

**THE MARSHES HOMEOWNERS ASSOCIATION, INC. – SAVANNAH, GA  
COMMUNITY WIDE STANDARDS AND PROCEDURES  
EXPANDED USE RESTRICTIONS & RULES**

Date Adopted: August 12, 2013

The following are Community Wide Standards and Procedures that are intended to expand and further define the covenants and restrictions as set forth in the Amended and Restated Declaration of Covenants and Conditions for The Marshes (Marsh Villas) dated June 13, 2012. This document supersedes the provisions of the By-Laws of The Marshes Homeowners Association, Inc., Swimming Pool, Dock and Walkway and Crab Trap Rules dated June 2006.

**Table of Contents:**

Ref: (a) Amended and Restated Declaration of Covenants and Conditions for the Marshes Revised March 7, 2011.

1. Community Wide Standards

- Guideline No. 1 Roof
- Guideline No. 2 Decks
- Guideline No. 3 Exterior Maintenance/Modifications
- Guideline No. 4 Landscaping
- Guideline No. 5 Exterior Decorative Objects
- Guideline No. 6 Pets
- Guideline No. 7 Vehicles and Parking
- Guideline No. 8 Signs
- Guideline No. 9 Rubbish and Trash
- Guideline No. 10 Mailboxes
- Guideline No. 11 Exterior Front Doors, Shutters, Windows, Window Treatments,

Outside Light Fixtures and Garages/Garage Doors

- Guideline No. 12 Window Treatments
- Guideline No. 13 Antennas and Satellite Dishes
- Guideline No. 14 Nuisance and Noise
- Guideline No. 15 Community Pool and Pavilion
- Guideline No. 16 Association and Private Docks
- Guideline No. 17 Crab Traps

2. Request for Proposed Modification Review Form herein after referred to as the FORM

1. Application Information
2. Review Procedure and Standards
3. Limitation of Liability
4. Appeal Procedure
5. Enforcement Procedure
6. Violation and Fine Schedule
7. Request for Proposed Modification Form and Instructions

## **1. Community-Wide Standards**

### **Guideline No. 1 – Roof**

1. Residents in Units 1 through 66 shall notify the “West End Maintenance” Board member of any roof leaks or problems.
2. Residents in Units 67 through 103 shall notify the “East End Maintenance” Board member of any roof leaks or problems.
3. In case of an emergency roof leak, residents shall promptly contact Market South Management (MSM) directly by calling 238-0875. If after hours or on the weekend, leave a message on the Condo and Homeowner Association Hot Line.

### **Guideline No. 2 - Decks (Ref: Article 7, Para A)**

1. Each Owner shall be responsible for the maintenance, repair and replacement of decks, including the general cleaning and/or pressure washing and rebuilding of a deck.

### **Guideline No. 3 - Exterior Maintenance/Modifications (Ref: Article 7)**

1. No Owner, Occupant, or any other person may, without written approval of the Board or Architectural Control Committee (“ACC”):
  - Construct any temporary or permanent Dwelling or other improvement on a Lot;
  - Make any change or alteration that affects the appearance of the Lot;
  - Make any change or alteration to the exterior of any Dwelling on the Owner’s Lot;or
  - Erect, place or post any object or thing on the Lot that affects the appearance of the Lot. (Ref: Guideline No. 6, Exterior Decorative Objects)
2. A copy of the enclosure FORM is required and shall be submitted to the Board or ACC for any modification. Modifications shall include, but shall not be limited to:
  - Aesthetic consideration;
  - Materials to be used;
  - Compliance with the Community Wide Standards;
  - Any other matter deemed to be relevant or appropriate by the Board or ACC.
3. No approval of a modification shall be valid unless issued in writing. Owner may not rely on any verbal approval or statements from any person as the approval required for a modification.

#### **Guideline No. 4 – Landscaping (Ref: Article 8)**

1. A copy of the enclosure FORM is required and shall be submitted to the Board or ACC for any modification. Modifications shall include, but not be limited to, major landscaping redesign.
2. The request form shall include a description of the landscaping; and a site plan indicating the relationship of planting/beds to the house and adjacent structures.
3. Landscaping shall conform to the precedent set in the surrounding community.
4. Bare earth areas shall be covered. All mulch landscape beds must be covered with natural pine straw, chopped pine bark mulch, rock or wood shavings. No artificial or manmade mulch (chopped tires) shall be allowed.
5. Outdoor storage, garden tools and hoses shall be screened from view or placed behind shrubs. Any tools or items stored under a back deck or porch shall be screened from view.
6. Each owner is responsible for the removal of debris and clippings, etc. from their property. All planting areas shall be properly maintained at all times. **Under no circumstances will debris of any kind be disposed of in the marsh or on the bank adjoining the marsh.**
7. Each owner or occupant shall keep lots, and all improvements thereon, in good order and repair including, but not limited to, seeding, watering, mowing, pruning, cutting of all trees and shrubbery.
8. A copy of the enclosure FORM is required for the removal of any tree.
9. All garden plots must be located behind the rear line of the house and have minimal visual impact on adjacent properties.
10. All bushes and trees shall be trimmed to prevent limbs from touching the wall or roof of a dwelling.
11. Shrubby shall be maintained so as not to encroach onto adjacent property. This shall be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding community.
12. Ivy and other climbing plants shall be clipped free of all wood siding and trim.
13. Yards must be edged no more than one inch from the edge of sidewalks, driveways and the road.
14. A copy of the enclosure FORM is not required for ornamental plants (annual and perennial flowers) in the front and side yards.
15. Leased Property Owner or occupant shall maintain a professional yard service during the entire term of the lease or occupancy relationship.

### **Guideline No. 5 - Exterior Decorative Objects**

1. Exterior decorative objects shall be kept neat in appearance.
2. A single American flag pole staff attached to the front portion of a home is allowed and shall be kept in good repair. Free standing flag poles are not allowed.

### **Guideline No. 6 – Pets (Ref: Article 9, Para G)**

1. Dogs must be kept on a leash at all times and be under the physical control of a responsible person while outdoors in areas that are not fully enclosed by a physical fence.
2. Feces left by pets on the Common Property or on any Lot must be removed promptly by the owner or occupant of the pet or the person responsible for the pet.
3. No animals that the Board determines to be dangerous may be brought onto or kept in the Community.
4. If the Board determines that a pet endangers any person or other pet or creates a nuisance or unreasonable disturbance in the Community, the Board may remove the pet and/or obtain a court order requiring the Owner or Occupant to do so.
5. If a pet presents an immediate danger to health, safety or property in the Community, the Board may remove the pet without prior notice.

### **Guideline No. 7 - Vehicles and Parking (Ref: Article 9, Para H)**

1. No Owner or Occupant may keep or bring into the Community more than a reasonable number of vehicles per Lot, as determined in the sole discretion of the Board of Directors.
2. Vehicles may only be parked in garages, driveways on Lots, designated parking spaces, or other areas authorized in writing by the Board.
3. Vehicles may not be parked on any grass or landscaped areas on Lots and may not be parked in parking spaces designated for use by other Owners or Occupants.
4. All recreational vehicles, boats, travel trailers, or similar vehicles must be parked in garages.
5. Designated vehicles for commercial use by the Georgia Department of Motor Vehicles are prohibited from being parked in the Community, except:
  - In garages or as otherwise approved by the Board;
  - In the case of service vehicles, on a temporary basis.
6. Each vehicle of an Owner or Occupant shall have the Marshes decal applied to the rear of the vehicle in a conspicuous location.

7. The assembly and disassembly of motor vehicles and other mechanical devices are prohibited.

8. Violation of this Paragraph or the Association's rules, the Board or agent of the Association may tow or boot the vehicle after 24 hours written notice.

**Guideline No. 8 – Signs (Ref: Article 9, Para I)**

1. No signs, advertising posters, political placards or billboards of any kind shall be allowed without the prior written consent of the Board of Directors or ACC, other than:

- Two professional security signs of standard size;
- One professionally lettered "For Sale" sign not to exceed 24" by 30" in size;
- Temporary signs relating to open houses, births, birthdays or other events for limited periods.

**Guideline No. 9 – Rubbish and Trash (Ref: Article 9, Para J)**

1. No Owner or occupant shall allow any unsightly garbage, trash, debris, dirt, wood, construction materials or household waste on any Lot. All such items shall be bagged, sacked, boxed or otherwise disposed of in a safe and sanitary manner.

2. All garbage cans shall be screened from view by either adequate plant coverage or approved fencing to conceal receptacles from view by adjacent lot or street. Garbage receptacles should have a top lock.

3. All wood piles shall be screened from view by adequate plant cover or approved fencing so as to conceal the wood piles from view of adjacent lots or street.

4. Yard material/waste shall be collected every Thursday and is not required to be bagged. It shall not be kept curbside more than 7 days.

5. Household items, such as clothing, bedding, rugs, mops, appliances, indoor furniture, and other household items shall not be placed or stored outside the dwelling.

6. Neatly stacked firewood, potted plants, patio furniture and grills may be kept outside the dwelling.

7. Discarded items, other than household trash and yard waste, shall be placed curbside on the fourth Friday of each month.

**Guideline No. 10 – Mailboxes (Ref: Article 9, Para P)**

1. The unit address number will be placed on the front of the box and shall conform to the size and style of the neighbor's number.

**Guideline No. 11 - Exterior Front Doors, Shutters, Windows, Light Fixtures and Garages/Garage**

Doors (Ref: Article 9)

1. Marshes colors can be purchased from Sherwin-Williams Company, 2135 East Victory Drive, Savannah, Georgia (912-352-3728).

2. Marsh colors are to be determined with the exception of garage doors. Taupe has been designated for all garage doors.

3. All shutters shall be of the same dimensions as is universal in the Marshes.

4. A copy of the enclosure FORM is required and shall be submitted to the ACC in writing for review and/or approval for all window modifications. The designated window color of all windows shall be Marshes beige.

5. All outside light fixtures shall be of an antique or traditional style and modest in size. Bright, modern fixtures are not allowed.

6. Garage conversions are prohibited; provided that all garage conversions in existence on the Effective Date, and made in compliance with all of the terms of the Original Declaration, shall not constitute a violation of this requirement.

7. Garage doors shall be of the single or double sunset window design with a 15" x 21" panel array below the windows. Every effort should be made to match duplex garage doors.

8. Garage doors should remain closed when not in use for ingress, egress or garage use, or when the Owner or Occupant is not outside on the Lot.

9. The Board may establish additional rules regarding garages.

**Guideline No. 12 - Window Treatments (Ref: Article 9, Para S)**

1. Window Treatments: Windows exposed to a street or another dwelling shall have customary or appropriate window treatments.
2. Unless otherwise provided by the Board, all window treatments visible from the front exterior of a Dwelling are required to be Marshes approved beige in color.

**Guideline No. 13 - Antennas and Satellite Dishes (Ref: Article 9, Para T)**

1. A copy of the enclosure FORM is required and must be submitted for any dish, antenna, satellite service or receiver that is 1 meter (39.37”) or less in diameter.
2. Any dish, antenna, satellite service or received that is 1 meter (39.37”) or less in diameter shall be located to provide minimal visual impact on adjacent properties.
3. A dish or antenna shall not be installed on any common area without prior approval from the Board.

**Guideline No. 14 - Nuisance and Noise (Ref: Article 9, Para W)**

1. An Owner or Occupant shall not conduct activities within a Dwelling in a manner that interferes with or causes disruption to the use and quiet enjoyment of another Dwelling.
2. No noxious, destructive, offensive or unsanitary activity shall be allowed within the community at any time, in any way, which may unreasonably annoy, disturb or cause embarrassment or discomfort to other Owners or Occupants, or, in the Board’s discretion, constitute a nuisance.
3. Fighting, screaming, shouting, excessive loud talking, whistling, music or television, raucous behavior or insobriety is not allowed at any time, if such conduct can be heard in the normal course of activities in any Dwelling.

**Guideline No. 15 - Community Pool and Pavilion**

1. Owners or Occupants of the Marshes and accompanied guests are eligible to use the pool and the pavilion.
2. The pool is opened from the first of May through the end of October; daily from 7:00 am until 11:00 pm.
3. All Owners, Occupants and guests shall shower before entering the pool.
4. Any person having a skin disease, sore, inflamed eyes, cough, cold, nasal or ear discharge, or wearing bandages or having any communicable disease shall not enter the pool.

5. Smoking is not allowed in or around the immediate pool area and the smoking receptacle shall be used to distinguish all butts.
6. Children not toilet trained are required to wear a properly fitted swim diaper before entering the pool.
7. Running, boisterous, or rough play, loud radios, spitting, spouting water and blowing the nose in the water are prohibited in the pool or surrounding areas.
8. Food is not allowed in the pool. Food shall be consumed in the pavilion area or at poolside table only.
9. Animals or pets are not allowed in the pool area.
10. All trash or refuse shall be placed in a trash receptacle.
11. Glass objects are not allowed in the pool or pool area.
12. Owners or Occupants may reserve the adjoining pavilion for special events. Reservations are on a first come basis and must be notated on the wall calendar located at the pavilion.
13. The community pool SHALL NOT be reserved at any time, even during periods when the pavilion is reserved.
14. All Owners shall be issued one pool key. The pool key will serve as a passkey for family and guests. Only six guests per household are permitted at any one time.
15. Owners, Occupant and/or Guest shall ensure umbrellas are lowered before leaving the pool area.
16. Any violation of this section may result in the suspension of pool privileges.

**Guideline No. 16 – Association and Private Docks (Ref: Dock and Walkway Rules, Revised September 2009)**

1. Association Docks:
  - o The floating docks which are labeled “A.”
  - a. Association docks are available to all owners, occupants or guests for fishing and crabbing with a valid Georgia State fishing license and boat docking.
  - b. An owner, occupant or guest who does not own a dock space and uses the docks for their boats shall notify the Dock Master to prevent the boat from being towed.
  - c. Swimming from the docks is strongly discouraged. Swimmers swim at their own risk.
  - d. Guests using the docks shall be accompanied by a resident or may use the gate key marked “Marshes Address Tag” as a passkey without the resident being present. A guest who does not have a passkey will be asked to leave the dock area.

- e. Golf carts are not allowed beyond the parking area.
- f. Fireworks or firearms are not to be discharged from the dock area at any time.

2. Private Docks:

- o Floating docks are inside and outside spaces 1 through 14, which are “leased” from The Marshes Homeowners Association and used under a Dock Use Agreement by residents.
- a) Private dock users have no right of assignment or transfer of Private Docks or Use Agreements. Refer to revised Dock and Walkway Rules dated September 2009 for details.
- b) Minors under 12 years of age and non-swimmers shall be required to wear a life vest when on the docks.
- c) Swimming from the docks is strongly discouraged. Swimmers swim at their own risk.
- d) Fishing and crabbing are permitted with a valid Georgia State fishing license.
- e) Golf carts are not allowed beyond the parking area.
- f) Fireworks or firearms are not to be discharged from the dock area at any time.
- g) Boarding private boats is prohibited.
- h) Only boats registered to the Private Dock Users are allowed to dock.
- i) Owners, occupants or guests shall ensure the dock gate is locked at all times.
- j) Any violation of this section may result in the loss of dock privileges.

Please refer to the Dock and Walkway Rules, Revised September 2009 for more detailed information on the Association and Private Docks use.

**Guideline No. 17 – Crab Traps (Ref: Dock and Walkway Rules, Revised September 2009)**

1. Crab traps shall be labeled with the owner’s name and unit number. The label shall be printed with a permanent marker (Sharpie Type) on the required green DNR float and tied to the dry end of the crab trap rope.
2. All users must have an up-to-date DNR Fishing License.
3. Crab traps should be tied off securely to the dock cleats.
4. Crab traps shall be tied and stored “overnight only” to the railing behind the benches on the marsh walk upper dock. 10

## **1. Application Information**

Applications for approval of any architectural modification shall be contained in a copy of the enclosure FORM and shall provide such information as The Marshes Homeowner's Association Board of Directors ("Board") or the Architectural Control Committee ("ACC") require in the guidelines included below.

A copy of the Form is attached. Additional Forms are available from a member of the Board, the ACC, or Market South Management, 1901 Bull Street, Savannah, GA 31401; via email at [alan@msmsavannah.com](mailto:alan@msmsavannah.com), fax at 912.201.0116 or by telephone at 912.238.0875.

Any Declaration, Amendment, or Community-Wide Standards violation may be submitted by any Owner and shall be submitted in writing to the Management Company.

## **2. Review Procedure and Standards**

The ACC shall receive and review applications for proposed improvements and modifications. The ACC shall be the sole arbiter of applications for architectural modification.

In addition, the ACC shall have the power to assist the Board with determining the existence of a violation of the use restriction in Article 9 of the reference. If the ACC's decision is appealed, the ultimate decision as to the existence of a violation and the enforcement therefor lies with the Board.

Limitation of Liability (Ref: Article 8, Para I.)

The review and approval of any Form may be made on any basis, including solely on the basis of aesthetic considerations. The Association, Board of Directors and the ACC are not responsible for ensuring, and shall not be held liable for the design, quality, structural integrity or soundness of any modification, nor for any compliance with building codes, zoning regulations or other governmental requirements.

Each Owner acknowledges that the members of the Board and the ACC will change from time to time and that interpretation, application, and enforcement of the architectural standards may vary accordingly.

## **3. Appeal Procedure**

The management company will notify the Owner of a response to their written request, within 45 days after the request is received by management.

In the event the ACC disapproves any Form or determines a covenant violation, an Owner shall have the right of appeal to the ACC's decision to the Board within **14** days of the ACC's notice to Owner of its decision. The Board shall rule on the appeal within **45** days of receiving written notice requesting an appeal from the Owner. In ruling on an appeal, the Board shall consider all relevant materials presented, either by the Owner or the ACC, the decision of the ACC, and the Form or covenant violation. The Board shall have the final authority to approve, disapprove, or conditionally approve or disapprove the Form or covenant violation. If the Board does not receive written notice from the Owner by certified mail requesting an appeal within 14 days from the date of the ACC's or Board's notice to the Owner of its decision, the

decision of the ACC or Board shall become final and all rights of appeal shall terminate and thereafter be void.

#### **4. Enforcement Procedure**

Construction, alteration or other work done in violation of this document, the Amended and Restated Declaration of Covenants and Conditions for The Marshes (Marsh Villas) dated June 13, 2012, the Bylaws, the design standards of any applicable zoning regulations shall be deemed nonconforming. Upon written notice from the Board, a violating Owner shall, at his or her own cost and expense, remove such nonconforming work and restore the property to substantially the same condition as existed prior to such work.

Should the Owner fail to do so, and under extreme conditions, with Board approval, may have the right to enter the property to correct the violation. At the Board's discretion, they may also obtain a court order compelling the violation Owner to restore the property as it existed prior to such work. All costs thereof, including reasonable attorney's fees, may be assessed against such Lot.

In addition, the Board shall have the authority to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of the reference, this document, and decisions of the ACC and the Board. All costs of any such action, including reasonable attorney's fees, may be assessed against such Lot. Furthermore, the Board shall have the authority to record in the Chatham County land records notices of violation of the provisions of this document.

#### **5. Violation and Fine Schedule (Ref: Article 7, Para C)**

##### **a. Friendly Violation Letter**

- Notification letter sent to Owner provides a courteous way to inform the Owner of their violation;
- Owner is given 10 calendar days from the date of the letter to cure or commence curing the violation. It is the Owner's responsibility to notify the Management Company or the ACC when the violation is cured.

##### **b. First Notice of Violation Letter and Warning of Fines**

- This letter provides the Owner information regarding potential sanctions for the violation;
- Owner is given 10 calendar days after this letter is sent to cure the violation or request a violation hearing as per the reference of Para 16C2. It is the Owner's responsibility to notify the Management Company and the ACC when the violation is cured.

##### **c. Second Notice of Violation Letter and First Fine**

- Warning of fine to be imposed at the rate of \$25.00 per day;
- Warning of further sanctions;

##### **d. Third Notice of Violation Letter and Second Fine**

- Statement for current balance due of fines, payment is due within 5 calendar days;
- Notice of fine of \$25.00 per day to begin imposition;
- Fines shall commence on the date of the written violation notice.

- Fines will continue until the violation is cured;
- Owner is given 10 calendar days after this letter is sent to cure the violation. It is the Owner's responsibility to notify the Management Company and the ACC when the violation is cured.

e. Final Notice of Violation Letter

- Statement for current balance of fines due;

f. Notification of Lien Filing

- Statement for current balance of fines due;
- Fines will continue until the violation is cured;
- At this time, the homeowner has been given a minimum of 40 days to cure the violations after being initially notified. The Homeowner has received five letters regarding their violation.
- The homeowner is notified (via certified mail) from the Association Attorney that Notice of Lien has been filed against the home.