

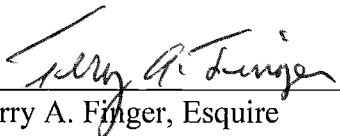
STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF BEAUFORT            )

AFFIDAVIT TO RECORD


I, Terry A. Finger, 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 Gate Access & Security Rules and Regulations, Noise Rules & Regulations and 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.

  
\_\_\_\_\_  
Terry A. Finger, Esquire

SWORN to before me this  
10 day of September, 2020.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: 10/4/22



## Noise Rules and Regulation

ADOPTED JULY 2020

### I. GENERAL:

*Westbury Park is a private, gated residential community and the peaceful enjoyment of Westbury Park by Owners, Members, Residents, and guests is of paramount importance.*

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. NOISE RESTRICTIONS:

*The Board deems the following activities and/or conditions to interfere with the reasonable enjoyment of the Property and Owners/Residents' rights to peacefully reside within their homes.*

Section 2.1 General Prohibition. Noise that would result in an annoyance or interference with the reasonable use and enjoyment of neighboring premises, including loud or boisterous conduct, anywhere on the Property, is prohibited. Any sound or vibration which (a) may disturb or annoy reasonable persons of normal sensitivities; (b) causes, or tends to cause, an adverse effect on the health and welfare of another; (c) endangers or injures people; or (d) endangers or injures personal or real property may be considered to interfere with the reasonable use and enjoyment of neighboring premises for the purposes of this Policy.

Section 2.2 Contractors and Maintenance. Except for the service providers set forth in Section 11.7 of the Declaration, no Contractor shall perform any noise-producing services (including but not limited to construction or landscaping services) before 8:00 A.M. or after 7:00 P.M. without the prior written approval of the ARC or the approval of the Board in emergency circumstances. Contractors that violate this Policy shall be subject to fines and possible permanent removal from property. This Section

2.2 shall not be deemed to prohibit or limit an Owner or Resident's ability to self-perform regular maintenance activities on a Unit during such permitted hours or in the case of an emergency.

Section 2.3 Amplified Noise. Using or discharging any radio, loudspeaker, horn, whistle, bell or other sound device for any prolonged period that disrupts the peace of the residents of Westbury Park is prohibited. No Person using the roadways, parking areas, or other Common Areas of Westbury Park, including but not limited to the roads, parks, pool, and sidewalks, may operate their stereo, radio, or other amplified sound-producing device, so that it disrupts the peace and/or disturbs the quiet enjoyment of others using the Common Area or other Units/Lots.

Section 2.4 Nuisance Animals. No animal shall be allowed to annoy residents unreasonably or to substantially interfere with the quiet enjoyment of others. Excessive barking shall be considered a violation of this Section. Excessive barking is barking that is persistent and occurs for an extended period of time or on a repeated basis. When determining if barking is a violation, consideration will be given to the time of day, duration and frequency of barking.

Section 2.5 Noise from Otherwise Illegal Activities. Noise generated during illegal or unpermitted activities, including but not limited to discharging fireworks, racing vehicles, operating unpermitted vehicles, is hereby prohibited.

Section 2.6 Appeals. Disputes over noise complaints may be reviewed by the Board if appealed using the established Appeal Process.

Section 2.7 Emergency Exception. The provisions of this Policy shall not apply to the emission of sound for the purpose of altering persons to the existence of an emergency, or to the emission of sound in the performance of emergency work or services.

Section 2.8 Special Events Exception. The Board of Directors or the Managing Agent, if such power is designated/delegated to it, shall have the authority to issue exceptions to the provisions of this Policy through the issuance of a Special Event permit.

### III. ENFORCEMENT:

*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:

<b>Offense</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>
Noise Violation	Warning Letter	\$50.0	\$100.00	\$200.00

Other offenses and fines may be set by the Board. If multiple violations occur within ninety (90) days of the initial Warning Letter, the Association reserves the right to take such additional permitted action, including but not limited to all actions permitted under the Governing Documents and South Carolina law.