

# LUDLOW MAINTENANCE COMMISSION, INC.

## INTRODUCTION TO REGULATIONS

The following Regulations prescribe:

- The land use,
- The land improvements, and
- The Greenbelt Policy,

with respect to all property included in Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat. They also prescribe:

- The use of the Beach Club and other facilities owned by Ludlow Maintenance Commission, Inc., and
- The enforcement of these regulations.

Authority for these regulations is contained in the Ludlow Maintenance Commission, Inc. Articles of Incorporation and Bylaws and in the Restrictive Covenants recorded in the Records of Jefferson County, Washington, with respect to the properties included in Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village, and Oak Bay Short Plat.

1. Ludlow Maintenance Commission, Inc. Ludlow Maintenance Commission, Inc., which after this is referred to as "the LMC", is a nonprofit corporation established for the purposes set forth in Article VI of its Articles of Incorporation. The committees referred to below operate subject to the control of the LMC.
2. The LMC Operations Committee.<sup>1</sup> The LMC Operations Committee carries out the provisions of Article V, Section 1(c) and performs other duties as assigned by the LMC Board of Trustees.
3. The Architectural Control Committee. The Architectural Control Committee, which after this is referred to as "the ACC," is the committee that carries out the provisions of Regulation II pertaining to Architectural Control.
4. The Greenbelt Committee. The Greenbelt Committee is the committee that carries out the provisions of Regulation III pertaining to designated reserve areas referred to as greenbelt.
5. Definitions:<sup>2</sup>
  - a. In these Regulations, "Owner" refers to an owner (or if more than one, then collectively) of a lot or condominium unit, or a purchaser of either under a contract of

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<sup>1</sup>Revision approved by the Board of Trustees, July 9, 2005

<sup>2</sup> Definition of Reserve, Common and Greenbelt Properties approved by the Board of Trustees, May 13, 2006

purchase, in the platted subdivisions and condominium projects covered by the LMC Articles of Incorporation. An owner can be a natural person, corporation, partnership, association or other form of entity, provided that as to each entity and ownership there shall be only one membership. Each owner shall have only one membership, regardless of the number of lots or condominium units owned.

b. "Occupant" refers to the one or more persons actually occupying a lot or condominium unit, whether or not they are the owner.

c. "Reserve Property" refers to a provision in a deed which keeps (reserves) to the grantor's successors (the LMC) some right or portion of the property.

i. "Common Property" is designated improved "reserve" areas owned, maintained and administered by the Ludlow Maintenance Commission (LMC) which all owners may use and each owns through the corporation a percentage interest. Common areas may include: recreation facilities, parks, parking lots, greenbelt, and all other jointly used space.

ii. "Greenbelt Property" is designated unimproved "reserve" areas referred to as greenbelts. The LMC greenbelts are a suitable blend of native growth areas managed by the LMC Greenbelt Committee.

6. Additional Rules and Regulations. Acting under the Covenants, Articles of Incorporation and Bylaws, the LMC Board of Trustees may make and enforce additional rules and regulations over and above applicable State and County Codes [Articles of Incorporation, Article VII (i) and (j)].<sup>3</sup>
7. Amendment. These Regulations are subject to future amendment and addition at the discretion of the LMC Board of Trustees [Articles of Incorporation, Article VII (i) and (j)]. Proposed amendments and additions to the Regulations shall be subject to no less than two readings at separate regularly scheduled meetings of the Board of Trustees, notice to be published on each agenda. Draft copies of proposed changes shall be made available to members at meetings, sent to members electronically, posted on the Beach Club bulletin board and posted on the LMC website. Member comment shall be invited. Prior to adoption, a proposed Regulation change shall be approved without modification at two regularly scheduled meetings of the board.<sup>4</sup>

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<sup>3</sup> Revision approved by the Board of Trustees, January 20, 2007

<sup>4</sup> Revision approved by the Board of Trustees, October 28, 2010

## REGULATION I

### LAND USE

The following Regulation prescribes the land use for all property included in the recorded plats of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village, and Oak Bay Short Plat.

## REGULATION I

### ARTICLE I

#### RESTRICTIONS & REQUIREMENTS

1. General Uses. The general uses which may be made of the land in Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat are described in the recorded Restrictive Covenants.
2. Single Family Residential Use. Lots are restricted to single family residential use, including rental or other non-owner residential use of the property.

*NOTE: Jefferson County's Port Ludlow Master Planned Resort code dictates which properties are permitted to conduct transient accommodations for periods less than 30 days. Only Admiralty I, Admiralty II, the Townhomes and the Pin Tail House are permitted to have transient accommodations for periods less than 30 days. Contact the Jefferson County Department of Community Development for additional information.<sup>5</sup>*

3. No Nuisance<sup>6</sup>
  - a. No nuisance shall be conducted or permitted on any lot, nor shall any other offensive use be made of it. For the purposes of this Regulation a nuisance is defined as the unreasonable, unwarranted and/or unlawful use of property, which interferes with another person's quiet, peaceful or pleasant use of his/her property. Nuisances can include noise, undue traffic, an excessive number of vehicles, advertising signs, and movement of personnel and material. Without limiting the generality of the foregoing:
    - i. It shall be a nuisance subject to the prohibition of this subparagraph for any owner or owner's contractor to cause or permit loud noise to be heard out of doors before 8:00 a.m. or after 6:00 p.m. No trailer-mounted air compressor or electrical generator set shall be operated except by utility companies in emergency situations such as storm-related power outages. Electrical power generation or air compression equipment driven by internal combustion shall be used only as follows:

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<sup>5</sup> Revision Approved by the Board of Trustees, March 13, 2010

<sup>6</sup> Revision Approved by the Board of Trustees, Dec. 15, 2007

- a. Small electrical generators (up to 10,000-watt capacity) are permitted for household use only during power outages.
- b. Hand-carried portable compressors are permitted for nail gun, stapler, or painting purposes.

ii. It shall be a nuisance subject to the prohibition of this subparagraph for any lot to be utilized for industrial or commercial purposes which may disturb residents. It is recognized that property owners may be engaged in certain home-based business activities, which do not cause a disturbance. Home businesses may be permitted under the following circumstances:

- a. No employees;
- b. No sign(s);
- c. All work is done inside the dwelling, not in any accessory buildings;
- d. No materials or equipment used in the home occupation are stored, altered or repaired outdoors.

Home-based activities that meet the above stated criteria may be permitted; however, should the activity create a disturbance the Board of Trustees has the authority to require the activity to cease without any claim upon the LMC or the Board of Trustees.

- b. Appropriate real estate signs, not exceeding 30" x 30" in size, advertising a particular lot or home for sale may be placed upon said lot.
4. No Dumping; Concealment of Garbage Cans and Trash Areas. No lot shall be used as a dump. Trash areas and, except on pickup days, garbage cans shall be concealed from the view of adjacent properties and roads at all times.
5. Animals, Stock and House Pets. No animals or stock of any kind, other than conventional house pets, shall be kept on any lot, except a lot where livestock is permitted under the terms of the applicable restrictive covenants. No animal or stock shall be allowed to become a nuisance or detriment to the neighborhood.
6. Parking and Storage of Vehicles.<sup>7</sup> (Provided that the following regulation does not conflict with individual CC&Rs attached to other LMC plats.)
- a. Parking: Only operational, currently licensed automobiles, vans and pickup-type trucks (not to exceed one-ton capacity) normally used for personal transportation may be regularly parked on driveways or outdoors on any lot. Exception: As provided in item c below.
  - b. Temporary Parking of RVs and Boats: Temporary parking of RVs, boats, and trailers on private property will be permitted for a cumulative total of 72 hours in any calendar month. Extensions of this time limit may be granted by the general manager on a case-by-case basis.
  - c. Storage: Outdoor parking or storage of recreational vehicles (RVs) (including but not limited to motor homes, travel trailers and fifth wheels), campers (stored or truck-mounted),

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<sup>7</sup> Regulation I, Article I, (6) Amended by the Board of Trustees, July 28, 2011

mobile homes, boats, trailers, commercial vehicles and commercial equipment, or temporary structures is prohibited.

7. No Encroachment. There shall be no encroachment upon reserve areas or easements.
8. Maintenance.<sup>8</sup> Owners of all lots shall maintain the grounds free of trash. Once a home or other structure is built, the owner/occupant shall keep the premises in a neat, clean and attractive condition and in good repair, including painted surfaces, roof, driveway, walkways and yard. In addition, each owner and each occupant shall keep all shrubs, trees, grass and plantings trimmed.

Remediation of damage caused by fire, flood, storm, earthquake, riot, vandalism, encroachment, trees or other causes shall be the responsibility of each owner.

9. Outdoor Burning.<sup>9</sup> The wooded environment of Port Ludlow where an open fire creates a serious hazard necessitates community control of open fires. Outdoor burning is generally discouraged. Burning of yard debris on owner's property is permitted only under the following limited conditions:
  - a. A burn permit must be obtained from the local fire department before burning occurs. All open fires on a member's property shall be in strict compliance with the conditions and guidelines set by the Jefferson County Fire Protection District No. 3, Port Ludlow Fire and Rescue and described in the Residential Burning Permit issued by that agency.
  - b. Only one open fire fueled with wood, brush or yard clippings and limited to four (4) feet in diameter shall be allowed at any time. The burning of garbage is prohibited.
  - c. The burning of lot-clearing debris and construction materials is strictly prohibited. Such debris and material must be removed and disposed of in an appropriate manner. (See Regulation II, Article I, 9 and 10).

The use of charcoal and gas cooking grills on private property is allowed.

10. Landlord Requirements.
  - a. Leases. Any lease or rental agreement between an owner and a tenant shall provide: (1) that the terms of the tenancy shall be subject in all respects to the provisions of the Covenants, Articles of Incorporation and Bylaws of the LMC and any rules and regulations established by the Board of Trustees; and (2) that any failure by the tenant to comply with the terms of such document shall be a default under the lease or rental agreement. All leases and rental agreements shall be in writing.
  - b. Notification. Any owner who leases or rents their property shall notify LMC in

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<sup>8</sup> Revision approved by Board of Trustees, December 19, 2013

<sup>9</sup> Revision approved by Board of Trustees, February 11, 2006

writing of: (1) the name and mailing address of any tenant; and (2) the term of such lease or rental agreement. The purpose of this notification is to provide the tenant with copies of LMC Rules and Regulations.

## **REGULATION I**

### **ARTICLE II**

#### **ENFORCEMENT**

1. Monitoring Compliance. The LMC Operations Committee is responsible for monitoring compliance with Article I of this Regulation.
3. Institution of Enforcement Proceedings. In the event of violation of the terms of these Regulations, any owner of any lot subject to the Restrictive Covenants of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village, and Oak Bay Short Plat of the LMC may institute enforcement proceedings as provided in Regulation V, which by this reference is incorporated in this Regulation.

## **REGULATION II**

### **LAND IMPROVEMENTS**

The following Regulation prescribes the conditions to which Owners of lots in the recorded plats of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat are subject with respect to improvement of their property.

## **REGULATION II**

### **ARTICLE I**

#### **APPROVAL REQUIREMENT**

1. Approval Required.<sup>10</sup> No lot shall be cleared or excavated for construction, nor shall percolation testing holes be dug, until ACC approval is received. All construction on any property, including exterior lighting, is likewise subject to approval as prescribed in this Regulation.
2. Cutting of Trees.<sup>11</sup> No tree of six inches or more breast high diameter shall be cut, topped, or limbed until it has been individually identified to be cut and ACC approval is received, see Regulation II, Article I (3). In determining whether or not to approve an application to cut, top,

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<sup>10</sup> Revision approved by the Board of Trustees, March 3, 2005

<sup>11</sup> Revision approved by the Board of Trustees, Dec. 15, 2007

or limb a tree, consideration shall be given to the following:

- a. Views and sunlight are important to owners and occupants for reasons of enjoyment and property value;
- b. A scattering of tall evergreens is encouraged to enhance the beauty of the neighborhood, as long as views from neighboring lots are not unduly impaired; and
- c. An important function of large trees is absorption of runoff; so trees should not be cut if a drainage problem will be created.
- d. If the ACC has been notified by an affected party that a tree on a developed or undeveloped lot is perceived to be hazardous, the ACC shall then notify the owner of said tree of the complaint by Certified, Return Receipt Request mail. The LMC accepts no responsibility or liability for said tree. For the purposes of this regulation, the following defines a hazardous tree:
  - i. Hazardous Tree: A hazardous tree shall mean a tree that has been certified by a Licensed Registered Washington State Arborist as being dead, or is so affected by a significant structural defect, damage or disease, or soil that may not provide adequate support, that falling or failure appears imminent, and poses a threat to life or property.
  - ii. Hazardous Tree By Location: Tree(s) located in a place where they could cause property damage or personal injury should they fall.

Complaints concerning hazardous trees by location shall only be deemed relevant if the complaint is made by a party living on an adjoining property and thus directly affected by the tree(s) in question.

3. Trees Obstructing Views, Sunlight or Air Circulation on Private Property<sup>12</sup>. Trees and views both provide significant psychological and tangible benefits for property owners and are essential to the character of our Port Ludlow community. However at times owners may come into conflict with each other. This regulation is written in recognition of the importance of scenic resources, views, trees, drainage and sunlight to properties and is intended to provide a fair mechanism for resolving issues relating to trees and views (as defined below) of LMC property owners.

This regulation applies only to those trees that are impeding the view, obstructing sunlight and/or air circulation of another property. A request to remove or alter trees or vegetation on an undeveloped lot can only be made by the owner of that lot.

The ACC recognizes that LMC regulations and rulings are subordinate to the Jefferson County Critical Area Ordinance and the State of Washington Shoreline Management Act and will inform the parties of this fact.

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<sup>12</sup> Revision of entire section approved by the Board of Trustees, April 10, 2010

- a. Exempted Trees. Since the first regulation regarding trees impacting views in LMC was adopted in January of 1984, all trees whose age antedates the 1984 regulation shall be exempted from this regulation. It may be necessary to determine the age of the tree(s) in question by core sampling.
- b. Tree Obstruction. All trees on private property unless exempted must be maintained so they do not unreasonably obstruct the view, sunlight or air circulation from another property. The issue is the maintenance of a view, not the creation of a new and better view. An obstruction can be resolved by windowing, wind thinning, topping to roofline height or complete removal. The exception to this restriction is if the tree(s) are classified as a “living fence” as defined in Regulation II, Article II (16) which must be maintained at a height not to exceed eight (8) feet.
- c. Steps for Obstruction Relief. If agreement is reached in the first two steps below the owner must still apply to ACC to alter a tree if a tree is greater than 6” diameter at breast height.
  - i. The initial step in the process is for the complainant to make all reasonable efforts to find a voluntary solution with their neighbor. Both parties are urged to approach the discussion with rationality, reason and respect.
  - ii. If after exhausting all reasonable approaches as neighbors the obstruction is still unresolved, the complainant is required, with the voluntary concurrence of the tree owner, to seek the services of a mediator such as the Peninsula Dispute Resolution Center.
  - iii. After all reasonable efforts to mediate a resolution of the unreasonable obstruction through the mediator have been exhausted a property owner who desires to take advantage of the provisions of this regulation to resolve the conflict between trees and view, sunlight or air circulation obstructions, shall submit a written description to the ACC stating with particularity the manner in which the view, sunlight or air circulation from her/his property has become unreasonably obstructed by the growth of one or more trees on the other property.
  - iv. Upon receipt of the written description referred to in paragraph iii above, the ACC shall place the matter on the agenda at its next meeting. The ACC will render a decision on the matter within 30 days after that meeting unless that time period needs to be extended for good cause. ACC representatives shall visit the site of the complainant to gain a full and clear understanding of the issue. ACC representatives shall also visit the site of the tree owner to gain an understanding of her/his position on the matter. The decision will be based on, among other things, considerations including, but not limited to the amount of the view, sunlight or air circulation obstructed, drainage issues (soil structure, degree of slope and root system), the extent of the obstruction that existed when the complainant took possession of the property, and if deemed necessary, the opinions of professional consultants or agencies with



applicable experience or oversight (such as arborists, foresters, geotechnical engineers, or the Port Ludlow Drainage District). The ACC shall also determine the appropriate allocation of costs between the complainant and the owner.

- v. If the ACC is unable to reach a conclusion without additional expertise, it shall contact appropriate professional consultants or agencies. The ACC shall determine any costs associated with such consultation, and ask the complainant to deposit with the LMC that amount of money in advance. The complainant may decline to provide the necessary funds, and thereby withdraw and abandon the claim. If the complainant does deposit the funds and the ACC subsequently determines that the entire cost should be borne by the owner, the owner shall be required to replace what the complainant has spent for consulting expenses.
  - vi. Unless it has been determined that the tree owner must pay 100% of the costs, the tree owner shall obtain at least two bids from licensed, bonded and insured tree service companies to have the prescribed work done, and shall present all bids to the complainant within 15 business days after the decision of the ACC becomes final. Within 15 business days after presentation of the bids, the complainant shall deposit with the LMC her/his proportionate share of the amount of the lowest bid. Failure by a complainant to deposit with the LMC the full amount required by the ACC within the 15 business days required shall constitute a withdrawal and abandonment of the claim. The tree owner shall, at her/his sole discretion, choose the company by which she/he wishes the work done and shall order the work done within 30 days after LMC receives the complainant's deposit or such other period of time as the ACC may determine to be reasonable and appropriate. The tree owner shall pay the difference between the amount deposited by the complainant and the bid amount of the company she/he has chosen. The ordered work shall be done by a licensed, bonded and insured tree service under the sole discretion and control of the tree owner. However, nothing in this section shall prohibit the tree owner from doing the work herself/himself.
- d. Pruning. Once a tree or "living fence" has been brought into compliance with regard to these tree height regulations the necessary regular pruning required to maintain the tree height requirements does not need to be expressly approved by the ACC.
  - e. Replacement Trees. In order to maintain an environment where tree removal or tree topping does not negatively affect the drainage issues for the community at large, the ACC may require the replacement of the removed or topped tree(s) with new vegetation. A suggested list of trees is available at the LMC office. Replacement costs shall be shared according to the same allocation as the tree cutting.
  - f. Debris Clean-up. All debris resulting from approved request shall be disposed of within 2 months. Burning of yard debris is permitted only under Regulation I, Article I, 10 and is

subject to Jefferson County and local Fire Department permitting process.

g. Definitions

View. A view of Puget Sound, Hood Canal, Port Ludlow Bay, Cascade Mountains, Olympic Mountains or a distant territorial view.

Fence. A fence shall be any barrier which is naturally grown or constructed. See paragraph 16.

Pruning and Limbing. “Pruning” and “limbing” are general terms for removing selected limbs for a tree in order to provide a relatively unobstructed view through a part of the tree canopy.

Windowing. “Windowing” is a term for the removal of selected limbs to provide a view window through the foliage.

Thinning. “Thinning” implies that selected limbs may be removed to allow a partial or filtered view through the canopy.

Topping. “Topping” implies that the upper trunk may be pruned or removed.

Cutting/Removal. The term “cutting” or “removal” implies that the tree may be cut at or near the base of the tree.

4. Orientation and Location of Structures. The orientation and location of houses and other structures on lots are subject to approval by the ACC.
5. Exterior Remodeling, Rebuilding, Repainting or Re-staining. No building, structure, fence, obstruction or other installation that was originally subject to ACC approval shall have exterior remodeling or rebuilding, without additional ACC approval in advance. The ACC approval shall state the time limit within which the remodeling or rebuilding is to be completed, which may be extended at the discretion of the ACC. Exterior repainting or re-staining must conform with the design considerations set forth in Article II of this Regulation.
6. Antennas: Homeowners are encouraged to use the commercial cable television service to receive television in their homes. Radio and television antennas may be permitted. Objections from adjoining neighbors will be considered.
  - a. The following types of antennas may be installed without, additional ACC approval: multi-beam, long wire, single element whip, and parabolic that is 20" across or smaller. Parabolic antennas exceeding 20" across, fixed tower antennas for ham radios, and all other antennas not described in the preceding sentence require specific ACC approval.
  - b. Homeowners shall adhere to the following criteria for installing antennas: the antenna

shall be within the house or attic or, if outside, it shall be either below the ridgeline of the roof or away from the house and masked by shrubbery, so that its visibility is minimized to the extent possible consistent with technical requirements for adequate reception. Tower antennas for ham radios are also subject to Article II, paragraph 20 and Article III paragraph 11 of this Regulation II.

7. Survey. The ACC shall require permanent property corners for each lot to be determined by a licensed surveyor before granting any required approval of a request for clearing, or for construction of an improvement. The ACC may, in their discretion, waive the necessity for a survey in cases where clearing is limited solely to brush and does not involve construction.
8. Agreements Not Valid. No agreement made by ACC or any member of ACC or any trustee of the LMC with the owner of any lot with respect to improvement of a lot owned by another person, including any matter whatsoever covered by this Regulation II, shall be valid.
9. Contractor. The contractor being used for any work that is subject to ACC approval, shall also be approved by the ACC. The ACC may withhold approval only of a contractor who has or has had a project that is in violation of these Regulations, or the ACC may approve such a contractor on the condition that the contractor provide a bond in a sum satisfactory to the ACC to assure compliance with these Regulations. An ACC decision to withhold approval of a contractor or to require a bond is subject to appeal under Regulation II, Article III, Section 4.
10. Lot Clearing.<sup>13</sup> Forty-eight (48) hours written notice must be received by the ACC prior to removal of any tree six-inches or more breast high diameter or for lot clearing preparatory to construction. All lot clearing debris and construction materials must be removed and shall not be burned on site. For maintenance of developed and undeveloped lots see Regulation I, Article I (8) Maintenance.
11. Burning.<sup>14</sup> All lot clearing debris and construction materials must be removed from the construction site and disposed of in an appropriate manner. It is forbidden to burn any amount of such debris and/or material on site.

## **REGULATION II**

### **ARTICLE II**

#### **DESIGN CONSIDERATIONS**

In order to minimize interference with the enjoyment of nearby lots and establish an improvement use and occupancy of the platted area in a pleasing but not necessarily uniform combination of personal residences and recreational homes, the ACC shall exercise in good faith its discretion to approve or disapprove plans and specifications for improvements, on the basis of the following

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<sup>13</sup> Revision approved by Board of Trustees, February 11, 2006, Dec. 15, 2007

<sup>14</sup> Revision approved by Board of Trustees, February 11, 2006

design considerations.<sup>15</sup>

1. Stories. In general, all houses should be single story except on sloping sites that lend themselves to two stories or daylight basements.
2. Compatibility. All houses and structures shall be as compatible as possible with their natural surroundings and with each other.
3. Height. No part of a proposed structure shall be so high that it unreasonably interferes with the view from other dwellings. The ACC is authorized to limit the maximum height of proposed structures whether or not views will be affected.
4. A-frame houses. A-frame houses generally will not be approved.
5. Modular, Manufactured/Sectional Mobile and Other Pre-constructed Homes. Modular, manufactured, sectional mobile and certain pre-constructed homes will not be approved.
6. Garages and Carports. At least a single carport or garage and connecting access driveway shall be required at each residence. Garages and carports must be connected to residences, except where this is prevented by unusual topography.
7. Minimum Square Footage. The minimum size for a house, excluding garage, shall be a minimum of 1,450 square feet of living area. Design consideration shall include compatibility to the surrounding neighborhood homes.
8. Front Lot Line Setback. The setback of every portion of the structure, including the over-hang of eaves, decks, etc., shall not be less than 20 feet from the front property line. In case of a corner lot, the setback of every portion of the structure, including the over-hang of eaves, decks, etc., shall not be less than 20 feet from the property line on each street.
9. Adjacent Lot Line Setback. The setback of every portion of the structure, including the over-hang of eaves, decks, etc., shall not be less than five feet from the side and back property lines. In the event that both the lot on which the structure is being built and the adjacent lot are owned by the same member, the setback may be reviewed by the ACC to ascertain that there will be no objection from the adjoining owners. If permission is granted to build over the adjoining lot lines, the setback requirement with respect to the inside common lot line may be vacated, and the setback of every portion of the structure, including the over-hang of eaves, decks, etc., shall not be less than 15 feet from the outside side property lines.
10. New Materials. Houses shall be of new construction, using new materials, wood, stone or bricks for exterior finishing. Used bricks may be approved. Asphaltic covering shall not be used as finished exterior siding.
11. Roofs. Roofs shall be made of materials approved by the ACC with a life expectancy of no less than 40 years.

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<sup>15</sup> Article II, Design Considerations : 5, 7, 11, 12, 16, 16 (a) Rev. approved by the Board of Trustees, Mar. 12, 2005

12. Stains and Paints. The use of wood stains in lieu of paints is acceptable. Bright paint exteriors, other than trim or accent panels, will be approved only in unusual situations.
13. Screening of Garbage Cans and Trash Areas. House plans must provide for the screening of garbage cans and trash areas from the view of adjacent properties and roads.
14. Utilities. All utilities shall be underground and power meters mounted on the structure. For the purposes of this section, "utilities" refers to pipes, sewers, conduits, cables, lines, wires and manholes associated with water, sewer, electric, gas, cable television and telephone systems. It does not refer to gas, oil, water or other tanks. All such tanks are structures subject to ACC approval. All power meters shall be mounted on the structure.
15. Exterior Lighting. Exterior lighting shall not be of a type or size that will intrude upon other homes or on streets.
16. Fencing.<sup>16</sup> A fence shall be any barrier which is naturally grown ("Living Fence") or constructed. Fencing is discouraged so as to maintain the open character of North Bay, but may be allowed at the discretion of the ACC on a case-by-case basis. The ACC may permit fences, for example, for containment of children and/or pets. Comments from adjoining property owners will be considered. All adjoining neighbors whose property abuts the requesting party will be notified by the ACC.
  - a. All constructed fencing materials, finishes, designs and placement must be approved by the ACC. Effective March 12, 2005 chain link fencing will not be approved. The LMC is exempt from the prohibition against chain link fencing exclusively for the purposes of safety, security and well-being of the public. Examples include but are not limited to: pools, tennis courts, storage areas and collection ponds.
  - b. Except on lots where livestock is permitted under the terms of the applicable restricted covenants, fence height will be restricted to no more than six (6) feet measured from the original grade. Whenever a fence is placed on top of a retaining wall the height of the fence and the retaining wall together shall not exceed six feet as measured from the original grade. Naturally grown fences shall not exceed eight (8) feet in height as measured from the original grade. Containment fencing may not extend beyond the front of the home; fencing to the street line will not be permitted. The entire front of the home will be open to the street.
  - c. The establishing of fence lines in relation to the adjoining properties is entirely the owner's responsibility.
17. Exterior Ornamentation. Exterior ornamentation of all structures, landscaping, name signs and the like shall be consistent with the character of the neighborhood.

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<sup>16</sup> Revision of entire section approved by the Board of Trustees, April 10, 2010

18. Newly Developed Materials. Any other provision of this Article to the contrary notwithstanding, the ACC may approve the use of newly developed materials.
19. Tower Antennas. Guyed tower antennas are not permitted. Applications for radio or television antennas mounted on fabricated retractable towers, which are usually located apart from the residence, will not be approved unless:
- a. The proposed location is inconspicuous;
  - b. The proposed antenna will retract below the roof ridge line;
  - c. The applicant agrees to maintain the antenna in a fully lowered position when not in use; and
  - d. The applicant accepts responsibility for radio, television and telephone interference, and agrees to correct such problems promptly.
- The ACC will evaluate, both numerically and qualitatively, the responses of owners contacted with respect to the proposed antenna and will consider its effect on other properties, the owners of which have not been contacted, and on the community as a whole.
20. Tanks. All gas, oil, water and other tanks larger than ten gallons that are placed upon a lot forward of the front of the home shall be underground. The ACC may approve the placement of such tanks above ground upon the sides or rear of a lot provided that they are kept from view by screening approved by ACC.

## **REGULATION II**

### **ARTICLE III**

#### **PROCEDURES**

1. Requests for ACC Approval; Identification of Affected Owners.
- a. Requests for any ACC approval required by Regulation II, Article I, are to be directed to:

Architectural Control Committee  
 Ludlow Maintenance Commission, Inc.  
 P.O. Box 65060  
 Port Ludlow, WA 98365

Requests shall be made in writing, by the owner. Requests shall name the contractor that is to do the work described in the request and shall state whether the contractor is properly licensed, registered and bonded and whether there are any claims against the contractor's bond.<sup>17</sup>

- b. The ACC shall give written notification to property owners that are within 300 feet of the

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<sup>17</sup> Revision approved by the Board of Trustees December 10, 2005

proposed construction request. Notice of all requests shall be promptly given by the ACC by posting the same on the Beach Club bulletin board or on the street side of the property with respect to which the request is made. Any owner who considers himself or herself affected by a request and wishes to preserve their right to object to it and the right to appeal an approval of the application by the ACC shall, within 15 days after the notice is given, identify himself or herself in writing to the ACC and file a written statement of any objections that he or she may have at that time. Owners filing an appeal shall receive a written response from the ACC.<sup>18</sup>

2. Consultation, Building Plans and Specifications. Prior to preparation of house plans, owners must consult with the ACC concerning the design considerations and other requirements. Request for ACC approval of building plans shall be accompanied by payment of a non-refundable fee of Five Hundred Dollars (\$500.00) for new construction and a non-refundable fee of Two Hundred Fifty Dollars (\$250.00) for an addition that increases the exterior footprint and/or that increases square-footage by adding a second story. One set of written plans and specifications must accompany the request for approval, including the following:
  - a. A plot plan of the lot, drawn to a scale of not less than 1/8" per 1'0" indicating:
    - (1) The legal description of the lot or lots;
    - (2) A North arrow for orientation;
    - (3) The location of all existing and proposed improvements, including any future carport or garage and driveway;
    - (4) The proposed drainage plans;
    - (5) If the property is not on the sewer, the proposed location of the septic tank and drainfield;
    - (6) The location of all utility installations; and
    - (7) The location of all trees having a breast-high trunk diameter of six inches or more, with an indication of any of them that the owner proposes to remove.<sup>19</sup>
  - b. A floor plan drawn to a scale of not less than 1/8" equals 1'0".
  - c. Four major exterior building elevations with floor grades all measured from the benchmark described in sub-paragraph 2.f. below.
  - d. A roof plan drawn to a scale of not less than 1/8" equals 1'0". (This roof plan and the floor plan required by sub-paragraph 2.b above, may be combined.)

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<sup>18</sup> Revision approved by the Board of Trustees December 10, 2005

<sup>19</sup> Revision approved by the Board of Trustees December 15, 2007

- e. An outline description of the materials and colors proposed for use upon all exterior building surfaces.
  - f. A topographic plat plan showing as contours the existing and proposed finished lot grades and their elevations in feet and inches on a 20' grid, with the roof outline superimposed upon it. The elevations are to be measured from a permanently fixed and identifiable benchmark established on the centerline of an adjoining street.
3. ACC Decision. Within 30 days after submission to the ACC of a request for approval, together with plans and specifications if required, the committee shall in writing approve or disapprove the request. Any decision of the ACC which refuses in whole or part to give the approval requested shall state all reasons for the refusal to approve the proposed work. Any decision of the ACC which denies in whole or in part an objection to a request shall state all reasons for the denial of the objection. The committee's decision shall be delivered in person to the owner requesting the approval or deposited in the U.S. Mail addressed to that owner's address shown on the request for the approval, or if none, as shown on the records of the LMC. If any owner has identified himself or herself as affected by the request, the committee's decision shall likewise be delivered to that owner.
4. Appeal of ACC Decision. An owner who has filed a request or who has identified himself or herself as a party affected by a request may, by complying with subparagraph [a] below, appeal to the Board of Trustees of the LMC any decision of the ACC.
- a. An appeal may only be taken within 30 days after the date on which notice of the ACC decision is delivered to the owner or affected party. The appeal must be in writing and must state all reasons relied upon for reversing or modifying the ACC decision. The appeal must be delivered in person or deposited in the U.S. Mail addressed to the President or Secretary of the LMC.
  - b. The LMC shall meet and act upon the appeal within 60 days after delivery of the appeal to the LMC. The LMC shall notify the owner who filed the request, any other owner who identified himself or herself as affected by the request, and the ACC of the place and time the LMC meeting will be held.
  - c. The LMC may at the beginning of the meeting set such procedural rules for the meeting as the LMC finds appropriate. If the appeal is based in whole or in part on objections or other matters not presented to the ACC, the LMC may refer the decision back to the ACC for reconsideration. The owner(s) or affected parties or representative(s) of the owner(s) or affected parties may present factual and legal reasons why the ACC's decision should be reversed or modified. The ACC or its representative may respond.
  - d. The LMC may retain the services of one or more experts or other persons that it finds appropriate to assist it in disposing of the appeal under such terms and conditions as it decides.



- e. The final decision of the LMC to affirm, reverse or modify the ACC's decision shall be in writing. A copy of the LMC's decision shall be delivered in person to the parties involved or deposited in the U.S. Mail addressed to their addresses shown on the records of the LMC. If the LMC reverses or modifies the ACC's decision, the ACC shall immediately meet and take such action as is necessary to comply fully with the action directed by the LMC's decision as is necessary to comply fully with the action directed by the LMC's decision.<sup>20</sup>
5. Commencement of Construction. Construction shall not be begun on any portion of a project until:
    - a. The owner has received ACC approval;
    - b. The owner, or someone to whom the owner has delegated full authority with respect to the construction, and the contractor have had a pre-construction meeting with the ACC;
    - c. The 30-day period within which an appeal may be taken has expired without the filing of an appeal, or the right to all affected parties to appeal has been waived, or if an appeal was filed, the LMC has met and acted upon it, or the 60-day period for the LMC to do so has expired; and
    - d. The owner has delivered to the ACC a copy of the Building Permit and a file copy of the building plans bearing the statement: "Plans as submitted for Jefferson County Building Permit" and the signature of the owner and the owner's contractor.

Should construction not commence within six months of ACC approval, the applicant may apply for a six-month extension. If construction has not begun by the end of the extension (12-months total), the original application expires, and the applicant must submit a new application, except for the non-refundable Five Hundred Dollars (\$500.00) for new construction and Two Hundred Fifty Dollars (\$250.00) for additions that increase the exterior footprint and/or increases square-footage by adding a second story, which shall apply to the subsequent process.<sup>21</sup>

6. Commitment to Construct in Accordance with Approved Plans and Specifications. The owner will be required at the time of approval of plans and specification to sign a statement that the structure will be constructed in accordance with the approved plans and specifications. No changes in the exterior of the building, or its sitting as described in the plans, may be made without prior approval of the ACC.
7. Filing of Approved Plans. One set of approved final plans and specifications, together with all relevant correspondence, will be filed by the ACC for reference for a period of not less than six years.
8. Foundation Forms. The owner or builder will in writing notify the ACC at the time foundation forms are in place ready for pouring, so that their location with respect to the approved plot plan and approved grades may be verified. Owners will be responsible for staking property

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<sup>20</sup> Revision approved by the Board of Trustees May 14, 2005

<sup>21</sup> Revision approved by the Board of Trustees October 11, 2004

corners and furnishing an adequate survey of the property which establishes lot boundaries. If the ACC determines that the compliance of the location or grades of the foundation forms with the approved plot plan and approved grades needs to be verified, the committee shall notify the owner or builder to obtain verification from an engineer designated by the committee. The owner or builder will bear the cost of the verification.

9. Continuous Progress and Exterior Completion. Progress on construction shall be continuous. The exterior and the driveway, pathway and other approaches shall be completed within 12 months after the start of construction.
10. Roofing Materials.<sup>22</sup> The owner or builder will notify the ACC at the time that roofing materials are on the site and ready for installation, so that the ACC can inspect them and verify their compliance with the application. The ACC shall perform such verification within one week of receipt of notification. The owner or builder shall not install the roofing until ACC verification has been received or until one week has passed without ACC inspection.
11. Disapproval. If the ACC refuses in whole or part to give the requested approval, the project shall not be undertaken, or if undertaken in violation of this Regulation, may be abated by arbitration or legal proceedings.
12. Tower Antennas. The ACC will promptly contact owners who may be affected by a proposed tower antenna to inform them of the proposed structure and to learn their reaction to it. The ACC will promptly notify the applicant and all respondents of its decision with respect to the proposed antenna. The applicant shall have the rights of appeal set forth in paragraph (10) above. Any respondent who has objected to the application may, by following the procedures stated in paragraph (10) above, appeal to the Board of Trustees of the LMC any decision of the ACC which approves in whole or in part the proposed antenna. If a respondent has objected to an application, a decision of the ACC approving in whole or in part the proposed antenna will not take effect until 60 days after the objecting respondent has been notified of the decision. If within the 60 days the objecting respondent appeals the decision of the ACC to the Board of Trustees of the LMC, the decision of the ACC shall not take effect until the appeal has been decided.
13. Percolation Testing. Before starting to dig percolation test holes, owners must provide the ACC with a plot plan of the lot, drawn to a scale of not less than 1/8" per 1'0", indicating exactly where the percolation test holes will be dug, together with a Five Hundred Dollar (\$500.00) deposit to cover the cost of covering up the holes. If the ACC is not required to expend the deposit to cover up the holes, the deposit shall be returned to the owners.
14. Construction Standards:<sup>23</sup>
  - (a) Reserve/Greenbelt Property: The property owner, contractor or any other person associated with construction is prohibited from damaging the reserve/greenbelt property during construction, or use of any portion of the reserve/greenbelt property for storage or other

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<sup>22</sup> Revision approved by the Board of Trustees March 22, 2012

<sup>23</sup> Construction Standards approved by the Board of Trustees, July 9, 2005

activities relating to construction. Roadways and adjoining lots shall be kept clean and free of debris arising from construction activities.

- (b) The Construction Site: Owners, contractors and others, shall keep a clean construction site. All construction debris, lumber remnants and scrap materials shall be removed from the site after each phase of work. In lieu of removal from the site, the ACC may allow the use of a dumpster on the site. If allowed, the dumpster will be emptied on a regular schedule so as not to constitute a danger or an eyesore. Chemical toilets shall be placed on the construction lot, not in the street or on adjacent properties.
- (c) Noise Control: <sup>24</sup>Contractors, owners and others, shall restrict all noise-producing construction activities to the hours of 8:00 a.m. to 6:00 p.m. No trailer-mounted air compressor or electrical generator set shall be operated except by utility companies in emergency situations such as storm-related power outages. Electrical power generation or air compression equipment driven by internal combustion shall be used only as follows:
  - i. Small electrical generators (up to 10,000-watt capacity) are permitted for household use only during power outages.
  - ii. Hand-carried portable compressors are permitted for nail gun, stapler, or painting purposes. (See: Regulation I, Article I (3)(ii).)

From time to time utility and drainage easements will be approved (see Typical Restrictive Covenants (5) and Regulation I, Article I (7)). Such requests must be submitted to the appropriate authority for approval.

## **REGULATION II**

### **ARTICLE IV**

#### **ENFORCEMENT**

1. Monitoring Compliance. The ACC is responsible for monitoring compliance with Article II of this Regulation.
2. Institution of Enforcement Proceedings. In the event of violation of the terms of these Regulations, any owner of any lot subject to the Restrictive Covenants of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat or the Ludlow Maintenance Commission may institute enforcement proceedings as provided in Regulation V, which by this reference is incorporated herein.
3. Prior Actions. Any prior actions under previous Regulations do not set a precedent.

## **REGULATION III**

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<sup>24</sup> Revision Approved by the Board of Trustees, Oct. 14, 2006

## **GREENBELT**

The following Regulation governs the administration of the "Greenbelt" areas, which are designated as Reserve Areas and Drainage Areas on the recorded plats of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat, and are not on properties owned by owners.

### **REGULATION III**

#### **ARTICLE I**

##### **POLICY**

1. Management of Greenbelt Areas. The Greenbelt Committee shall manage all of the greenbelt areas in the recorded plats of Port Ludlow Nos. 1, 2, 3, 4, 5, 6, 7, Ludlow Bay Village and Oak Bay Short Plat.
2. Goals and Intentions. The goal of the Greenbelt Committee is to create a suitable blend of native growth areas. Acting in concert with owners and occupants immediately affected, the Greenbelt Committee will maintain the greenbelt areas, consistent with its goal, to the extent possible with the resources available. To that end, the Greenbelt Committee will clear and clean up greenbelt areas, and individual owners and occupants are encouraged to further improve the greenbelt areas adjacent to their lots, subject to approval of the Greenbelt Committee.
3. Liaison with Jefferson County. The Greenbelt Committee shall maintain liaison with the Jefferson County Maintenance Department to assure proper county attention to Port Ludlow problems, other than road or drainage, that are within the scope of county provided maintenance.

### **REGULATION III**

#### **ARTICLE II**

##### **GENERAL PROCEDURES**

1. Management Plan. The Greenbelt Committee shall keep current a Greenbelt Plan for progressive greenbelt and drainage easement maintenance. The Greenbelt Committee shall annually present the Greenbelt Plan to the LMC with a request for the budget needed to carry out the Greenbelt Plan. The budget request shall include one or more provisions for a contingency fund, for the displacement of low priority maintenance projects, or both, in order to enable the Greenbelt Committee to perform emergency maintenance. The LMC shall review the Greenbelt Plan and provide to the Greenbelt Committee a time-phased budget that will enable the Greenbelt Committee to carry out the Greenbelt Plan, as approved by the LMC.

2. Approval Required. The Greenbelt Committee shall not undertake without the approval of the LMC any project for the development or maintenance of the greenbelt areas or drainage easements that will cause the Greenbelt Committee to exceed materially its budget then in effect. The Greenbelt Committee shall present to the LMC for approval proposals for all such projects. Where practical, the proposals shall include cost bids. LMC approval shall be obtained before work on the project is contracted for or started.
3. Contact with Affected Owners. With respect to all maintenance, development and improvements exceeding \$500, or leasing or relinquishment of greenbelt area, whether or not included in the Greenbelt Plan, the Greenbelt Committee shall contact all property owners within 300 feet for notification of the pending action to be taken by the Greenbelt Committee.
4. Priority. In preparing and carrying out its Greenbelt Plan, the Greenbelt Committee shall give first priority to emergency maintenance and the removal of hazards, including dead trees and snags. The priority given to all other work shall be at the sole discretion of the Greenbelt Committee. In exercising its discretion, the Greenbelt Committee may, but is not required to, give priority to those projects with respect to which adjoining lot owners will agree to participate substantially in the work or expense of the project, or will agree to maintain a newly planted area.

### **REGULATION III**

#### **ARTICLE III**

##### **WORK ON, USE OF AND INFRINGEMENT ON GREENBELT AREAS**

1. Scope of Application of Restrictions. All constraints and restrictions upon work on, use of, and infringement on greenbelt areas shall apply equally to owners, occupants and owners' contractors building improvements on owners' lots.
2. Prohibited Activities. Dumping of trash, building debris, stumps, logs and rocks on greenbelt areas or drainage easements is prohibited. Any other work on, use of, or infringement on greenbelt areas or drainage easements that tends to damage or destroy them or that is for any illegal purpose is also prohibited.
3. Approval Required. Except for pruning and limbing trees and other vegetation expressly permitted under the terms of the applicable restrictive covenants to enhance and preserve lot views of mountains and water protected by a view easement, no lot owner shall work on, use or infringe on greenbelt areas without the approval of the Greenbelt Committee.
4. Request for Approval. Requests by owners for approval of work on, use of, or infringement upon greenbelt areas shall be presented in writing to the Greenbelt Committee. The request shall include a full waiver of adverse property rights.
5. Considerations. The Greenbelt Committee shall exercise in good faith its discretion to approve

or disapprove requests by owners for approval of work on, use of, or infringement upon greenbelt areas on the basis of the following considerations, among others:

- a. Permanent structures or facilities generally will not be allowed;
  - b. Suitable plantings, tree trimming or removal, and vine or brush removal will generally be allowed;
  - c. Clean-up may be required as a condition of approval;
  - d. When greenbelt restoration and maintenance are necessary, a deposit, amount to be determined by the Greenbelt Committee, may be required. The deposit shall be held by the LMC and refunded upon completion of the project. If replanting is anticipated, a percentage of the deposit shall be retained until the Greenbelt Committee ascertains that plantings are well established and the project has been completed.<sup>25</sup>
  - e. Trees taken down in a greenbelt area are the property of the Ludlow Maintenance Commission.<sup>26</sup>
6. Communication of Decision. The approval or disapproval by the Greenbelt Committee of a request by an owner for approval of work on, use of, or infringement upon a greenbelt area shall be delivered in writing to the owner making the request.

### **REGULATION III**

#### **ARTICLE IV**

#### **ENFORCEMENT**

1. Monitoring Compliance. The Greenbelt Committee is responsible for monitoring compliance with Article III of this Regulation.
2. Institution of Enforcement Proceedings. In the event of violation of the terms of this Regulation, the Ludlow Maintenance Commission may institute enforcement proceedings as provided in Regulation V, which by this reference is incorporated herein.

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<sup>25</sup> Revision approved by the Board of Trustees, September 23, 2010

<sup>26</sup> Revision approved by the Board of Trustees, July 10, 2010

## REGULATION IV

### LMC FACILITIES<sup>27</sup>

The following Regulation controls the use of the Beach Club and other facilities owned by the Ludlow Maintenance Commission, Inc. (LMC), and prescribes the conditions under which membership cards are issued and the conditions and limitations upon guest cards and guest privileges in connection with the use of such facilities.

## REGULATION IV<sup>28</sup>

### ARTICLE I

#### DEFINITIONS

1. Member: "Member" refers to "Owner-Member, Contract Member and Long-Term Renters."
2. Owner-Member: An "Owner-Member" is an owner as described in the Bylaws of the Ludlow Maintenance Commission and is entitled to an owner-membership card pursuant to Article 3, Paragraph 1 hereof.
3. Member In Good Standing: A "Member In Good Standing" is:
  - a. A member who has paid all club payments, charges, fees, assessments, and late fees in compliance with the Covenants, Articles of Incorporation, Bylaws, and Regulations of the LMC;
  - b. A member who is in compliance with the Covenants, Articles of Incorporation, Bylaws and Regulations of the Ludlow Maintenance Commission, Inc.
4. Contract Members: Upon payment of an annual fee the following may become LMC Contract Members:
  - a. Owners of lots or condominium units within the boundaries of the Master Planned Resort (MPR) of Port Ludlow not covered by the Articles of Incorporation of the LMC;
  - b. Property owners on Ludlow Bay Road and streets adjoining Ludlow Bay Road.

Although not Owner-Members, Contract Members are entitled to the use of LMC facilities. Contract Members are not entitled to vote.

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<sup>27</sup> Revision of Regulation IV approved by the Board of Trustees, August 13, 2005

<sup>28</sup> Revision and renumbering of Regulation IV approved by the Board of Trustees, April 14, 2007

5. Long-Term Renters: "Long-Term Renters" are long-term (30 days or more) tenants or lessees of the houses or condominiums that are owned by members and upon which their right to membership is based. Upon approval by the General Manager and on payment of the applicable fee, Long-Term Renters are entitled to enjoy the facilities under the same provisions as Contract Members.<sup>29</sup>
6. Short-Term Renter (less than 30 days): In the event that LMC enters into an agreement that provides access to club facilities with a rental agent or owner-members of approved short-term rental properties, persons renting such properties shall be referred to as "Short-Term Renters."

Upon approval by the General Manager and payment of the applicable fee, Short-Term Renters shall be entitled to enjoy the facilities subject to the club rules and to all pertinent conditions in this Regulation.<sup>30</sup>

7. Invited Guests: The term "invited guests" refers to:
  - a. Houseguests of members who are issued a guest card for a defined period of time; and
  - b. Guests accompanied by a member.

Invited Guests acquire the privilege of using the facilities through invitation by members and are subject to the Facility Rules.

8. Facilities: The "Facilities" covered by this Regulation are all amenities owned or supervised by the LMC. They include, but are not limited to, the Beach Club (including the pool areas and dressing and shower facilities), the Bridge Deck, Kehele Park, all tennis, pickle-ball and squash courts, all parking areas, RV storage area, all common area grounds including beach areas, and all equipment and accessories.
9. Facility Rules: "Facility Rules" are approved by the LMC Board of Trustees, to regulate the use of the facilities for their specific management, in addition to the conditions stated in this Regulation (see Regulation IV, Article V).<sup>31</sup>

## **REGULATION IV**

### **ARTICLE II**

#### **GENERAL**

1. Management of the Facilities. The LMC Operations Committee shall oversee the management of the facilities in accordance with the Bylaws of the Ludlow Maintenance Commission, Inc., Article V, Section 1 (c).
2. Use of the Facilities. The facilities may be used only by members and their families to whom

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<sup>29</sup> Revision of Regulation IV, Art. I, (5) approved by the Board of Trustees, March 13, 2010

<sup>30</sup> Revision of Regulation IV, Art. I, (6) approved by the Board of Trustees, March 13, 2010

<sup>31</sup> Revision of Regulation IV, Art. I, (9) approved by the Board of Trustees, March 13, 2010



Family Membership Cards are issued (described in Article III below), Invited Guests, and Short-Term Renter Guests. All persons using the facilities or on the facility premises are subject to this Regulation and to the facility rules. A parent or responsible adult member will accompany and supervise underage children in accordance with posted rules. Members not in good standing may be denied use of the facilities.

3. Suspension. Members using the facilities are responsible for their behavior, the behavior of their guests and juveniles under their control. Members not in good standing may be suspended from use of the facilities. The right of any person to use the facilities is subject to immediate, temporary or permanent suspension for:
  - a. Abusive language;
  - b. Obscene, illegal, drunken or destructive behavior; or
  - c. Violation of Facility Rules;while using the facilities or on the premises.
4. Check-in. All persons using the Beach Club shall sign in with the hostess on duty.
5. Identification. Valid identification as a member or as a guest is necessary for admittance to and use of the facilities other than meeting rooms. All persons using the facilities must have on their person a Membership Card or Guest Card. The card must be presented to the hostess on duty. The hostess on duty and other authorized personnel have the authority to question at any time the right of any person to use the facilities or to be on the premises.
6. Lending Cards Prohibited. Neither members nor guests may lend their Membership Card or Guest Card to other persons or otherwise allow the use of the facilities in their name.
7. Lending Keys Prohibited: Keys to Kehele Park Tennis Courts are issued to members in good standing. Keys shall not be issued or loaned to guests or non members. Keys are numbered and are not transferable nor shall they be duplicated. Violation of this rule shall result in forfeiture of the key. Lost keys shall be immediately reported to the Beach Club staff. Keys to other facilities are subject to other LMC policies.<sup>32</sup>
8. Group Use. Use of any portion of the facilities for specific private or group activity involving a greater number of persons than permitted under facility rules must be cleared and scheduled in advance with LMC management. Guest card privileges exclude group use.
9. Personnel. All concerns and questions regarding any employee with respect to performance of duties, courtesy, or authority to enforce facility rules shall be directed to the General Manager in writing using the appropriate form available at the Beach Club office.
10. Tipping Prohibited. Tipping any employee is prohibited.

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<sup>32</sup> Approved by the Board of Trustees at a Regular Meeting April 14, 2007

## REGULATION IV

### ARTICLE III

#### MEMBERSHIP CARDS

1. Entitlement. Except as provided in this Article, members are entitled to not more than two membership cards. Membership cards will be issued only for use by a member, for use by a person designated pursuant to paragraph 3 below, and for use by another adult living with the member. The General Manager will issue to Contract-Members and Long-Term Renters special membership cards in the same manner as to Owner-Members. Membership cards will be issued upon request provided the member has paid all prior and current assessments, fees and/or other obligations that the member owes to LMC, and is otherwise a member in good standing.
2. Term. Membership cards will be issued annually for a term from January 1 through December 31 of the current year. Expired cards are valid through February 1 of the year following the year of issue.
3. Joint, Multiple or Corporate Membership. If membership is joint, multiple or corporate, the member must designate the one person to whom the membership card will be issued. The request for the designation will be made with the billing for the annual LMC assessment and the card will be issued upon return of the designation. The one person designated to receive the membership card will be considered eligible for family membership as described in 4 below.
4. Family Membership:
  - a. a member,
  - b. family members living in the same household,

will be issued family membership cards as a courtesy on an annual basis for the same term as the Membership Card. Holders of a family membership card collectively shall be granted the same access privileges to LMC facilities as members.<sup>33</sup> These cards will be issued separately to each qualified family member upon the written request of the member to the General Manager. In the case of a minor child, the request for such cards shall contain the name and age of the child and the name of the parent for whom each card is requested. Members are responsible for the actions and conduct of the family members and any guests accompanying the family members while using the facilities.

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<sup>33</sup> Revision of paragraph 4, approved by the Board of Trustees, November 14, 2009

5. Long-Term Renters: The Long-Term Renters (referred to in this paragraph as the “renter”) will be issued Membership Cards upon approval by the General Manager of the renter’s application and payment of the current applicable fee for member privileges. The term of the special card will be the same as the term of the renter’s lease or tenancy, but not longer than the end of the calendar year, and the renter’s fee will be prorated accordingly. If the term of the renter’s lease or tenancy extends beyond the end of the calendar year, the renter may reapply for member privileges. The renter’s fee for renewal will be the applicable fee for the member privileges for a full year, but the renter will be entitled to a prorated refund at the end of the renter’s lease or tenancy, if it expires before the end of the calendar year.

## **REGULATION IV**

### **ARTICLE IV<sup>34</sup>**

#### **GUEST PRIVILEGES AND GUEST CARDS**

1. **Invited Guests.** Members and/or family members holding family membership cards may invite a total of five (5) guests, collectively, at any one time. A member must accompany invited guests not in possession of a guest card. Members assume responsibility for the actions of their guests while using the facilities.
2. **Guest Cards.** At the discretion of the General Manager, or his or her designee, guest cards may be issued for a defined period of time to houseguests who would like to use the LMC facilities when not accompanied by a member. The appropriate request form shall be completed by the requesting member and submitted to Beach Club staff for consideration. Guest cardholders are subject to all facility rules and regulations. Guest cardholders do not have the privilege of bringing other guests.
3. **Large Groups.** The issuance of guest cards or the granting of guest privileges may not be used to permit organizations or large groups of individuals to use the facilities at any one time. Specific clearance for such group use of the facilities must be scheduled in advance with the General Manager. Large groups will not be issued guest cards.
4. **Realtors.** Real estate sales personnel will be admitted with their prospective purchasers for the purpose of showing the facilities.

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<sup>34</sup> Revision of Article IV approved by the Board of Trustees, August 15, 2013

## REGULATION IV

### ARTICLE V<sup>35</sup>

#### FACILITY RULES

##### 1. General LMC Facility Rules

- a. All members and guests must sign in at the reception desk upon entering the Beach Club.
- b. Beach Club management and staff have the authority and responsibility for the safe and orderly operation of the facility. Usage of the LMC facilities may be denied to anyone who does not comply with existing rules or fails to obey the direction of LMC staff on duty.
- c. Serious and repeated infractions of the rules and regulations will be reported to the LMC General Manager for appropriate action.
- d. No smoking is permitted anywhere in the Beach Club facility.
- e. Anyone appearing to be under the influence of alcohol or drugs will be denied access to LMC facilities. (Washington Administrative Code 246-260)
- f. Any matter requiring immediate action should be brought to the attention of the LMC manager, or in his or her absence, the staff member on duty. Member comment and request forms are available at the Beach Club office.
- g. Any injury that occurs on LMC premises should be reported immediately to the staff member on duty. A first aid kit and telephone are located in the Beach Club office.

##### 2. Rules For All Pools & Spa

- a. Lifeguards are not used at LMC pool facilities. Swimmers using LMC facilities do so at their own risk. Life rings and poles are readily available poolside for emergencies. The “buddy system” is strongly encouraged for all users. The “buddy system” is defined as two or more swimmers who look out for each other while using the pool and spa facilities. “Buddies” must remain in visual and verbal proximity to each other at all times.
- b. Children under 16 must be accompanied by a responsible adult, age 18 or older. All children under 16 must be actively supervised and remain in visual and verbal proximity with their supervising adult. Individuals age 16 and 17 are required to use the “buddy system” as defined in 2a. above.
- c. Anyone with medical conditions such as seizures, heart or circulatory system disorders should not swim alone. (Washington Administrative Code 246-260)

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<sup>35</sup> Regulation IV, Article V was approved by the Board of Trustees, March 13, 2010

- d. All pool/spa users must have a cleansing shower prior to entering the pools and spa. (Washington Administrative Code 246-260)
- e. Running, diving and horseplay are not permitted in the pools and surrounding pool decks. (Washington Administrative Code 246-260)
- f. Anyone with a communicable disease, who has been ill with vomiting or diarrhea within the last two weeks (Washington Administrative Code 246-260), or who exhibits symptoms of cold/flu, inflammation or infection, will not be permitted to enter the pools.
- g. Food and drink may only be consumed on the wooden deck area of the outdoor pool. Only plastic water containers are permitted on the surrounding pool decks.
- h. Use of toys, equipment and balls that may disrupt other users are subject to approval of LMC management or staff member on duty.
- i. Anyone entering the pools must wear appropriate swimwear. Clothing such as cut-offs, jean shorts, thongs or leotards are not acceptable in the pools.
- j. Anyone entering the pools in diapers must wear protective covering (“swim diapers”) to prevent contamination. Diapers must be changed at designated diaper changing stations located in the locker rooms. (Washington Administrative Code 246-260)
- k. Use of radios and tape/CD players is permitted with earphones only. LMC management may make exceptions to this rule for scheduled events or activities.

### **3. Additional Hot Tub/Spa Rules**

- a. Children under the age of six (6) are not permitted to use the spa pool. (Washington Administrative Code 246-260)
- b. Persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before using the spa pool. (Washington Administrative Code 246-260)
- c. Women who are or might be pregnant should seek a physician’s advice before using the spa pool. (Washington Administrative Code 246-260)
- d. Users are asked to limit their stay in the spa pool to a maximum of fifteen minutes at any one session. (Washington Administrative Code 246-260)
- e. The maximum capacity allowed in the spa pool is ten (10) individuals.

### **4. Tennis Court Rules**

- a. Non marking court shoes are required.
- b. No food or beverages allowed in the court area. Plastic water containers are permitted.
- c. Roller blades, skate boards, bikes or pets are not allowed on tennis courts.
- d. Kehele Park courts must be locked when not in use. Keys are available at the Beach Club.

**5. Exercise Room Equipment Rules**

- a. Members and guests using the LMC exercise equipment must change into clean designated workout shoes.
- b. No street shoes, bare feet or sandals are allowed on the exercise equipment.
- c. Individuals 12 through 16 years of age must be under direct supervision by a responsible adult, age 18 or older, when using the exercise equipment. Children under 12 years of age are not permitted to use the exercise equipment.
- d. Equipment users are required to use provided disinfectant wipes after each use to clean the equipment.
- e. When other users are waiting to use a piece of equipment limit usage to 30 minutes.

**REGULATION IV**

**ARTICLE VI<sup>36</sup>**

**ENFORCEMENT**

- 1. Monitoring Compliance. The LMC Operations committee is responsible for monitoring compliance with Article IV of this Regulation.
- 2. Institution of Enforcement Proceedings. In the event of violation of the terms of this Regulation, the LMC may institute enforcement proceedings as provided in Regulation V, which by this reference is incorporated herein.

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<sup>36</sup> Renumbering of Regulation IV, Article VI approved by the Board of Trustees, March 13, 2010

## REGULATION V<sup>37</sup>

### APPEALS AND ENFORCEMENT

#### ARTICLE I

Three standing committees of the LMC, known as Regulatory Committees, are as follows:

1. The LMC Operations Committee: The Operations Committee (OC) monitors compliance with Regulation I concerning land use, and Regulation IV concerning the use of the Beach Club and other facilities owned by LMC.
2. The Architectural Control Committee: The Architectural Control Committee (ACC) regulates provisions in Regulation II pertaining to land improvements.
3. The Greenbelt Committee: The Greenbelt Committee (GBC) carries out the provisions of Regulation III pertaining to designated reserve areas, referred to as greenbelt.

#### ARTICLE II<sup>38</sup>

##### APPEALS

1. Appeals of Affected Parties.

- a. A member who identifies him/herself as a party adversely affected by a decision of a committee and having exhausted efforts for corrective action through the appropriate committee may appeal that decision to the LMC Board of Trustees; that member shall be referred to herein as the Appellant.

A member who identifies him/herself as a party positively affected by a committee decision and who wishes to support the committee decision during the appeal process shall be referred to herein as the Respondent.

- b. A member who identifies him/herself as adversely affected by a perceived violation of the LMC Regulations and having exhausted efforts for corrective action through the appropriate committee may appeal to the LMC Board of Trustees; that member shall be referred to herein as the Appellant.

A member who identifies him/herself as a party disputing the perceived violation of the LMC Regulations and who wishes to refute the alleged violation during the appeal process shall be referred to herein as the Respondent.

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<sup>37</sup> Article I was rewritten and approved by the Board of Trustees on March 22, 2012

<sup>38</sup> Article II was rewritten and approved by the Board of Trustees on May 15, 2014

2. Notice of Appeal.

- a. The Notice of Appeal shall include:
  - i. a copy of the committee decision letter;
  - ii. description of the perceived violation, condition or decision; and
  - iii. description of the negative impact of the perceived violation, condition or decision on the Appellant.
- b. The Notice of Appeal shall be sent to the LMC Board of Trustees by one of the following means:
  - i. The Notice of Appeal shall be signed and filed in writing and delivered in person or deposited in the U.S. Mail addressed to the LMC Board of Trustees in care of the General Manager at the Beach Club, P. O. Box 65060, Port Ludlow WA 98365, within 30 calendar days after the date of the committee decision letter.
  - ii. Facsimile or electronic transmission of the signed original document shall be the same as delivery of an original.

3. LMC Response upon Notice of Appeal.

- a. The General Manager shall send written notification to the board, the committee chair and any Respondent who had been sent a committee decision letter that a Notice of Appeal has been filed. The Respondent, within ten days of the date of notification, shall declare in writing to the General Manager intent to participate in the Appeal Hearing.
- b. After receipt of the Notice of Appeal, the Notice shall be included on the agenda of the next regularly scheduled meeting of the LMC Board of Trustees. The board shall render a final decision within 45 calendar days after the Appeal is read into the minutes of that meeting.
- c. Future actions resulting from the committee decision shall be stayed until the disposition of the Appeal unless the board permits an exception.

4. Scheduling the Appeal. The LMC General Manager in consultation with the board shall arrange a mutually agreeable time for the Appeal Hearing. A letter shall be sent to the Appellant and Respondent by First Class U.S. Mail, and a duplicate sent Certified, Return Receipt Requested stating the date, time and place of the hearing. A copy of the letter shall also be sent by First Class U.S. Mail or hand-delivered to the committee chair. Each mailing shall include a copy of the procedural rules for the Appeal Hearing.



5. Preparing for the Appeal.

- a. For the trustees to have reasonable time to prepare for the Appeal Hearing, supporting documentation from the Appellant, the Respondent and the committee shall be delivered to the Beach Club office at least five business days prior to the date of the hearing.
- b. Supporting documents shall include photographs and any other factual materials related to the Appeal that will assist the board in making a determination. Documentation on which the committee decision was based, shall be the only items considered during the Appeal Hearing.

6. Procedural Rules at the Appeal Hearing.

- a. At the beginning of the Appeal Hearing, the presiding officer shall set procedural rules.
- b. Any trustee who participated in a committee decision that is under appeal should recuse him/herself from the deliberation and decision of the board.
- c. The Appeal Hearing is divided into the following three parts:
  - i. an open meeting during which the Appellant, Respondent and the committee chair or committee representative present their cases and documentation;
  - ii. a closed executive session during which the trustees deliberate; and
  - iii. an open meeting in which the eligible trustees vote and announce the decision with supporting rationale.

7. The Ruling.

- a. The final decision of the LMC Board of Trustees to affirm, reverse or modify the committee's decision shall be in writing and shall include a rationale.
- b. A copy of the decision with rationale shall be delivered in person to the Appellant and Respondent or deposited in the U.S. Mail, sent Certified, Return Receipt Requested, addressed to them at their respective addresses as shown on the record of the LMC, and a copy shall be given to the committee chair. Minutes of the Appeal Hearing shall be posted on the Beach Club bulletin board and on the LMC website.

**ARTICLE III**

**ENFORCEMENT<sup>39</sup>**

1. Enforcement Procedures: If the committee reports an unresolved violation to the LMC, and no

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<sup>39</sup> Revision approved by the Board of Trustees, Jan. 19, 2008

appeal is taken within the time allowed, or if an appeal is taken and the decision of the committee is affirmed, in whole or in part, the LMC shall determine whether (i) to make a further demand for compliance, or (ii) to impose sanctions itself, or (iii) to start enforcement proceedings as provided in Paragraph 2 below. Sanctions that the LMC itself may impose include, with limitations:

- a. Loss of privilege to use LMC facilities.
  - b. Loss of other rights and privileges permitted by these regulations.
2. Institution of Judicial Proceedings: Each owner and the LMC have a proper interest in the matters provided for in the Regulations of the LMC. All such matters are specifically enforceable. In the event of violation of the terms of any Regulation of the LMC, any owner or the LMC may, if the Regulations so permits, institute proceedings in any court having jurisdiction of the property subject to the Regulation violated for abatement or injunction or to compel correction or to recover reasonable attorney fees, as determined by the court. Proceedings for abatement may include actions to compel removal, replacement or other revision of any condition that is in violation of the terms of any Regulation.