



# INDIGO RUN

## Rules and Regulations

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INDIGO RUN

Rules, Regulations & Enforcement

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## I. Preface

These Indigo Run Community Owners Association, Inc. (“IRCOA”) Rules and Regulations (“Rules”) are promulgated pursuant to Article XII of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of the Indigo Run Community Owners Association, Inc. (the “Restated Declaration”). Except where expressly excluded by the Covenants, these Rules are applicable to all Owners, residents, lessees, guests, invitees, and contractors. In addition, the Owners, residents and lessees at all times are responsible for their guests, invitees, and contractors complying with these Rules. Further, wherever these Rules refer to other Rules or Guidelines of IRCOA, including the Architectural Review Board (“ARB”) Architectural Design Guidelines, such Rules and Guidelines shall be deemed to be part of these Rules as if fully stated herein. In the event any part of these Rules is deemed to be illegal or inconsistent with the Restated Declaration, only such part shall be rendered invalid and all other portions or sections shall continue in full force and effect.

Please be advised that under Article 13.02 of the Restated Declaration, failure to comply with these Rules can result in various degrees of sanctions, ranging from written warnings, fines, penalties, liens, state citations, up to loss of IRCOA membership privileges. In addition, certain continuing violations may be treated, each day, as a new violation resulting in additional penalties. The IRCOA office should be contacted if there are any questions about these Rules.

The *vision* of the Indigo Run Community, its Board of Directors, its members and its neighborhoods is to provide a residential community which offers an exceptional quality of life.

The *mission* of the IRCOA is to govern its diverse neighborhoods with honesty, integrity and respect to nurture and foster development of one inclusive community in a fiscally responsible way.

These Rules for the IRCOA provide consistent standards upon which Owners and guests can rely. They reflect the best current standards of the community. Circumstances will continue to change and evolve, and these Rules will change accordingly upon adoption by the Board of Directors and after being properly recorded with Beaufort County. Wherever there is a conflict between a Rule and a covenant, condition or restriction of the IRCOA Restated Declaration, the Restated Declaration will prevail. Within the rules you will find words or phrases capitalized within the body of a sentence. This indicates that the work or phrase capitalized is further defined in the Declaration.

## **II. Definitions**

“ARB” shall mean and refer to the Architectural Review Board of the IRCOA.

“Board of Directors” or “Board” shall mean and refer to the Board of Directors of the IRCOA, which is the governing body of the IRCOA.

“Common Area(s)” shall mean and refer to all real and personal property owned by the Association. Such real property may include but shall not be limited to roads, driveways, walkways, rights-of- ways, open spaces (landscaped and natural), lagoons, recreational areas and such other common areas which have been or may be designated as constituting Common Areas within the Property, together with such improvements thereon as may be necessary for the maintenance and upkeep of such areas.

"Development" shall mean and refer to the Property and all improvements located or constructed thereon.

“Domestic Worker(s)” shall mean any person providing services to a resident that is not a licensed business or corporation.

"Dwelling(s)" shall mean and refer to any improved property intended for use as a single-family detached dwelling or as a townhouse or condominium unit whether detached or attached, located within the Development.

"Lot(s)" shall mean and refer to any unimproved portion of the Property upon which it is intended that a single Dwelling shall be constructed.

"Neighborhood(s)" shall mean and refer to a group of Lots or Dwellings, or both, designated as a separate Neighborhood pursuant to Section 8.04 herein for the purpose of sharing Limited Common Areas, owning common property not deemed as Common Areas and/or receiving other benefits or services from the Association which are not provided to all Lots and Dwellings. The existing properties considered to be Neighborhoods presently include Golden Bear, The Golf Club Community, River Club, Broad Pointe, The Owners Club, and the Berwick Green communities.

“Non-Resident” shall mean any guests, contractors or other persons not residing in Indigo Run as an Owner/Occupant or lessee pursuant to an IRCOA approved lease agreement.

"Occupant(s)" shall mean and refer to any person, including, without limitation, any Owner or any guest, invitee, lessee, tenant, or family member of an Owner, occupying or otherwise using a Dwelling within the Development.

"Owner(s)" shall mean and refer to one or more persons who or which own fee simple title to any Lot or Dwelling or Recreational Facility excluding, however, those persons having such an interest under a Mortgage.

"Property" shall mean and refer to those tracts or parcels of land described in **Exhibit "A"** of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Indigo Run

Community Owners Association Inc., together with all improvements thereon.

"Recreational Facilities" shall mean The Golden Bear Golf Club and related facilities, The Golf Club at Indigo Run and related facilities and the IRAC Portion of Sunningdale Park.

“Resident(s)” shall mean and refer to one or more persons who may be an Owner, lessee, tenant or family member of an Owner, occupying or otherwise using a Dwelling within the Development.

### **III. Property Rights Rules**

#### 1. Community Access

- A. The roadways of Indigo Run are private. Residents must contact Security to request a pass for guests and visitors. Non-residents may be issued one-day passes for limited access to recreational facilities (Golden Bear Golf Club, The Golf Club and Sunningdale Swim and Tennis Club) or for other authorized functions without being sponsored by a resident.
- B. The only authorized entrances to Indigo Run are the gates where security guards are posted and/or where electronically controlled gates and cameras have been installed.
- C. IRCOA reserves the right to limit or deny admission to any person or vehicle when such access is not considered in the best interest of Owners and Residents. All Owners shall be afforded unrestricted access to their Lots and Dwellings unless prohibited by an outstanding court ordered legal document.
- D. Every driver requesting entry into or operating a motor vehicle within Indigo Run shall have in his/her possession a current valid driver's license, a current vehicle registration card and proof of current vehicle insurance as required by state law. Vehicles operating within Indigo Run shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- E. All motor vehicles entering Indigo Run and using the roadways will be required to display a vehicle decal or gate pass issued by Security, as described in Paragraph R. Decals and passes to enter Indigo Run serve only to identify the vehicles. Security may request the drivers to produce the documentation as required in paragraph D.
- F. While in Indigo Run, all Residents, guests and visitors will be required to adhere to generally accepted standards of good conduct. Improper conduct may result in the guest or visitor being removed from Indigo Run by Security and/or the Beaufort County Sheriff.
- G. In the event of a material infraction of these Rules or state and local laws resulting in the citation of a guest or visitor and with the concurrence of IRCOA Board of Directors, access to Indigo Run may be denied or regulated by requiring the host of such guests to accompany them at all times while within Indigo Run. The host of said guests shall also state in writing that he or she will accept full responsibility for any and all actions of the guests. Any such regulated guests found not accompanied by a host may be charged with trespassing and may be denied future access.
- H. Residents utilizing a temporary vehicle, such as a rental car or truck, must obtain a pass for the duration of the use of the temporary vehicle.
- I. Any contractor, sub-contractor, vendor, landscaper, service technician or individual who provides or performs a service within the Property for which a fee is charged is required to purchase either an Annual Decal or a Daily Work Permit. Exceptions or additional restrictions may apply in certain Neighborhoods. Please refer to the governing documents of the respective Neighborhoods.

- J. When contractors first apply for an Annual Decal or a Daily Work Permit, they must show a valid driver's license (a SC driver's license is preferred), a valid vehicle registration card and a valid insurance card. Information from these documents must match to the driver's license.
- K. Commercial vehicles are defined as those which have lettering and/or other evidence of commercial use, such as racks, ladders, tools or materials.
- L. Certain commercial vehicles, including mail carriers, school buses and newspaper deliverers, are exempt from decal requirements.
- M. Residents may not request guest passes for contractors performing work on their Lot or Dwelling.
- N. Contractors quoting estimates for prospective jobs are authorized only one free daily pass for each estimate per contractor per Owner.
- O. A self-employed individual(s) performing in-house cleaning or personal service tasks and who is not a licensed business or corporation must obtain a gate access pass upon providing the same driving documentation that a contractor must provide. Passes may only be acquired when a Resident submits a completed application for a work permit for the individual(s) performing the work in their Dwelling and will be required to pay a fee. The fee will be charged annually. By signing the application, the Resident is taking responsibility for the Domestic Worker(s). [Residents may amend the names on the permit as needed, at no additional cost.]

Domestic Worker gate access passes will be issued on a month-to-month basis. Renewals must be obtained by the Domestic Worker at the Security office without additional cost. If the Domestic Worker is terminated, the Resident is to notify Security so that the work permit can be withdrawn, and the gate access pass deactivated. Domestic Workers must work inside of the home.

- P. Individuals performing home healthcare services, whether employed by a business or self-employed, must obtain a Domestic Worker gate access pass upon providing the same driving documentation that a contractor must provide. Passes may be acquired when a Resident submits a completed application for a work permit for the individual(s) performing the service in their residence and will be required to pay a fee. The fee will be charged annually. By signing the application, the Resident is taking responsibility for the home healthcare service worker. [Residents may amend the names on the permit as needed, at no additional cost.]
- Q. Emergency vehicles will be allowed entry. In case of an emergency, call 911 first and then call Security at 843-689-9339.
- R. A gate pass for a minor (anyone under the age of 18) must be called in by a parent of the residence where the minor is going to be. The calling parent will be asked to provide the phone number of the residence where the minor will be located once she/he enters Indigo Run.

- S. Real estate agents will be granted unrestricted access during the hours of 7 AM to 7 PM seven (7) days a week. At all other times, the agents are required to have appointment(s) with a Resident(s) as evidenced by guest passes from Security that have been requested by the Resident(s) or the listing agent. Owners acting as agents (sales-by- owners) must always accompany the customers/clients while working within the community. Customers/clients are not permitted unescorted re-entry.
- T. Access through the front gate on Indigo Run Drive is encouraged in order to present a full experience of entering Indigo Run. Real estate agents without an appropriate hang tag must access initially through the front gate. If access to The Golf Club, River Club and Broad Pointe is required, it must be declared at the time of initial entry. Real estate agents will be instructed to contact Security from the appropriate pedestal intercom for access to these communities. Return access through the Colonial/Marshland Road gate will only be with display of a valid pass visible to the security camera. Initial access through the Colonial/Marshland Road gate is prohibited. Once a real estate agent receives a monthly hang tag, he/she will have access through both the front and Colonial/Marshland Road gate with this tag. Open houses need to be scheduled through the IRCOA staff by the Tuesday prior to the event. Procedures permitting visitor access to these events are available through Security. Security reserves the right to deny these requests.

***Violations of Community Access Rules are a Category 1 offense.***

2. Occupancy of Dwelling/Leases

- A. No Occupant shall be permitted to occupy a Dwelling, on a temporary or permanent basis, until the Dwelling has been completed according to the ARB approved plans and specifications, a Certificate of Occupancy has been issued by the Town of Hilton Head Island and an occupancy approval has been obtained from the ARB or their authorized representative. All landscaping of the Dwelling shall be completed within (90) days of the occupancy of the Dwelling unless a written exception is obtained from the ARB.
- B. Prior to the lease commencement date, any Owner who leases his/her Dwelling must supply a copy of the lease agreement to the IRCOA office. The lease must be for a minimum of six (6) months in duration and contain language obligating the Occupant to comply with all IRCOA Rules and Covenants. Lessees receive a temporary pass until decal(s) are issued upon completion of an orientation through the IRCOA Office. No access decals will be issued to the lessee until all requirements of this paragraph have been met. Lessees may then purchase RFID tags for their vehicle(s). No subletting shall be permitted.
- C. In the event a Lot or Dwelling is sold, the new Owner will be allowed access and a temporary pass will be issued upon supplying: (1) proof of identification and (2) proof the Lot or Dwelling has been transferred by providing a closing document signed by both buyer and seller. Upon completion of an orientation, permanent decals/RFID tags will be issued to the new Owner.

***Violations of Occupancy of Dwelling/Leases rules are a Category 1 offense.***



### 3. Contractors—Hours of Operation/Licensing

Builders, landscapers, and construction workers are permitted to work between the hours of 7 AM to 7 PM Monday – Thursday, 7 AM to 5 PM on Fridays, and 8 AM to 5 PM on Saturdays. During all other hours, emergency repairs are permitted with approval from Security and are strictly limited to matters involving mitigation of damages to persons or property. All contractors working within Indigo Run must be in compliance with local, state and federal rules, regulations and laws as well as the IRCOA Rules. Work by contractors is prohibited on Sundays and holidays observed by IRCOA.

***Violations of Contractor-Hours of Operation/Licensing Rules are a Category 2 offense.***

### 4. Motorized Recreational Vehicles and Bicycles

- A. Recreational vehicles such as motor homes, fifth-wheel campers, pull-trailers and boat trailers are permitted to enter Indigo Run through the main gate when a special “24-hour permit” has been requested and obtained from Security with the approval of the Director of Security or General Manager. Residents may drive their recreational vehicles to their homes for loading and/or unloading. The recreational vehicle must be parked on the resident’s driveway. The main gate must be used to exit Indigo Run and the “24-hour permit” must be returned to Security.
- B. Mopeds, motorcycles, motor scooters and similar motorized recreational vehicles, except for golf carts and/or LSV, are prohibited in Indigo Run. Exceptions or additional restrictions may apply in certain Neighborhoods. Please refer to the governing documents of the respective Neighborhoods.
- C. Golf carts and/or LSV and bicycles must comply with all South Carolina traffic laws on roadways shared with motor vehicles. Drivers of golf carts and/or LSV must be licensed drivers or must be always accompanied by a licensed driver. LSVs are authorized for use on all roads but prohibited on leisure paths. Golf carts and bicycles are confined to bicycle/leisure paths where available, and are prohibited from Indigo Run Drive, except when crossing.
- D. Owners, Residents, and their guests may ride their bicycles throughout the Property. Riders must comply with all applicable South Carolina laws regarding the operation of bicycles on roadways shared with motor vehicles. All riding must be in single file, on the right side of the road, with the direction of traffic. E-bike vehicles of lower speed Class 1 and Class 2 (electric bicycles not to exceed 20 mph) are permitted on leisure paths and must be labeled as such. All E-bikes must be registered with Indigo Run Security and have the appropriate Indigo Run decal attached and visible. Leisure paths are for recreational use for walkers, runners, bicycle riders and golf carts. All vehicles must yield the right of way to pedestrians on leisure paths. For the safety of pedestrians, all vehicles should not exceed 20 mph on leisure trails.
- E. Guests and visitors are not permitted access to the community via bicycle unless sponsored by an Owner or Resident. Bicycle tours of the community by outside groups are not permitted.

***Violations of Motorized Recreational Vehicles and Bicycles Rules are a Category 1 offense.***

5. Recreational Facilities

A. Golf Courses and Sunningdale Swim and Tennis Club

The Golf Club at Indigo Run and the Golden Bear golf courses, as well as their respective club houses, practice ranges and parking lots are not part of the Common Areas of IRCOA.

They are the property of the Indigo Run Asset Corporation (most commonly referred to as ClubCorp). This is also true of the swimming, tennis and playground facilities at Sunningdale Swim and Tennis Club. The use and enjoyment of these facilities is for the members and the guests of these ClubCorp properties only.

- Residents adjacent to golf course fairways and greens shall refrain from actions that would distract from the playing quality of the golf courses. Such prohibited activities include, but are not limited to, permitting dogs or other pets to interfere with golf course play; running or walking on the fairways; picking up balls, or like interference with play. Walking pets on golf course paths, on any golf course or in and around Sunningdale Swim and Tennis Club is strictly prohibited.
- Residents and guests may not ride bikes or walk on golf course paths during the hours of play.
- Registered golfers and/or their caddies (not golf carts) may enter a parcel which is adjacent to the golf course for the purpose of retrieving a golf ball. This action shall not be deemed trespassing. They shall not play a shot, disturb any plants, or spend an unreasonable amount of time looking for a ball or in any other way be a nuisance.
- Golf course maintenance operations are allowed to create noise related to normal maintenance from thirty (30) minutes prior to sun up to thirty (30) minutes after sun down.

Additional club information for the Golden Bear, Sunningdale Swim and Tennis Club and The Golf Club is available at the respective clubs.

6. Common Areas

The IRCOA owns a number of Common Areas which are accessible to all Residents and guests. Many of these Common Areas are maintained by the IRCOA, but a number are left in their natural state. Use of these Common Areas is at risk of the user; however, use of the Common Areas should be guided by polite consideration toward the Community as well as observance of the IRCOA Covenants and Rules. Any activity which causes damage to the Common Areas is prohibited.

***Violations of the Recreation Facilities and Common Area Rules are a Category 1 offense.***

7. Under Age 18 Curfew

It shall be a violation of IRCOA rules for any person under the age of 18 years to be on the

streets, roads, Recreational Facilities or any Common Area within the Property between the hours of 12:00 am and 6:00 am unless such person is:

- accompanied by a parent, guardian or legal custodian
- in transit by vehicle directly from a point of entrance to the Property to the Resident's Dwelling in the Property
- in transit by vehicle directly from a place of employment in the Property to the Resident's Dwelling in the Property involved in an emergency

If any such person is found within Indigo Run in violation of this rule, at the discretion of Security, this person may be taken into custody and/or transported to his/her residence and left with his/her parent, guardian or legal custodian. If no one is home at the time of the violation, Security will leave a message for the parent, guardian or legal custodian to make contact with Security when they return to the community. If the person is found to be a guest, he/she shall be transported to the host home. The violation notice may be written against and issued to the Owner/Resident that is responsible for the person. If the person is found not to have a host or the host does not want the person at their home, then he/she shall be transported to the Security gate and reasonable effort shall be made to contact his/her parents, guardian or legal custodian for pick up and a notice of trespassing violation may be issued. If no contact can be made, the Beaufort County Sheriff's Office will be notified.

***Violations of the Under Age 18 Curfew Rules are a Category 1 offense.***

#### **IV. Property Maintenance Rules**

##### 1. Maintenance of Property

- A. All structures and landscaping of the Development must be neatly maintained at all times. Dwellings must be neatly maintained at all times and be consistent with the ARB approved plans and specifications. Substantial contemplated change(s) from approved plans must be referred to the ARB for prior approval. Minor appearance change(s) shall be harmonious with the basic appearance of the neighborhood. Such change(s) are subject to ARB evaluation and may require modification or removal. If you have any questions regarding minor appearance changes, contact the IRCOA.
- B. All structures, houses, roofs, driveways and pools must be free of discoloration and/or staining resulting from algae, pinesap, rust or similar consequences. Pine straw on roofs must be removed as needed. Enforcement of these rules will be the responsibility of the Home Inspection Program and the IRCOA General Manager and staff. The Home Inspection Program (HIP) will be carried out by teams of volunteer inspectors and IRCOA staff, in accordance with established guidelines, and the program shall be under the aegis of the Governance Committee of the IRCOA Board of Directors.
- C. Except in emergency cases, ARB approval must be obtained prior to repairing damaged roofs. No apparent patching of shingles is allowed. All repairs and replacements must be the same color and style shingle that exists on the remainder of the roof surface. In the event the same color shingle is no longer manufactured, the ARB will determine if the proposed replacement shingles match the existing roof. The ARB reserves the right to require a roof to be replaced if a satisfactory match cannot be obtained.

- D. It is the responsibility of the Owner to maintain gutters and downspouts on any structure including, but not limited to, painting, repair, and replacement. Owners shall also be responsible for reattaching any gutter or down spout that becomes dislodged.
- E. Undeveloped Lots shall be neat in appearance so as not to detract from the desirability of the neighborhood. Such maintenance shall include periodic bushhogging and removal of fallen trees, limbs and trash. Lots will be bushhogged every year unless the condition of the Lot requires more frequent bushhogging to maintain a neat appearance. Owners will be billed for these services at the prevailing fees.
- F. No yard waste, rubbish, construction material or other debris shall be disposed of by dumping or blowing it into or on any property areas within Indigo Run including all lots, common areas, streets, paths, protected areas, waterways, lagoons and all commercial and recreational land. Proper disposal of such material may be by contract pick-up or carriage to designated disposal areas. Construction and commercial sites must make dumpsters available to collect debris for periodic disposal. Those who hire landscapers are responsible for compliance with these rules. Owners and Occupants may not collect such materials for the purpose of composting within their own property if such collection is adjacent to, and/or within sight of neighboring property. Outside accumulation/storage of building or landscaping materials for more than two (2) weeks is prohibited, unless authorized by the ARB.
- G. Storm shutters or other exterior hurricane protective measures may only be installed when there is a named storm and the community is under a Hurricane Watch or Warning or when notified by IRCOA. Storm shutters must be removed as soon as possible after the storm has passed or within two (2) weeks after authorized re-entry into the community.
- H. ARB approval must be obtained for the removal of any trees on private property.

***Violations of Maintenance of Property Rules are a Category 2 offense, except in cases where ARB approvals are required which would result in a Category 3 offense.***

## **V. Architectural/Improvement Rules**

### ARB Overview

The purpose of the ARB is to enhance the value of each Owner's investment by guiding the building design process in order to preserve the environmental ambiance and facilitate a mutual goal of the development. The ARB, in its review process, will not dictate any particular architectural style or hinder personal design preferences as a rule but will strive to ensure a cohesive character in the communities. Traditional design details may be incorporated in the design, but "pure styles" which tend to create disharmony are discouraged.

The IRCOA Covenants, Rules and ARB Guidelines all provide for regulations in order to meet our goal of maintaining a high-quality lifestyle and aesthetics.

The following refer to certain ARB Guidelines most likely to be referenced by Owners. Please check our website for the ARB Guidelines in their entirety. Copies are also available at the IRCOA office and on the IRCOA website.

1. Architectural Review Board (ARB) Property Improvement Approvals
  - A. Prior to beginning work, Owners must submit plans to the ARB for construction, renovation or modification to the exterior of an existing structure, including painting. Likewise, plans for landscaping, swimming pools and enclosures, satellite dish antennae, solar panels, fountains, statues and play equipment must also be approved by the ARB before installation.
  - B. ARB approval must be obtained for the removal of any trees on private property.
  - C. IRCOA can provide guidance for ARB approval requirements and/or the need for more information.

***Violations of ARB Property Improvement Approval Rules are a Category 3 offense.***

2. ARB Property Improvement Progress and Completion Inspections

The ARB has certain completion timelines for permitted property improvement projects. The progress of construction will be monitored to ensure that compliance with the approved project's design as submitted for review is taking place, and completion within the permitted allotted time. Refer to the ARB Design Guidelines for specifics. All permitted improvements must be completed within the allowable timeline or fines or other penalties shall be imposed. Each day of non-compliance will be considered a subsequent violation with progressive fines unless extenuating circumstances exist in the sole judgement of the ARB, which may grant reasonable extensions.

***Violations of ARB Property Improvement Progress and Completion Inspections is a Category 4 offense.***

## **VI. Use Restriction Rules**

1. Signs
  - A. Signs or advertising posters of any kind, except as required by legal proceedings, are not permitted within any window, on the lawn or on the exterior of any structure without the written permission of the General Manager. This prohibition includes signs on lots with new construction or renovation projects, except for approved standard signboards for the purpose of displaying the contractors name and building permits. The signboards must be removed within eighteen months of lot clearing. The IRCOA staff, with General Manager approval, may remove all unauthorized signs after written notice is given to the Owner.
  - B. Vehicles displaying signs inconsistent with the general intent of this sign rule shall be prohibited in Indigo Run. Vehicle signs shall be removed or covered while parked overnight in Residents' driveways.
  - C. A Realtor or Owner with permission from Security may place an Open House sign at the property being sold. The sign may be placed one hour prior to the time advertised and

must be removed as soon as the open house has ended. If not removed in a timely manner, Security will remove the sign and the realtor/owner will not be permitted to erect any subsequent signs.

***Violations of Sign Rules are a Category 1 offense.***

2. Outdoor Play Equipment & Toys

- A. Play equipment installed on any part of a Lot or Dwelling which is structurally permanent in nature, and used for recreation or play, must have approval of the ARB prior to installation. Locations must be sensitive to visual impacts on street and neighboring property, including golf courses and Common Areas.

Such play equipment includes, but is not limited, to:

- Basketball backboard and hoop (Only portable, no permanently affixed are allowed)
- Swing set
- Gym set
- Slide or teeterboard (seesaw)
- Trampoline
- Soccer goal set
- Lacrosse goal set
- Golf or other target/goal
- Horseshoe court
- Sandbox

B. Semi-Permanent Play Equipment

Play equipment must blend in color with the natural surroundings. Natural finish or earth-toned components are preferred. Bright color metal, plastic or fabric components will not be approved.

Examples of Semi-Permanent play equipment:

- Volleyball net and court
- Badminton net and court

- C. The preferred location for play equipment is in the rear yard area directly behind, and as close as possible, to the house. The Occupant shall take into consideration proximity to adjacent neighbors' view and recreational areas relative to the type of play activity. Approved play equipment may only be used during daylight hours after 7:00 a.m. After dark activity is prohibited. Play must always be mindful and respectful of the neighbors.

Play equipment must be maintained and kept in the condition for which it was originally endorsed by the ARB.

Such equipment should be removed from the property (or stored) when no longer in use. (Example: If a minor child has used a basketball hoop in the driveway and has now moved or gone to college, then the item should be stored or otherwise removed.)

Personal exercise equipment may be used outside the home on a temporary basis, provided it is located in a location on the property that avoids direct visibility from the street. However, such equipment must be stored when not in use and at night, either in the home or in a garage.

Tree houses, play houses, swimming pool diving boards/slides and skateboard ramps are prohibited.

***Violations of Outdoor Play Equipment & Toys Rules are a Category 1 offense.***

### 3. Hot Tubs/Spas

- A. Plans for sunken in-deck hot tubs/spas must be submitted to the ARB for approval before installation.
- B. Plans for above-ground hot tubs/spas must be submitted to the ARB for approval before installation, situated on a deck/patio and screened to completely conceal them from golf course views and abutting neighbors.

***Violations of Hot Tubs/Spas Rules are a Category 3 offense.***

### 4. Mailboxes and House Numbers

- A. All Dwellings shall have a mailbox. The IRCOA will furnish and install a mailbox with post, decals and house number post for new Dwellings. For aesthetics, all mail boxes within Indigo Run neighborhoods must be of the same type, size, color and shape and mounted upon a standard type post. All lettering and numbers are standard size and controlled by IRCOA. No additional letters, names, symbols or numbers are permitted on mailboxes or house number signs.
- B. The IRCOA shall perform routine maintenance of mailboxes, posts, decals and house number posts, and the IRCOA reserves the right to charge a fee for repair or replacement if mailboxes, posts or house number posts are damaged as a result of an accident or vandalism.

***Violations of Mailboxes and House Numbers Rules are a Category 1 offense.***

### 5. Fencing and Outdoor Features

- A. Permanent Fencing - Fences or fence structures are prohibited except for fences around swimming pools and hot tubs/spas. The location, design, materials of construction, color and aesthetic appropriateness will require ARB approval. Chain link fencing is prohibited. Buried electronic pet fences that provide an invisible barrier to confine pets are permitted.
- B. Temporary Fencing/Plant Covers - Temporary deer fencing to protect immature plants is permitted. Such fencing must be no more than 42 inches above ground level and must be "earth toned" (unobtrusive). The fencing should be removed as plants mature. Fence posts likewise must stand no more than 42 inches above ground level and must be "earth toned".

Temporary plant covers may be utilized in periods of extreme cold/frost. Covers may not be seasonal and must be removed on a daily basis.

- C. Outdoor features should be located and described on the landscape plan. No unapproved feature may be installed. All ornamental features shall blend into the overall landscape design and not be a predominant feature. The use of multiple statuary and stationary or mobile ornaments may not be approved.

***Violations of Fencing Rules are a Category 3 offense.***

6. Parking

A. All Resident and guest vehicles must be garaged or parked on the driveway of that residence. Parking is not permitted on the lawns or other areas of the Dwelling.

B. All vehicles in Indigo Run must be in operating condition, good repair, have current registration and license plates and authorized entry access identification. Vehicles not complying with the above will, upon specific action by the Board of Directors be removed from Indigo Run and/or impounded at the Owner's expense.

C. Parking on the roadways is discouraged, but when the number of cars exceeds the capacity of the owner's driveway or the driveway is inaccessible, vehicles may be parked temporarily but never overnight as follows:

- Vehicles must be parked with all wheels on the paved roadway, headed in the same direction as the normal traffic flow, in close proximity to the residence. No vehicle parking around cul-de-sacs is permitted. Parking in any other fashion is not allowed.
- Vehicles shall be parked so as to not interfere with driveways, fire hydrants, street signs, and island dividing roads.
- Vehicles shall not be parked on the roadway in areas that create limited sight distance such as curves or near intersections.
- To maintain the required emergency vehicle clearance of 15 ft., vehicles are not to be parked on opposite sides of the street at the same time and vicinity.
- Use of any paved parking areas on IRCOA Common Area is available only temporarily and never overnight to any resident when available parking on the Owner/Resident's driveway will not allow additional parking.
- Vehicles are not allowed to park on the landscaped portion of the IRCOA's Common Areas or on the lawn of a dwelling. These areas may have irrigation systems that could be damaged by a parked vehicle.
- Contact Security if parking on the street, related to functions or parties at private residences, is expected to exceed eight (8) vehicles.
- Exceptions or additional restrictions may apply in certain Neighborhoods. Please refer to the governing documents of the respective Neighborhoods.



***Violations of Parking Rules are a Category 2 offense.***

7. Flags

When displaying the American flag, residents are requested to observe the official guidelines established by the United States Government. A copy of these guidelines can be obtained from the IRCOA or the United States Post Office. These guidelines include, but are not limited to, proper lighting of the flag if it is to be flown after sundown or in inclement weather.

In addition, all flags or banners including, but not limited to college or professional team banners, must adhere to the following standards:

- Flags or banners, including flag decals, are not permitted on mailboxes
- Flags shall not exceed the size of 4' x 6' except when mounted on a permanent flagpole, unless otherwise permitted by the General Manager
- Flags or banners must be a minimum of 15 feet from the edge of the front road pavement line and within the owner's established property line
- Permanent flagpoles and size of flags mounted from the pole must be approved by the ARB

***Violations of the Flags Rules are a Category 1 offense.***

8. Home Businesses and Garage/Yard Sales

- A. Each Lot/Dwelling shall be used for single family residential purposes only. The utilization of any Dwelling or other structure or any portion thereof as an office by an Owner or Occupant thereof shall be considered a violation where such utilization as an office creates any type of regular customer, client or employee vehicular or pedestrian traffic to and from any such Dwelling.
- B. No garage/yard sales or on-site estate sales are permitted.

***Violations of Home Businesses and Garage/Yard Sales Rules are a Category 1 offense.***

**VII. Activity and Motor Vehicle Rules**

1. Animal Control & Fishing

- A. No animals other than pets deemed "household pets" by Beaufort County shall be raised, bred or kept at any residence. Animals must wear collars with identification tags on and be leashed when outside the property limits of its owner. When a pet is within the property limits of their owner, it must be confined by fence, chain, or other appropriate measure (e.g. electronic fence), or attended by its owner and respond to strict voice

control. Strict voice control shall mean demonstrable control or governance of the behavior of any animal as if they were controlled by a leash. If the pet is a guest on a property of another the same restrictions apply. Animals will not, among other things, agitate or molest a passerby, attack other animals, trespass on private property, be repeatedly at large, damage private property, or be allowed to disturb the peace, or swim in a lagoon.

- B.** Persons walking pets are responsible for cleaning up and disposing of excrement in a sanitary manner. Pet owners shall maintain sanitary conditions on all property to prevent the spread of parasites or infectious disease. Dogs and cats three months of age or more are required to be inoculated against rabies.
- C.** Animals must not be left unattended for more than 24 hours. After a 24-hour period, if no contact has been made with an owner, an animal control officer will pick up the animal and transport it to an animal shelter.
- D.** Menacing alligators or other wild animals should be reported to Security. The feeding of alligators is strictly prohibited.
- E.** Any violations of the Beaufort County Animal Code or the Town of Hilton Head Island Animal Control Code will also be deemed a violation of this Rule.
- F.** Fishing is allowed in lagoons situated within the common areas of Indigo Run by our Owners and their guests. The “Catch and Release” practice is highly recommended since lagoons are filled with surface run-off and recycled “gray” water. Care must be exercised, when fishing, due to the potential presence of water birds, snakes, and alligators.

***Violations of Animal Control and Fishing Rules are a Category 2 offense.***

## 2. Solicitation

No solicitation of any kind is permitted within Indigo Run. An exception may be granted for charitable/non-profit organizations, but only after obtaining approval from the General Manager.

***Violation of the Solicitation Rule is a Category 1 offense.***

## 3. Weapons & Fireworks

The use of firearms, archery equipment, blowguns, paintball guns, bb guns, pellet guns, slingshots, crossbows, other weapons or fireworks is prohibited within Indigo Run. Violators will be responsible for any damages caused by their actions and subject to applicable law.

***Violations of the Weapons & Fireworks Rules are a Category 4 offense.***

## 4. Nuisances

In addition to those restrictions defined in Article XI, Section 11.09 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the IRCOA, any activity

which causes embarrassment, discomfort, or annoyance to occupants of any portion of the Development is prohibited.

Every Indigo Run Occupant is expected to conduct themselves in a manner reflecting the highest standards of propriety at all times. Use of threatening or offensive language or activity intended to embarrass, discomfort or annoy another Occupant, IRCOA or ClubCorp employee, Board of Directors member, community volunteer or contractor will not be tolerated.

The General Manager reserves the right to require removal from IRCOA Common Areas of anyone conducting themselves in such a manner or otherwise deemed to be contrary to the governance policies set forth for the peaceful enjoyment of the Development, and will be subject to the enforcement powers of the IRCOA, including fines and/or temporary suspension of privileges after the opportunity to appeal pursuant to IRCOA policies.

Use of offensive language meant to embarrass, discomfort or annoy will be a **Category 1 offense**. Threatening language or threat of physical harm will be a **Category 3 offense**.

#### 5. Noise and Lighting

- A. Excessive noise is prohibited outside of a building after 10:00 pm on weekdays and 11:00 pm on weekends and holidays. Exceptions must be approved by the General Manager.
- B. Mowers, blowers, edgers and similar equipment may not be operated before 7:00 am or after 7:00 pm.
- C. Annoying or distracting lighting is prohibited. Exterior lights must meet the ARB Design Guideline standards.
- D. Holiday lighting and displays are permitted up to forty-five (45) days before the principal date of celebration and must be removed no later than two (2) weeks after.

**Violations of Noise Rules are a Category 1 offense.**

#### 6. Transmitters

- A. In accordance with the Amended and Restated Declaration of Covenants, Conditions and Restrictions, Article XI, Use Restrictions, Part 11.06 Antennas and Transmitters, the following types of electronic transmitters are approved for operation: remote control devices, wireless routers for in-home networks; provided however the wireless home networks shall be encrypted/password protected; gaming and audio/video devices; provided however, any of the foregoing generically approved transmitters may be prohibited from operation, in individual circumstance, by the General Manager if such transmitter interferes with other properties in Indigo Run.
- B. Dish antennas are limited to one (1) meter in size and should be placed in an area which provides good reception and allows for appropriate screening from view of street, golf course, and neighbors.

**Violations of Transmitter Rules are a Category 1 offense.**

## 7. Digital Sign and Distribution Box Communications Policy

Digital signs located at the entrances to the community and distribution boxes mounted below the mailboxes are used to notify residents of emergencies, upcoming events and important information. The General Manager of IRCOA is responsible for approving communications posted on the signs and placed in the boxes. Communications should be relevant to the community-at-large, Indigo Run Womens' Club, Indigo Run Men, ClubCorp, Neighborhood associations and other community groups.

## 8. Motor Vehicle Violations

**A.** Any person violating any of the criminal statutes of the state, county or town may be cited. All State vehicle and traffic laws must be obeyed. The Indigo Run Security Department is S.L.E.D. certified and may issue Uniform Traffic Tickets whenever state, county or town laws are broken. Additionally, IRCOA motor vehicle violations will be considered violations of these Rules and subject to the Procedure for Violation Notices and Appeal Process.

### **B. Hazardous Level Offenses**

Motor Vehicles driven in such a way that violates any state vehicle or traffic law that is deemed hazardous, risky or dangerous; or are measured to exceed the posted speed limit can be issued a Uniform Traffic Ticket of the State of South Carolina if the driver is a non-resident. Resident offenders will be referred to the General Manager for the issuance of a Notice of Violation and fine as applicable.

### **C. Lesser Offenses**

Motor Vehicles driven by residents in such a way that violates any state vehicle or traffic law without being overtly hazardous, risky or dangerous will be referred to the General Manager for the issuance of a Courtesy Letter. If a second violation occurs within any 24-month period, the General Manager will issue a Notice of Violation and a fine as applicable. Non-resident offenders may be issued a warning and if a second violation occurs within a 12-month period will be issued a Uniform Traffic Ticket of the State of South Carolina.

### **D. Officer Discretion**

Motor Vehicle Violations will be at the General Manager's discretion to determine the hazardous nature of the violation. They have the authority to issue a Uniform Traffic Ticket or issue a warning to non-residents and in the event of a violation by a resident, to refer the case to the General Manager for the issuance of the appropriate notice. Officers may include a recommendation if they deem the violation to be hazardous, risky or dangerous.

## **E. Contractors**

Contractors will be treated as non-residents. However, in addition to the measures stated above, the General Manager may revoke any gate pass of a contractor and issue a fine. The contractor will not be granted another gate pass until the fine is paid in full.

### ***Violations of Motor Vehicle Rules are a Category 2 offense.***

#### 9. Contractor Requirements/Guidelines

Contractors are considered guests when within Indigo Run. To ensure that the activities of contractors hired by the IRCOA or by Owners/Residents are consistent with these Rules and provide for the safety and security of the community, all contractors shall adhere to the following rules in addition to those applicable Rules contained herein. Security officers will perform random checks of licenses, registration and proof of insurance both at the main entry gate and during routine patrols. Violations will be reported to the General Manager.

- A.** All contractor vehicles must have a valid current registration and proof of insurance
- B.** All contractors operating vehicles must have a valid current driver's license.
- C.** All contractor vehicles must obey the posted speed limits in each community.
- D.** Contractor vehicles that are parked on the street must use traffic cones to indicate they are parked and active work is progressing.
- E.** Parking is prohibited on any landscaped or irrigated areas in Indigo Run.
- F.** Contractors are responsible for cleaning up their work areas each day – no trash, mud or debris will be left visible on the work site or street in front of the work site.
- G.** Any liability for damage to landscaping, curbs, roads or private property will be the responsibility of the contractor. Failure will result in prohibition from entry into Indigo Run.
- H.** Unless given prior written approval from the General Manager, all contractors must enter through the main gate at Indigo Run Drive.”

### **VIII. Procedure for Violation Notices and Appeal Process**

An allegation of a violation of a provision of the Amended and Restated Declaration of Covenants, Conditions, Restrictions, and/or any of these Rules and Regulations, shall be filed in writing with the General Manager. Should the matter ever rise to the level that requires Board or Committee involvement, the allegation should be in writing and signed by the party making the complaint and shall describe the nature of the violation. In rare instances, anonymity may be required. In these cases, the General Manager will so advise the Executive Committee of the Board and the reasons for such action.

#### A. Violation Notices

          If the General Manager determines that a violation of the governing documents has

occurred, he/she will attempt to contact the alleged violator by one or any number of the following methods: person-to-person visit, telephone or email. The General Manager shall attempt an amicable disposition of the matter satisfactory to the IRCOA and the Resident or contractor. If the parties cannot resolve the matter amicably, or if contact is unsuccessful within (10) business days, the General Manager shall send a Courtesy Letter via U.S. mail and email addresses on file with the IRCOA, advising the Resident or contractor of the violation and the action necessary by the Resident or contractor to cure the violation. The letter shall provide for a period of up to thirty (30) calendar days for the Resident or contractor to cure the violation. If the violation is not cured within the prescribed time, a Notice of Violation and Fine letter shall be sent by certified/return receipt mail and email to the mailing address and email address on file with the IRCOA. A fine may be imposed on the Owner or the contractor. Additionally, the contractor may be prohibited from entering Indigo Run.

If the General Manager determines that any hazardous, risky or dangerous violation of any Activity or Motor Vehicle Rules has occurred, the General Manager will issue an immediate Notice of Violation and Fine letter which shall be sent by certified/return receipt mail and email to the mailing address and email address on file with the IRCOA.

The letter shall state that the Owner may appeal the decision of the General Manager, a hearing date, convening time and place, and shall include the appeal procedure as stated in Section E below.

B. Alleged Subsequent Violations

1. Property Rights, Property Maintenance, Architectural/Improvement or Use Restriction Rules:

A second or third alleged violation of any of these Rules within ninety (90) days of a notice of violation, or alleged violations of the same Rule within twenty-four (24) months will be issued a notice of violation and progressive fine, and for a Contractor, immediate prohibition from entry into Indigo Run.

2. Activity Rules and Motor Vehicle Violations:

Alleged Activity Rule or Motor Vehicle Violations will result in an immediate issuance of a Notice of Violation and Fine, and any second or third alleged violation within twenty-four (24) months will result in a Notice of Violation and progressive fine.

C. A fourth or subsequent alleged Rule violation by the same Owner within twenty-four (24) months will result in a mandatory hearing before the Governance Committee and may result in suspended IRCOA privileges. The Governance Committee will recommend the appropriate fines and disciplinary measures to the IRCOA Board of Directors.

D. Failure to correct the violation and pay any fines, costs or fees (including attorney fees incurred in any enforcement efforts) will result in additional and progressive fines, and may include suspension of voting, guest access, use rights, including applications for architectural

improvements to the Architectural Review Board. Applications for ARB approval will be deemed incomplete and denied, pending payment of the aforementioned costs. An exception will be granted if an ARB approval is necessary to cure a violation. Lastly, failure to correct the violation(s) and pay any fines, costs, or fees (including attorney fees incurred in any enforcement efforts) after notice by IRCOA may also result in the IRCOA filing a legal suit that will include cause of action for breach of contract, foreclosure of any lien placed on the property by IRCOA and an action to enjoin/specific performance to order the owner to complete the repairs/maintenance.

#### E. Appeal Process

1. A hearing date, convening time and place will be established on the Notice of Violation and Fine for all parties involved to present any statements, evidence or witnesses in their behalf. Upon receipt of the Notice of Violation letter from the General Manager, either by acknowledgement of the email or return receipt from the US Postal Service, the Owner must give written notice to the General Manager of his/her intent to attend the hearing no later than ten (10) days prior to the date set forth for the hearing date as set forth in the Notice of Violation and Fine. This is to ensure that witnesses and exhibits will be available. The notification shall state the grounds for the appeal, the name, address and phone number of the Owner making the appeal. Failure to provide this notification is a waiver of the Owner's right to a hearing and the Notice of Violation and Fine shall be deemed upheld. Paying the fine that may be assessed and correcting the violation may be considered a waiver of the right to a hearing. In the event the Owner is unable to attend the hearing, the Owner may submit a written response to the Notice of Violation and Fine, which will be considered by the Governance Committee at the hearing to be held in Executive Session. The Committee's ruling shall be in writing and be part of the minutes of the hearing. The Committee shall notify the Owner by certified mail of the decision and, if necessary, the time to cure the violation and the fines and sanctions if the violation is not cured.
2. If the Governance Committee upholds the determination of the General Manager, the Owner shall have the right to appeal to the IRCOA Board of Directors. The request to appeal must be filed in writing with the Board within ten (10) business days of receipt of the determination by the Governance Committee. Such receipt date shall be determined by email acknowledgement or the return receipt date of the certified mail decision letter. The matter will then be placed on the next regular Board of Directors regular meeting agenda for consideration if any of the following conditions exist:
  - The circumstances that brought the finding of a violation has been cured (as determined by inspection by the IRCOA)
  - New evidence is brought to light not heard by the Governance Committee
  - The Governance Committee review was improper under the governing documents
  - There were circumstances not known to the IRCOA whereby the Owner did not request a hearing
3. If the conditions as stated in E. 2 are met, the Board of Directors shall notify the Owner of the date, time and location of the Board meeting to be held in Executive Session, or the case may be remanded back to the Governance Committee for further consideration. Any fines or fees due will be placed in abeyance until the case can be heard

by the Governance Committee. The decision of the Committee on remand will be reported to the Board of Directors for final determination. The decision shall be part of the Board of Directors minutes and the Board shall notify the Owner of the final decision in writing within sixty (60) calendar days.

## **IX. Fine Schedule**

### **Violation of Rules and Regulations**

#### Category 1:

- \$50 for first offense;
- \$100 for second offense; and
- \$200 for each subsequent offense.

#### Category 2:

- \$100 for first offense;
- \$200 for second offense; and
- \$400 for each subsequent offense.

#### Category 3:

- \$200 for first offense;
- \$400 for second offense; and
- \$800 for each subsequent offense.

#### Category 4:

- \$500 for first offense;
- \$1000 for second offense; and
- \$2000 for each subsequent offense.

Assessed fines are to be paid to IRCOA. Delinquent fines will attach to the violator's property as a lien with penalties as stated in the Restated Covenants Article IX, Section 9.08 and 9.09.

End of Rules and Regulations