

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AFFIDAVIT TO RECORD

I, E. Richardson LaBruce, Esquire do hereby state that:

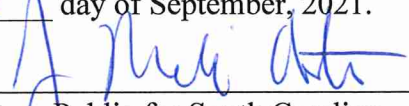
1. I serve as general counsel for Westbury Park Residential Association, Inc.

2. This Affidavit is made to record the attached Traffic, Parking & Towing Rules & Regulations for Westbury Park Residential Association, Inc. in order to meet the requirements of South Carolina Code §27-30-110, et seq. known as The South Carolina Homeowners Association Act which amended Title 27 of the 1976 Code of Laws of South Carolina.

FURTHER AFFIANT SAYETH NOT.


E. Richardson LaBruce, Esquire

SWORN to before me this
2 day of September, 2021.


Notary Public for South Carolina
My Commission Expires: 7/19/2031

Amy Novakowski Ostrom
Notary Public, State of South Carolina
My Commission Expires July 19, 2031



Traffic, Parking & Towing Rules and Regulations

I. GENERAL:

Westbury Park is a private, gated residential community and entry by the general public is prohibited except in accordance with the Association Governing Documents and this Policy.

Section 1.1 Definitions. The terms used in this Policy (hereinafter referred to as the “**Policy**”) shall have the same meaning as contained within the recorded Declaration of Covenants, Conditions, and Restrictions for Westbury Park Residential Properties, as amended, unless the context requires otherwise or unless otherwise specified herein.

Section 1.2 Applicability. This Policy is enacted by the Board of Directors in accordance with Section 3.1 of the Declaration. This Policy shall be binding upon all Owners and lessees of Owners, their families, invitees, and guests, and any other Persons that use the roads, streets, sidewalks or other Common Areas of Westbury Park. All present and future co-owners, tenants, future tenants, or their employees, or any other person that might use the Common Areas in any manner, are subject to the rules and regulations set forth herein (and any amendments thereto). Each and every Person who accepts the right to use the roads, streets, parking facilities and other Common Areas of Westbury Park hereby consent to the application of and are bound by the Rules and Regulations established within this Policy.

Section 1.3 Conflicts. In the event of any conflict or ambiguity between this Policy and the provisions of a state statute, the Declaration, or the Bylaws, the provisions of such statute, the Declaration, or the Bylaws, as the case may be, shall control.

II. OPERATION OF VEHICLES WITHIN WESTBURY PARK:

Access to all properties within Westbury Park is restricted to ensure the safety & security of its owners and residents.

Section 2.1 Compliance. All Persons using the Common Area of Westbury Park, including but not necessarily limited to Owners, invitees, residents, and visitors (*e.g.*, guests, contractors, *etc.*) must obey the general “rules of the road,” the laws of the State of South Carolina, and all rules and regulations established by this Policy and the Governing Documents. Owners will be held accountable for the actions of their tenants and/or visitors while in Westbury Park. Administrative processes and procedures used to support this Policy may be changed and updated as required.

Section 2.2 Applicability to Motorized Vehicles, Golf Carts, ATVs and Others. The rules and regulations set forth herein shall apply to all categories of vehicles as defined by South Carolina law and shall also apply to all golf carts (whether electric or gas-powered), ATVs, four-wheelers, motorcycles, minibikes, mopeds and motorized scooters (collectively, each a “**Vehicle**”).

Section 2.3 Speed Limit. All Persons operating any Vehicle within Westbury Park shall obey the posted speed limit. Unless otherwise posted, the maximum speed limit throughout Westbury Park is fifteen (15 mph) miles-per-hour. Speeds within Westbury Park may be monitored by qualified security personnel and/or law enforcement utilizing certified radar equipment.

Section 2.4 Compliance with Traffic Signs. All Vehicles shall obey all posted traffic signs, and any words and/or symbols marked upon paved surfaces or curbs. These include, but are not limited to areas designated for handicapped parking, restricted parking and/or prohibited parking, as well as traffic control devices and signage such as "STOP" signs, stop lines, and yield signs. All Vehicles must come to a complete stop at a designated stop line.

Section 2.5 Operation on Paved Areas Only. The operation of Vehicles shall be strictly limited to the paved areas of Westbury Park (e.g., streets, roads, alleys, driveways, parking areas). No Vehicle may enter onto any unpaved portion of the Common Area without the express permission of the Board.

Section 2.6 Parking. Parking on the Property shall be limited as follows, unless expressly authorized by, and then subject to such conditions as may be imposed by, the Board of Directors:

- (a) No Vehicle shall be permitted to park on any sidewalk, including but not limited to any area or portion of such sidewalk that bisects a driveway.
- (b) No Vehicle shall park within twenty (20) feet of any intersection.
- (c) No Vehicle shall be parked within fifteen (15) feet of a fire hydrant or any USPS mailboxes.
- (d) Vehicles shall be parked on the right side of the
- (e) Priority for parking must go to Residents first, then guests and visitors.
- (f) Residents are encouraged to utilize their garages when present, followed by their driveway and use on-street parking only as a last resort. When parking on-street, Vehicles must be parked on the right-side of the road in conformity with the direction of traffic.
- (g) Parking must be in designated areas on paved streets and driveways. No parking on private yards (front, side or back), landscaped Common Areas or other areas not approved for vehicle traffic or parking (e.g. fire lanes). ATVs and golf carts may however be parked behind homes if behind ARC compliant privacy fence and not visible from any streets.
- (h) Parking is not allowed on alley roadways. Vehicles parked behind homes must be completely off the alley drive and within the Resident's driveway or in a garage.
- (i) Parking of more than two Vehicles per home on any street within Westbury Park is prohibited. Additional vehicles beyond the two vehicle per home limit must be parked in the home's garage or the home's driveway.
- (j) Parking by visitors at an authorized "at-home" business may not create a parking nuisance for surrounding neighbors. Refer to Westbury Park Residential Association's

By-Laws and related governing documents for what authorized “at-home” businesses are allowed.

- (k) Overnight parking of Owner or Resident-owned, -leased, -assigned, -borrowed or -used commercial vehicles, trailers or equipment in places other than enclosed garages is prohibited.
- (l) Parking of contractor Vehicles, trailers, equipment, etc. when not actively engaged by a Resident or the Board on an active project in Westbury Park, without permission, is prohibited. Residents must follow the ARC permit process to request permission to leave equipment overnight.
- (m) Parking of mobile homes, campers, and RVs, in places other than enclosed garages, is prohibited. All boats, trailers and campers (“RV’s”) must be parked in the garage or stored off-site
- (n) Commercial Vehicles and utility trailers must be parked in enclosed garage or stored offsite.
- (o) Parking of temporary storage units (e.g. “PODS” or “Pack-rat”) on driveways, sidewalks, walkways, alleys, or landscaped areas, is prohibited. Parking on private driveways is allowed for no more than 7 consecutive days. NOTE: When extenuating circumstances exist, owner may use the ARC application process to request an extension.
- (p) Occupation, whether temporary or permanent, of campers, trailers or boats is strictly prohibited within Westbury Park.
- (q) Parking of derelict, abandoned or inoperable Vehicles, including restoration or “hobby” projects, in places other than enclosed garages, is prohibited.
- (r) On-street parking of Vehicles not properly titled, registered, or insured is prohibited.
- (s) Activities that create problems with vehicular traffic and/or Resident safety, without prior approval of the Board, is prohibited. This includes activities that block streets, alleys or sidewalks.
- (t) Unauthorized parking is prohibited. Unauthorized parking is parking by anyone who is not:
 - (i) An Owner, registered renter, or child of registered Resident;
 - (ii) A Resident’s guest only while visiting said Resident;
 - (iii) An approved service provider authorized pursuant to Section 11.7 of the Declaration;
 - (iv) Contractors performing authorized work for Residents;
 - (v) Governmental workers while on official business; and,
 - (vi) Utility providers.

- (u) Vehicles which are considered derelict are prohibited. The Property Manager will try to make contact with the owner. If the Vehicle is not registered or the owner cannot be contacted, the Board may, in its sole discretion authorize removal/towing of the vehicle at the owner's expense.

Section 2.7 Owner Responsibility. For the purposes of this Policy, ownership of an illegally parked or operated vehicle shall constitute prima facie evidence that the registered owner parked and/or operated the vehicle and/or that the illegally parked/operated vehicle was so parked/operated with the knowledge and consent of the registered owner. Registered owner, as used in this Section 2.7, shall mean the owner of the vehicle as registered with the State of South Carolina or other such appropriate governing body, whether located within the State or outside of the State.

III. ENFORCEMENT AND TOWING:

This Policy was developed to enhance the quality of life of all persons within Westbury Park and to eliminate uses and dangers that work to the detriment of such goals. The purpose of this Policy is not to anticipate all potential acceptable or unacceptable behavior in advance. In fact, it is expressly intended that the Board, as appropriate, have discretion to enforce or not enforce technical violations hereof based upon their reasonable judgment. The exercise of discretion in approving or enforcing this Policy shall not be construed as a waiver of approval or the right to enforce in future circumstances, nor shall it preclude the Association from taking enforcement action.

Section 3.1 Enforcement. Violations of any rule or regulation set forth within this Policy, as determined by the Board, may subject the violator or any such other Person to disciplinary action as set forth within the Governing Documents, including but not limited to Section 3.24 of the Bylaws, which includes the imposition of monetary fines and the suspension of rights, and or any such action permitted under South Carolina. Moreover, to preserve the family-friendly atmosphere of Westbury Park, the Board, management, contracted security, or local law enforcement may dismiss any Resident, guest, Contractor, visitor or such other Person if their behavior is deemed in conflict with the provisions hereof or contrary to South Carolina law.

Section 3.2 Fines. Provided below is the fine schedule as enforced by Westbury Park as part of its efforts to maintain Westbury Park as a safe and friendly residential community:

Offense	1 st	2 nd	3 rd	4 th
Traffic Violation	Warning	\$100.00	\$250.00	\$250.00

Other offenses and fines may be set by the Board. The Association may also impose an administrative fee, as necessary, of \$100.00 per hour for our third party Property Manager and Security vendor to review video footage, identify and locate the violator, prepare and issue notice of violation and fines. These fines and fees shall be paid within thirty (30) days of notice. These fines and fees are exclusive of any costs and/or legal fees incurred by the Association to enforce compliance with this Policy.

Section 3.3 Criminal Violations. Violations of the Uniform Act Regulating Traffic on Highways, S.C. Code Ann. § 56-5-10, *et seq.*, may be enforced and/or prosecuted in accordance with South Carolina law, including but not necessarily limited to the issuance of a Uniform Traffic Ticket, summons, citation, or arrest; as determined in the discretion of the responding/supervising security officer and/or law enforcement officer. Certain S.C. Code traffic offenses, including, but not limited to DUI,

DWI, reckless driving and handicapped parking provisions, are strictly enforceable on private property. Hearings on these S.C. Code traffic offenses will be in the appropriate Magistrate's Court or other appropriate jurisdiction.

Section 3.4 Removal of Vehicle. In addition to any penalties permitted by this Policy or South Carolina law, the Board or its Managing Agent, after making a reasonable effort to notify the Owner of a Vehicle or object which is in violation of this Policy, may remove or cause to be removed the Vehicle or the object at the Owner of the Vehicle or object's sole expense. Moreover, the Association may enter into a written agreement with a licensed wrecker service to provide such services to the Association, which agreement shall be filed with the Beaufort County Sheriff's Office. One or more signs will be posted on the Property in conspicuous locations, such as the Buck Island Gate and/or the Main Gate, with clear warning that Vehicles will be towed at the Owner's expense. Signs will post the telephone number to call to release the towed vehicle. No booting will be allowed.