article D. Children

No children under the age of 12 can be left at the beach unattended. Property owners and guests are responsible for watching their own children.

Article E. Boats in Swimming Area

All boats are prohibited in the designated swimming area except when authorized by the Board.

Article F. Glass and/or Fishing Tackle and Hooks, etc.

Glass containers and glass of any kind is strictly prohibited in TDL Association beach areas. Fishing tackle, hooks, etc. are not to be left out on the beaches.

Article G. Pets

No pets of any description are allowed in TDL Association beach areas.

Article H. Beach Closing Time

The beaches are closed one half hour after sunset until sunrise.

Article I. Fires and Cooking

Fires or cooking is not allowed in the beach area. Cooking may be done only in the picnic area if one is available at that lake.

Article J. Camping

Camping is prohibited on all TDL Association beach areas.

Article K. Refuse Disposal

Garbage and rubbish should be placed in the containers furnished.

Article L. Decant Towers

Decant towers are off limits for all boaters and swimmers. No climbing or playing near the towers is allowed.

CHAPTER 8. SCUBA DIVING

Article A. Prior Approval Required

Before engaging in skin or scuba diving, divers must notify the TDL Association Police of their activity and get approval from them prior to diving. Previous training and Insurance are required.

Article B. Diving Flag Required

During all diving operations, an approved diving flag must be displayed. The flag will be rectangular in shape, a minimum of 12" X 16" and will be red in color except for a two-inch white diagonal stripe running from the top left to the lower right corner. The flag will be exhibited only during actual diving operations.

Article C. Diving Restrictions

All diving will be within a 50 yard radius of the flag and no boat operator will knowingly operate within fifty yards of the flag.

Article D. Requirements for Display of Flag

If the flag is displayed on a buoyant device, its top will be a minimum of three feet above water. If displayed on a boat or raft the flag will be visible at a 360-degree angle.

Article E. Restriction of Normal Flow of Watercraft Prohibited

Diving operations will not impede the normal flow of watercraft traffic.

CHAPTER 9. FISHING

Article A. Observance of Missouri Fishing Regulations Required

Missouri State fishing regulations will be observed.

Article B. Trotlines, Limb Lines and Jugs Prohibited

Trotlines, limb lines and jugs are not permitted on any TDL lakes.

Article C. Prohibition of Fishing in Certain Areas

Fishing is not permitted in TDL Association designated swimming areas or from TDL Association beaches.

CHAPTER 10. LITTERING

No person will throw, place or dispose of any glass or plastic bottles, cans, paper cups, garbage, trash, rubbish, waste or any undesirable polluting substance on or into beaches or waters. Trash receptacles and toilet facilities are for use of beach and boaters only and are not to be used to dump household trash. Repeated violations may cause loss of registration permits and lake privileges and/or penalties. Littering can result in penalties up to \$250.00 and/or prosecution.

CHAPTER 11. HUNTING REGULATIONS

Article A. Hunting Prohibited

Hunting is not permitted in Terre Du Lac.

Article B. Steel Traps Prohibited

Trapping with steel traps is not permitted, except when approved by the Board for dam protection.

Article C. Discharge of Firearms Prohibited

Discharge of firearms, is not permitted in TDL, except when approved by the Board for dam protection.

CHAPTER 12. Enforcement and Penalties for Violation of TITLE VII-- WATERCRAFT, WATER-SKIING, SWIMMING, SCUBA DIVING, FISHING AND LITTERING.

Enforcement of these regulations is the responsibility of the TDL Association.

Section 1. First Offense will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, at the owners expense. Notification to the property owner and a penalty of ~~\$25.00~~ **\$50.00** Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 2. Second Offense will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 30 days and a penalty of ~~\$50.00~~ **\$100.00**. Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 3. Subsequence Offenses will result in the immediate removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 90 days and a penalty of ~~\$100.00~~ **\$250.00**. Non property owner vehicle(s) will be immediately removed and charged with trespassing.

Section 4. Subsequent Offenses will result in the immediate removal of the vehicle from common grounds of Terre Du Lac and loss of all privileges for the use of the ATV/ORV or Boat from the date of the violation for a period of one (1) year.

TITLE VIII – FIRE DEPARTMENT

The purpose of this regulation is to specify provisions, as related to the matters of public safety within the confines of TDL as related to the fire department and its activities.

CHAPTER 1. RECORDS AND INVENTORY REQUIREMENTS

The Fire Department shall keep accurate records of its members and its activities including annual inventory.

CHAPTER 2. MAXIMUM AGE

A maximum age of 69 years has been set for volunteer firefighters.

CHAPTER 3. WAIVER FOR MEMBERS 70 YEARS OF AGE OR MORE

Present members 70 years of age or older, must sign a waiver recognizing that they have no insurance coverage and may not respond to a fire scene as a firefighter.

CHAPTER 4. GOAL OF ISO COMMERCIAL RISK RATING OF 4

It shall be the regulation of TDL Association, to provide the Fire Department with the appropriate means, so as to work toward a common goal of an ISO Commercial Risk Services, Inc., rating of 4.

CHAPTER 5. APPROVAL OF BY-LAWS

TDL Association Volunteer Fire Department is governed by a set of by-laws, which are approved by the Board of Directors. These By-Laws are enforced by the Director of Public Safety.

CHAPTER 6. CERTAIN RIGHTS RESERVED BY BOARD OF DIRECTORS

These By-laws may be altered, amended, or repealed as determined by the Board. The Board reserves the right to appoint the Chief and veto or dismiss membership of any applicant or member of the Fire Department, without cause.

CHAPTER 7. BURNING OF TRASH/GARBAGE

Burning of construction material, etc. is allowed, see Architectural Guidelines. All burning must be attended. However, the burning of trash/garbage is not allowed.

CHAPTER 8. FIREWORKS - USE OR DISPLAY OF FIREWORKS

Article A. Sell, Transfer or Discharge

No person shall sell, transfer, use, discharge, ignite, light, market, display or possess fireworks as herein defined within the TDL at any time, except as provided in Articles C, D and E.

Article B. Term "Fireworks"

The term "fireworks" as used in this Article, means any composition or device, containing any combustible or explosive substance, which is used for, designed for, sold for, marketed for or displayed for its visible or audible effect by combustion, explosion, sparks emission, deflagration or detonation.

Article C. Common fireworks

"Common fireworks" as defined in 49 C.F.R. SS 173.108 may be detonated five days prior to and including the Fourth of July, between the hours of 6:00 PM and 11:30 PM and New Years Eve, one hour before Mid Night and 30 minutes after. However, in no case will the type of rockets which require fire underneath to propel them i.e. bottle rockets be detonated at any time. Individuals detonating common fireworks are responsible for removing all litter.

Article D. Authorized Displays

The prohibitions of this Article shall not apply to authorized public demonstration or displays of fireworks. Said public demonstrations or displays of fireworks shall be conducted under the supervision and/or approved by the Fire Department.

Article E. Authorized public demonstration or displays

Authorized public demonstration or displays of fireworks conducted on common grounds of the TDL Association including but not limited to roads will have written approval of the Board. Person(s) requesting authorization for a public demonstration or displays of fireworks must submit such request in writing 30 days in advance of requested display to the Board. Special fireworks or display fireworks, as defined in 11 CSR 40-3, may only be detonated by individual(s), conditions, and permit requirements as defined in 11 CSR 40-3 and filed a plan for the demonstration or displays with the TDL Fire Department.

Article F. Enforcement – Penalties

Enforcement of these regulations is the responsibility of the TDL Association.

Section 1. First Offense

First offense will result in the immediate correction of the violation and a penalty of \$50.00.

Section 2. Second Offense

Second offense will result in the immediate correction of the violation and a penalty of \$100.00.

Section 3. Subsequent Offenses

Subsequent offenses will result in correction of the violation, and a penalty of \$500.00. All violators on TDL common areas (i.e. Dams) will be removed from the common area. Illegal/unauthorized fireworks will be confiscated.

TITLE IX – PUBLIC WORKS

The purpose of this regulation is to specify provisions, as related to the matters of public works within the confines of TDL as related roads, lakes, dams and other common areas.

CHAPTER 1. DEPOSIT AND ROAD USAGE FEES BY CONSTRUCTION TYPE

The purpose of this regulation is to specify the classifications of construction for permitting purposes and the fees and deposits applicable for each. This regulation applies to all construction in TDL.

Article A. Permit Approval

All permits require the approval of the majority of the Board members of which, one must be the President or Vice President. A total of four signatures are required to approve or disapprove a permit. (See the TDL Association Permit Policies for Construction and all Activities)

CHAPTER 2. ROADS – GENERAL

Article A. Declaration of Emergencies

The Board of Directors may declare certain situations (weather, etc.) to be an emergency. During the declared emergency, vehicle that hamper the free flow of traffic, impede machinery or other equipment may be ordered towed away by a commercial towing service, at the owner's expense. The towing service used should be one that will provide a safe and

responsible place for storage of the vehicle until retrieved by the owner. Notification must be attempted, if at all possible, before the vehicle is removed. Notification must be made, as well, if the vehicle is towed.

Article B. Roads Effected by Declaration of Emergencies

This shall effect only on TDL roads. Problems on St. Francois Road must be dealt with, by, or through St. Francois County.

Article C. Reservation of Emergency Response

This shall not prevent the Police or Fire Department from performing their duties connected with law enforcement or a fire scene.

Article D. Policies

The Board may adopt polices related to road maintenance and construction as needed.

Article E. Designated Truck Entrance

St. Francois Road must be used as "truck entrance". Truck traffic must remain on St. Francois Road, thus minimizing the usage of Terre Du Lac roads. Vendor passes must be obtained when traveling off of the County road if licensed over 18,000 lbs. Commercial vehicles must have a vendor pass, not a TDL property sticker. Effective per Executive Meeting May 8, 2012 Vendor Passes will be given at no charge.

Article F. Speed Limits

Speed limit on TDL roads for trucks shall be 25 m.p.h. All other vehicles are limited 25 m.p.h. unless otherwise posted.

Article G. Limitation on Trucks

Section 1. Road Restrictions

Commercial vehicles licensed over 18,000 lbs. must use St. Francois (House Road/Germania) and gravel roads once in TDL as much as possible.

Section 2. Limitations on Concrete Trucks

Concrete trucks are limited to a maximum of a six yard load.

Section 3. Load Limits

Maximum allowable weights for trucks as follows:

- a. 18,000 lbs. per axle, not to exceed three axles.
- b. Not to exceed 54,000 lbs.

Section 4. Load Tickets

Trucks within TDL are required to produce a load ticket when requested by the TDL Police Department.

Article H. Street Sign Placement

Section 1. Standard for Placement and Installation

This regulation applies to all TDL owned roadways. For the purpose of this regulation roadways are classified either Gravel or Asphalt. TDL Association adopts by reference Part 2, Signs, MUTCD 2000, Manual on Uniform Traffic

Section 2. Specify Placement

The Board of Directors will approve the placement of signs by resolution. Such resolution will be on file in the Association Office and Public Works.

CHAPTER 3. CO-OP PAVING PROGRAM.

The Association encourages property owners to fund paving of their local road for local benefit. This regulation applies to any improvement to Association owned roadways paid for partially or entirely by property owners or commercial interests.

CHAPTER 4. ROAD FUND PRIORITIES

Each year the TDL Association Board allocates funds for maintaining and surfacing roads. The amount available depends on the amount of funds allocated to the various departments of the Association. This regulation covers only the funds allocated by the TDL Association for road repairs, maintenance and paving.

Article A. Principles of Funding

The maintenance and paving of roadways is fundamental to the value of property in TDL. Paved roads increase or maintain property values. They encourage new construction which increases funds available in the future. In the long run, the TDL Association will work toward paving all roads in TDL. However, since annual road funds are limited, the TDL Association must have a way of allocating annual budgeted funds that is fair to everyone and promotes the long term goal. The following regulation will be used by the TDL Association to guide annual road expenditures.

Section 1. Maintenance

The maintenance of our current asphalt and gravel road system must receive the highest priority for road funds.

Section 2. Co-op

The Co-op program, in which local property owners pay for all or most of asphalt paving in their area, should receive second priority for road paving funds.

Section 3. Access Roads

All lakes are open to all TDL Property Owners. Therefore, roads to and over the dams should be given priority for paving funds as access roads.

CHAPTER 5. SNOW ROUTES AND REMOVAL

The Department of Public Works is responsible for removing snow and ice from TDL roads and for providing for the safety and convenience of property owners. This regulation covers the priorities for making the roads safe and the methods to be used in clearing the roads. (See Ch. 6)

Article A. Declaration of Weather Emergency

In threatening weather, the Director of Public Works will declare a weather emergency and provide for 24 hour coverage by department employees. The emergency will be declared ended at the discretion of director. The director may confer with the board members, the Director of Public

Safety and local weather services as deemed necessary. The Police Department is expected to call in case of a freak storm.

Article B. Priority of Clearing and Treating Streets

The priority of clearing and treating streets is to be carried out in a manner to clear TDL roads as efficiently as possible as determined by the Director of Public Works. The director will take into account the following priorities.

Section 1. Arteries

The roads designated as arteries will be the first roads cleared.

Section 2. Collectors

The roads designated as collectors will be opened next.

Section 3. County

The County road will be cleared from the Public Works complex to Tiffany Drive by TDL Public Works and the remainder of St Francois County Road will be done by the County.

Section 4. Residents with Severe Medical Problems

A list of residents who may have severe medical problems is to be maintained by the director. These streets and the adjoining streets will be given priority as determined by the director when possible.

Section 5. More Populated Areas

The more populated areas of TDL will be cleared next to provide relief to as much of the TDL population as possible.

Section 6. Minor Roads/Streets

Minor roads and streets will be treated last.

Article C. Operation of Snow Removal Equipment

The following Regulations will be followed for safe operation of snow removal equipment and to minimize wear and tear on snow removal equipment.

Section 1. Removal Equipment

Removal equipment is to be operated by qualified and properly licensed personnel.

Section 2. Equipment Operators

Equipment operators will observe the following speed limits:
30 miles per hour on paved roads, 20 miles per hour maximum on unpaved roads, slower speeds may be indicated depending on action of plow or washboard effects.

CHAPTER 6. ROADWAY CLASSIFICATION

This regulation applies to all roadways in TDL. The three classifications were proposed in a Fox and Cole study made in 1982.

Article A. General Classification

Each TDL roadway is to be included in one of three major classifications; Arterial, Collector and Subdivision. The classifications are to be based on the volume of traffic. The classifications are made to facilitate identification of construction and maintenance requirements, snow removal and other items that are common to several roadways. The Board should periodically reclassify roadways to reflect current conditions. Classification definitions and roadways included in each class are:

Section 1. Arterial Roads

Arterial roads are the high-surfaced, main routes carrying highest volumes of traffic into and out of the development.

Roads classified as arterial are:

Capri Drive (Champs Elysees to St. Francois Road)

Champs Elysees North Bound

Champs Elysees South Bound

Notre Dame Drive

Rue Bordeaux-Lafayette Drive- St. Michael Street

Rue Riviera (Champs Elysees to Lafitte Dr.)

Rue Terre Bonne

St. Francois Road (County Maintained)

Section 2. Collector Roads

Collector Roads carry traffic from the Arteries to the Subdivision roads. The collector roads carry less traffic volume than the arterial roads and funnel traffic from subdivision roads to the arteries.

Roads classified as Collector Roads are:

Marseilles Drive (Champs Elysees to Napoleon Dr.)

Shayne Drive (St. Francois to Jai Drive)

Lafitte Drive (Riviera to Rue Angeline)

Rue Marseilles

Rue Lamande

Rue Andre

Rue Martel

Section 3. Subdivision Roads

Subdivision Roads are the low-service roads carrying the low volume localized traffic from individual homes and blocks of lots to the collectors. All roads not included in the Arterial or Collector categories are classified as subdivision roads.

TITLE X – ANIMAL CONTROL

The TDL Association has written rules and regulations which include Animal Control policies. The section on Animal Control reads in part:

CHAPTER 1. DOGS

Article A. Application of these regulations

This regulation applies to all ownership or, and keeping of dogs on any and all properties, residential, commercial, mobile homes, unimproved lots, and rentals in the territorial

boundaries of TDL. No person or family shall have more than three dogs or three cats which are over the age of six months present on their premises.

Article B. Commercial Activities Prohibited

No dog(s) or cat(s) may be kept, bred, or raised for commercial purposes.

Article C. Control Required

It shall be unlawful for any owner, keeper, or any-person having the care or control of a dog(s) to abuse or permit said dog to run at large within TDL. It shall be the duty of every owner or person having the care and control of a dog(s) to keep same within a proper enclosure upon said owner's or person's premises. No dog(s) shall be allowed to roam within the boundaries of TDL, unless said dog(s) is securely fastened to a leash or halter and under the control of a person at all times.

Article D. Abuse Prohibited

The MO humane society and the St Francois County animal control will be notified whenever guidance is needed for proper welfare of the animal.

Article E. Requirements for Registration

Section 1. Registration

Every dog that is kept in TDL must be registered at the TDL Association Office.

Section 2. Application for Registration

Application for registration must be accompanied by dated proof of rabies immunization of the dog from a licensed veterinarian. Upon registration, a metal identification tag for each dog will be given to the dog owner. This tag must always be attached to the collar of the dog when it is outside the confines of its home or kennel.

Section 3. Annual Registration Required

A registration and identification tag must be obtained from the TDL Association Office annually, no later than one week following the new immunization due date listed on the certification obtained from the licensed veterinarian. If a next scheduled date does not appear on the immunization certificate, then the dog must be re-certified no later than one year from the previous immunization date.

Article F. Penalties for Noncompliance

Section 1. Penalties

Any violation of TITLE X--Animal Control Regulations may result in the impounding of the animal and held at the expense of the owner. Any dog(s) so identified, may be impounded and held at the expense of the owner. The expense means the cost of vaccination. The animal(s) impounded will be held for 10 days, and if not reclaimed it will be destroyed. Notice of impoundment will be displayed at the office of the TDL Association. Additional penalties will be assessed, as follows:

- a. \$25.00 for the first day (\$15.00 pickup fee + \$10.00 board)

- b. \$10.00 each additional day
- c. \$35.00 Rabies vaccine if no proof is provided

Article G. Adoption

TDL Association's rules and regulations require ALL dogs in TDL have a current TDL tag. In order to get their tag, there must be proof of a current rabies vaccine by a licensed veterinarian. If a dog is "adopted" to a new owner, the law requires the TDL Association to give dog a rabies vaccine prior to adoption, and the cost can be passed along to the new owner. If current proof of rabies vaccine is not provided by an owner of an impounded dog, the dog will be vaccinated and the owner charged the fee above. The owner shall pay the full amount before the dog is released to them.

According to Missouri statutes, Chapter 578.016, Paragraph 2, it states:

"The owner or custodian of an animal impounded, pursuant to this section, shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal."

Article H. Rental Property Owners

Owners of rental property must advise their tenants of the details of Title X, Animal Control of this regulation. The homeowner/property owner is ultimately responsible for their tenant's actions and may be penalized for any offenses by said renters.

TITLE XI – HOUSING

CHAPTER 1. MOBILE HOMES

Article A. Definitions

The terms used in this Chapter shall have the following meanings:

"AFFIDAVIT" means an oath in writing, sworn before and attested by an individual who has the authority to administer an oath.

"ASSOCIATION" means TDL Association.

"ARCHITECTURAL COMMITTEE" means the committee appointed by the President of the Association. The committee will be composed of no less than three persons. One member will be a representative of the Developer, one of the Association's Public Works and other members as the President may designate. The President and Counsel to Board are ex officio members. The Committee is charged with recommending to the Board any enforcement, changes or other actions as may be necessary for the compliance or enforcement of the provision of the provisions of this Chapter or other Chapters which may apply.

"APPLICANT" means any person making application for a license or permit.

"IMMOBILIZED MOBILE HOME" means any structure resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The Association establishes the following criteria to complete the immobilization of a mobile home.

(A) The foundation shall extend into the ground below a frost line so as to attached and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(B) As an alternate to (A) piers may be used, extending into the ground below frost line and sufficient in number to properly support the mobile home.

(C) To complete the immobilization, wheels, tongue and hitch must be permanently removed. Axles may be removed.

"MOBILE HOME" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame from the place of its construction to the location or subsequent locations at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons provided that any such structure , resting on a permanent foundation which wheels, tongue, and hitch permanently removed shall not be constructed as a "mobile home," but shall be an immobilized mobile home. A mobile home should not be confused with a camping trailer or recreational vehicle.

"MOBILE HOME. DEPENDENT" means a mobile home or travel trailer which does not have a flush toilet or a bathtub or shower.

"MOBILE HOME - DOUBLEWIDE" consists of two mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

"MOBILE HOME - INDEPENDENT" means a mobile home with self-contained toilet and bath or shower facilities.

"MOBILE HOME LOT" means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

"MOBILE HOME MODULE" means a factory-fabricated building unit transported to a building site, mounted on a permanent foundation supporting the outside perimeter walls and is designed for residential use.

"MOBILE HOME PAD" means that part of an individual mobile home space or lot beneath the mobile home including the concrete portion of the pad.

"MOBILE HOME SPACE" means a portion of a mobile home park designed for the use or occupancy of one mobile home.

"PERMANENT HABITATION" means a period of two or more weeks.

"PERMIT" means a permit certificate issued by the TDL Association permitting the construction and locating of a mobile home within TDL limits or the construction, alteration or reduction in number of spaces of a mobile home park under the provision of this Chapter.

"PERSON" means an individual, group or individuals, association, trust, partnership, corporation, person doing business under any assumed name, county, municipality, the State of Missouri or any political subdivision or department thereof or any other entity.

"REVOCATION" means to declare invalid a permit or license issued to the applicant or licensee by this Association for an indefinite period of time.

"SPACE" shall be synonymous with "Mobile Home Space."

"SUSPENSION" means to declare invalid a permit or license issued to the applicant or licensee by this Association for a temporary period of time with an expectation of resumption.

Article B. Immobilized Homes Minimum Lot Size

The minimum lot size for the location of an immobilized mobile home shall be 5,000 square feet. Only one mobile home will be permitted per lot, as platted in TDL. All mobile homes shall be located at least ten feet from the property line.

Article C. Dependent Mobile Homes Prohibited

No dependent mobile home shall be permitted in any area unless in a license travel-trailer park. At no time shall anyone use a dependent mobile home as permanent residence or dwelling.

Article D. Concrete Pads Requirement

All immobilized mobile homes may be placed on either a reinforced concrete pad at least as wide and as long as the mobile home, two reinforced concrete runners four feet wide and as long as the mobile home or on concrete piers approved by the Director of Public Works or his designee. The concrete pads shall consist of four inches of reinforced concrete or six inches of concrete. A concrete footing is optional. Expandable units may be provided with approved piers or their equivalent at each corner of the units.

Article E. Off Street Parking Requirement

Each owner of an immobilized mobile home shall provide ample off-street parking areas.

Article F. Mobile Home Safety

All mobile homes located in TDL shall be required to be Underwriter's Laboratory and National Electrical Code Approved and to be a model not over two years old. Said mobile home must be inspected by an established qualified electrician, at owner's expense, and no service will be provided until inspections are completed and approved with mobile home location permit attached. Inspection includes from service pole to and including the mobile home. Rental units must be inspected before new tenants occupy such rental units.

Article G. Mobile Home Set Up/Hook up Time Limit

All mobile homes located in TDL shall be required to set up, hook up to TDL Association utilities, inspected and ready for occupancy within 45 days from the time the mobile home is brought into TDL. Any mobile home now within TDL limits shall have 45 days from the date of this regulation takes effect to comply herewith.

Article H. State Requirements Adopted by Reference Tie Down Requirements

The "Rules and Regulations for Manufactured Home Tie-Down Systems (4 CSR 240-124)" as approved by the Missouri Department of Economic Development is hereby adopted by the Association. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within TDL.

Article I. Miscellaneous Restrictions

Section 1. Mobile Home

Not more than one mobile home shall be parked in one space.

Section 2. Travel Trailer

No travel trailer shall be permitted in any mobile home park.

Section 3. Immobilized Mobile Homes

All immobilized mobile homes will have underpinning made of wood, plastic, metal or concrete blocks to be installed within 30 days of set up of mobile home.

Article J. Permit Fee

A nonrefundable permit fee of \$25.00, \$475.00 Road Usage Fee and \$1,000.00 Refundable Deposit (Total of \$1,500.00), shall be charged for each location set-up of a mobile home or inspection required by the regulation. This fee shall be due and payable on or before set up. The fee shall be placed in the general fund and applied to the administrative cost of the inspections.

CHAPTER 2. PROPERTY MAINTENANCE CODE

Article A. Property Maintenance Code Incorporation

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within TDL; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of the TDL Association regulations and the fixing of penalties for violations thereof, the 2012 International Property Maintenance Code, dated November, excepting only such parts or portions thereof as are specifically deleted or amended in TDL Association regulations. Not less than three copies of said 2012 International Property Maintenance Code shall be marked Official Copy as Adopted by the Board, to which shall be attached a copy of the regulation codified herein, and filed with the TDL Association, Secretary to be open to inspection and available to the public at all reasonable business hours. All administrative departments of the TDL Association charged with the enforcement of the regulation. Copies shall be supplied at the cost of the TDL Association, in such number of official copies of such regulation as may be deemed expedient to all administrative units. Copies for member of TDL Association and the general public may be provided at cost, when requested.

CHAPTER 3. ENFORCEMENT – PENALTIES

Enforcement of these regulations is the responsibility of the TDL Association.

- Section 1. First Offense
First offense will result in the immediate correction of the violation, notification to the property owner and a penalty of \$25.00. Non property owner's vehicle will be immediately removed and charged with trespassing.
- Section 2. Second Offense
Second offense will result in the immediate correction of the violation and a penalty of \$50.00.
- Section 3. Subsequent Offenses
Subsequent offenses will result in correction of the violation, and a penalty of \$100.00.

TITLE XII -RENTAL PROPERTY CODE

CHAPTER 1. RENTAL PROPERTY CODE

Article A. Applicability

- Section 1. Rental Property
All provisions of Chapter 1 and 2 will apply to all rental property within TDL.
- Section 2. Rental Property Occupancy Permit
All property for rental shall have a Rental Property Occupancy Permit within 60 days of the passage of this regulation.
- Section 3. Lease/Rent
All residence for lease and/or rent within TDL are subject to the provisions of these regulations.

Article B. Rental Property Occupancy Permit

- Section 1. Permit
Owners of Properties for rent and/or lease are required to have a Rental Property Occupancy Permit from TDL Association for each property for rent and/or lease.
- Section 2. Expiration of Permits
Rental Property Occupancy Permits will expire upon termination of the rental/lease agreement and/or a change in tenancy and/or there is a change and/or transfer of ownership of the property. Application(s) must be completed and/or submitted 30 days before the property is to be occupied. Obtaining a valid Occupancy Permit is the responsibility of the owner(s) of the property.
- Section 3. Fees
The fee for a Rental Property Occupancy Permit is \$50.00. Fees are set by the Board of Directors and are subject to change without notice. The fee collected is

used to offset the TDL Association's cost in regard to administrative and inspection expenses.

Section 4. Responsibility of Property Owner

- a. All dues and assessments must be paid before a Rental Property/Occupancy/Permit can be issued.
- b. Provide TDL Association with a list of individuals in residence of rental property and a signed statement that the residents have been informed of their limitations as related to the use of TDL Association properties, facilities and roads.
- c. Arrange with the Code Official for inspection dates and times.

Section 5. Property Inspection Requirement

- a. All inspections will be conducted by the Code Official of TDL Association.
- b. Property inspections are required for a change of occupant, and/or a first time permit or renewal of a permit.
- c. Property Inspections will be made of the grounds, exterior and interior of the resident.
- d. Property must meet all provisions of TITLE XII—Housing, Chapters 1 and 2 of these regulations, where applicable.
- e. Property must meet all provisions of the Covenants and Restrictions and Regulations of TDL Association.
- f. Any violation of local, county, state or federal regulations or laws may be reported to respective jurisdiction of the regulation or law.
- g. A checklist of items to be inspected will be provided with the application for the Rental Property Occupancy Permit. The checklist is a guide for the applicant. Does not limit the Code Official to inspect other items.
- h. It is recommended that all rental property will have an adequate number of working fire and/or smoke alarms installed.

Article C. Enforcement – Penalties

Enforcement of these regulations is the responsibility of the TDL Association.

Section 1. First Offense

First offense will result in the immediate correction of the violation, notification to the property owner and a penalty of \$25.00. Nonproperty owner's vehicle will be immediately removed and charged with trespassing.

Section 2. Second Offense

Second offense will result in the immediate correction of the violation removal of the vehicle from common grounds of Terre Du Lac, notification to the property owner, suspension of privileges for 30 days and a penalty of \$50.00.

Section 3. Subsequent Offenses

Subsequent offenses will result in correction of the violation, notification to the property owner, suspension of privileges for 90 days and a penalty of \$100.00.

TITLE XII – NONCOMPLIANCE

All property owner(s) are deemed to have given their implied consent to the authority of the TDL Association to impose reasonable regulations upon them and their licensees and guests when they purchased or occupied property subject to the Covenants and Restrictions, By-Laws, and Regulations. Such consent includes the right of the TDL Association to suspend or

curtail access to the Common Area and impose penalties and other reasonable sanctions for the violation of duly enacted regulations. Failure to pay imposed penalties will result in the penalties being added to the following calendar year dues and assessments.

Scope of Policy

The purpose of this procedure is to provide for the timely resolution of non-compliance with the Association Covenants and Restrictions, By-Laws, and Regulations.

CHAPTER 1. PROCEDURE

Article A. Written Report Required

A board member or member(s) may be consulted. The investigation should result in a written report. The report should evaluate the validity of the complaint in terms of covenants and restrictions and/or regulations. It should indicate whether a violation notice should be sent. The report should be signed by the person(s) that performed the evaluation.

Article B. Distribution of Report

Copies of the evaluation should be sent to Board Members and to the author of the complaint.

Article C. Notification of Property Owner

If positive action is indicated, a first notice will be sent to the property owner by mail. The first notice will indicate a ten working day period from receipt of the letter to correct the situation. The notice will include a copy of the evaluation report.

CHAPTER 2. LITIGATION

Article A. Non-Compliance After Notification

After the 10 days, the property or violation will again be evaluated. If the property owner is not in compliance, and upon review by Board, the attorney will be notified to proceed with litigation.

Article B. Compliance After Notification

If at any point during the process the property owner corrects the problem and is in compliance, the property owner will be sent a notice that he is in compliance.

Article C. Written Appeal

At any time during the process, the property owner may file a written appeal to the Board regarding the allegations.

CHAPTER 3. REPORT TO BOARD

A monthly report will be prepared for the Board. Anyone sent a notice will be added to the report and shall remain on the report until reported once as closed. The report will show the following for each subject:

Complaint Date;
Name and address;
Date of First Notice;
Date Attorney's Letter Sent;
Date Suit Filed; Date Closed; and
Comments.

CHAPTER 4. RESPONSIBILITIES

Article A. Department of Public Safety and Public Works

The Department of Public Safety and Public Works is responsible to evaluate and report the results of investigations to the Board and/or proper authority.

Article B. Administration Staff

The Administrative staff is responsible for sending notifications, requesting evaluations and reporting the status of complaints.

CHAPTER 5. FINES, SUSPENSIONS AND OTHER SANCTIONS

Unless specified in another Title of these regulations the following fines, suspension and other sanctions shall apply to all other violations of the Covenants and Restrictions, By-Laws, and Regulations. However, at the Board's discretion, the fines, suspension and other sanctions in this Chapter may be applied to any violations. Such sanctions may include, but shall not necessarily be limited to:

Article A. Suspension

Suspension from the privileges of property owner(s) to include the right to vote and the right to use and enjoy all or part of the Common Area, for a period not to exceed 90 days for each such violation.

Article B. Administrative Fee and Reasonable Fines

The assessment of a \$25 administrative fee and reasonable fines not to exceed \$500.00 for the first violation. Such administrative fee and fines, as well as costs and attorney's fees expended in collecting fines or enforcing suspensions pursuant to CHAPTER 4(A), above and may become a lien against any lot, unit or other land owned or occupied by any violator. Correction of the violation must be made within 10 calendar days or additional fines may be levied. A second or any subsequent violations will not be given for a period of 30 calendar days.

Article C. Reasonable Directives

Reasonable directives of a mandatory or prohibiting nature concerning courses of conduct or material, equipment, structures or property, including but not limited to:

Section 1. Prohibitions

Prohibitions on the use of specified equipment, vehicles, watercraft or devices in or around the Common Area (e.g. requiring a boat which has frequently been involved in violations of restrictive covenants, by-laws, and/or regulations to be removed from the lake).

Section 2. Removal

The removal of structures, or vehicles or watercraft parked or stored on lots or land within the Development in violation of restrictive covenants, by-laws, and/or regulations.

Section 3. Reimbursement charges

The imposition of reimbursement charges to pay the costs of removing, and if necessary storing, unauthorized vehicles, boats or structures from lots or other land.

Section 4. **Health, Safety or Welfare**

Prohibitions on certain property owner(s) for engaging in specified activities, or otherwise exercising privilege within the Development which may have previously jeopardized the health, safety or welfare of the property owner(s).

Section 5. **Sanctions**

Other reasonable actions by the Board which are specified in the regulations enacted by the board and which bear a reasonable relationship to the violation for which the sanction is imposed.

CHAPTER 6. PROCEDURE FOR IMPOSING SANCTIONS

Whenever violations of regulations enacted by the Board justifies the imposition of sanctions pursuant to CHAPTER 5 above, such sanctions shall be imposed only in accordance with the following procedure.

Article A. Violation

When a member has committed an offense justifying the imposition of sanctions, he or she shall be given written notice of the alleged offense(s), and the sanction to be imposed, by the Board Designee.

Article B. Appeal Hearing

The member shall have 10 calendar days following receipt of the notice required by CHAPTER 5(A) to request a hearing in front of the Appeals Committee. Such request shall be made in writing to the Board Designee. If such a hearing is requested, all sanctions specified in the Notice shall be deferred until the final action of the Appeal Committee.

Article C. Next Scheduled Meeting

If a hearing before the Appeals Committee is requested, it shall be held at the next scheduled meeting of the Committee from the receipt of the request from the Board Designee. At the hearing, the member(s) shall be allowed to be present and represented by counsel.

Article D. Decision

After the appellate hearing, the Appeals Committee shall make a decision to uphold or dismiss the alleged violation(s) and the appropriate sanctions to be imposed. This decision shall be in writing and forwarded to the member, by mail, within five days of the hearing. The decision shall specify the regulations which have been violated, the acts constituting such violations and the sanction or sanctions imposed or dismissal of the case.

CHAPTER 7. ENFORCEMENT OF SANCTIONS

Failure to abide by sanctions may result in:

Article A. Civil Action

A civil action in any Court of competent jurisdiction, and the recovery of costs and reasonable attorney's fees from the non-complying Property Owner(s).

Article B. Trespass

Criminal prosecution for trespass or other appropriate offenses.

Article C. Compliance

The use of reasonable and lawful action by a designated board representatives and/or employees to insure compliance.

CHAPTER 8. PENALTY FOR DISREGARDING SANCTIONS

In addition to the methods enumerated in CHAPTER 7 above for enforcing sanctions, for each ten calendar day period from the date the sanction is initially imposed, the sanction or fine will be doubled up to a maximum one thousand dollar (\$1000.00) fine. This fine must be paid within ten calendar days or a lien will be imposed upon the property.

CHAPTER 9. APPEALS PROCESS

Article A. Appeal

All violations may be appealed, Define Hearing Committee – Appointed, President and Vice President.

Article B. Hearing Request

The member shall have ten calendar days following receipt of the citation to request a hearing in front of the Appeals Committee. Such request shall be made in writing to the Board Designee. If such a hearing is requested, all sanctions shall be stayed. If no hearing is requested, the citation shall be effective upon expiration of the ten day period.

Article C. Hearing Scheduled

If a hearing before the Appeals Committee is requested, it shall be held at the next scheduled meeting of the Committee from the receipt of the request from the Board Designee. At the hearing, the member(s) shall be allowed to be present and represented by counsel.

Article D. Written Notification

The property owner and/or alleged violator will be notified, in writing, as to the time and place of the appeals meeting. This notice will be mailed no later than 5 days in advance by the meeting.

Article E. Informal Proceedings

Proceedings before the Appeals Committee or a subsequent appeal to the Board shall be informal. At such hearing or appeal the complainant and witnesses designated on the citation/complaint shall be heard first, followed by the alleged violator, the licensee and any other witnesses.

Article F. Written Decision

After the appellate hearing, the Appeals Committee shall make a decision to uphold or dismiss the alleged violation(s) and the appropriate sanctions to be imposed. This decision shall be in writing and forwarded to the member, by mail, within five days of the hearing. The decision shall specify the regulations which have been violated, the acts constituting such violations and the sanction or sanctions imposed or dismissal of the case.

TITLE XIV – CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these Regulations. The Governing Body hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that

anyone or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. If for any reason this entire code should be declared invalid or unconstitutional, then the original regulation or regulations as they existed prior to passage of this code shall be in full force and effect.