

Thistle Downs Property Owners Association, Inc.

Thistle Downs Amenity Center Policies & Rules

Revised 4/2018

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Purpose: The purpose of the Thistle Downs Amenity Center is to provide a common area for the Thistle Property Owners as a gathering place for wellness, socialization, relaxation and to promote a sense of community among the members.

Intent: It is the intent of the Thistle Downs Property Owners Association, Inc. (Thistle Downs POA) to provide these rules and regulations for the Thistle Downs Amenity Center for the mutual enjoyment of Thistle Downs property owners and their guests. The obligation of enforcing these rules and regulations for the good of all property owners is placed primarily with the Thistle Downs POA Board of Directors, acting through or with the POA Delegate or Delegate's Agent. The principal responsibility of the Delegate or Delegate's Agent is to ensure that property owners have all of the courtesies, comforts and services they are entitled to. It is the duty of the property owners to know the rules and regulations and to cooperate with the Board of Directors, the Delegate and the Delegate's Agent in the execution of their responsibilities.

Control: The Thistle Downs POA Board of Directors shall be the sole body for approval, oversight, and dispute resolution of the Covenants, Conditions, Rules, Regulations and Restrictions for the Thistle Downs Amenity Center. The Thistle Downs Amenity Center's Covenants, Conditions, Rules, Regulations and Restrictions may only be modified by formal action of the Thistle Downs POA Board of Directors.

It shall be the purpose of the Thistle Downs POA Amenity Center Committee (herein known as the "Delegate") acting as the Thistle Downs POA Board of Directors Delegate to ensure the purpose of the Amenity Center is realized.

Additionally, the Thistle Downs POA Board of Directors may choose to engage a third party management group (here-in known as Delegate's agent) to support the operation of the Amenity Center.

Usage:

1. Use of the Thistle Downs Amenity Center is limited to members in good standing. Good Standing constitutes all POA dues and/or fines are current.
2. a. The privilege to use the Thistle Downs Amenity Center will be transferred to new Thistle property owners upon the sale of any home or property within the Thistle Downs Community.

b. No other transfer of this privilege will be permitted, unless approved in advance by the Thistle Downs POA Board of Directors.
3. The Thistle Downs Amenity Center Community Room may not be used for recurring or regularly scheduled functions, unless pre-approved by the Thistle Downs POA Board of Directors.
4. Unless previously requested and approved by the Board, the Thistle Downs Amenity Center Community Room may not be used for profit-making activities.
5. Access to the Thistle Downs Amenity Center Community Room will not be allowed more than one (1) day in advance of an approved reserved function.

Usage Eligibility:

Use by the POA Members in good standing (as defined in #1) and their immediate families members shall enjoy access to all parts of the Amenity Center through the use of a controlled access mechanism given to each POA member by the Developer at the time of the purchase closing. Hours of access for the Amenity Center will be determined by the Delegate and posted conspicuously at the Center.

All POA members and their family members are required to abide by all policies and rules as provided in this document.

Access will be limited to the pool area, outside kitchen and workout areas when a resident has an “Approved Reservation” and is holding the function in the Thistle Downs Amenity Center Community Room. An “Approved Reservation” is defined as a reservation that meets all of the criteria as defined in “**Reserving the Amenity Center Community Room by a POA Member**”.

Use by POA Members' Guests - The purpose of the Amenity Center is primarily for the enjoyment of the POA members and their immediate family. From time to time POA members may invite guests to join them in enjoying the Amenity Center. Members are responsible for their guests conduct, safety and adherence to the policies and rules of the Amenity Center.

When inviting guests to utilize the facility, good judgment on the part of the POA member should be exercised as to the number of guests and the duration of their visit. This will ensure continued support of this policy by the members.

Reserving the Amenity Center by a POA Member: Reservation requests are made by completing and returning the, "Reservation Application & Waiver Forms" to the Delegate Agent. The "first come, first served" rule applies. A deposit of \$100 is required for all "**Private Events**" such as birthday or anniversary celebrations that require limiting access to the community room by other POA members. Meetings or gatherings such as Poker nights, book club, and holiday gatherings for members only requires a reservation, but the deposit and cleaning fee requirement will be waived. All other rules apply as described in the Reservation Application form.

The reservation is not confirmed until the Reservation form is completed, the deposit is made and the form has been returned to the person as approved by the Delegate (Thistle Downs Amenity Center Committee).

All people reserving the use of the Amenity Center Community Room will complete the Rental Agreement and Waiver and agree to all conditions set forth in the agreement and the established Amenity Center policies and rules.

Eligibility & Authority to Use: Members in good standing may request to reserve the facility for a meeting or function. However, members who have not paid damages assessed from prior use may not schedule an event until damages are fully paid.

The member of the household who has the authority to use the facility for an event include: owner/owners of the property or resident spouse/partner of the owner.

Long term Rental/Lease Holder Eligibility:

In the circumstance whereby a homeowner within the Thistle Downs community decides to execute a long term lease of the home to a third party, a transfer of usage to the Lessee may occur under these guidelines:

- *The lease agreement should be of a long term nature – generally a minimum of 1 year or more.*
- *The Thistle Downs POA Board of Directors and the Delegate should be informed of the lease by the Property Owner and the Property Owner shall provide the name(s) of the Lessee to be given transfer authority to use the Amenity Center.*
- *It is the responsibility of the homeowner to provide and review the Thistle Downs Amenity Center Policies and Rules document with the Lessee, who will be held to the same standard.*
- *The Lessor is ultimately responsible for damage recovery under the Conduct clause(s) of the Thistle Downs Amenity Center Policies and Rules for any damage caused by the Lessee and/or their family members or guests.*
- *The Lessor abandons all usage and access rights to the Thistle Downs Amenity Center during the usage transfer to the Lessee except as a “guest” under the rules.*
- *Thistle Downs Property owners, who do not own a home within the Thistle Downs Community are not eligible to transfer usage under the above lease policy for lease agreements of homes outside of the Thistle Downs Community.*

Permitted Uses:

1. The Thistle Downs Amenity Center Community Room may be reserved for private, social and Thistle community events. Events must be in good taste and reflect the general standards of the Thistle Downs POA, Inc.
2. The member must certify that this is a personal event, not for business purposes, that they will be present at all times and they are fully responsible for the set-up, clean-up and security of the building per the Reservation Agreement.
3. Activities that are illegal or generally considered contrary to the public peace are not permitted and may be halted in progress, if necessary, by law enforcement authorities, or officers or agents of the POA.
4. Certain events, especially those to which the general public is invited – whether directly or indirectly – normally will not be approved. Events of a retail sales nature are prohibited.

5. The Delegate (or Delegate Agent) will consider each request and refer unusual requests to the Board of Directors. Members who are rejected for use of the Amenity Center may appeal the decision to the Board of Directors via the POA liaison. The ruling by the Thistle Downs POA Board of Directors is final.
6. All events must have the reserving POA member identified on the reservation application and that member must be present at all times. Events for minors younger than 18 years of age require a 10:1 ratio, minor: adult ratio.

Usage by Outside Organizations: The use of the Thistle Amenity Center by outside organizations is not permitted.

Parking: All automobiles, motorcycles, and other types of vehicles must be parked in designated spaces in the parking areas. All vehicles, including golf carts, or bikes are prohibited from parking on any walkway, or on any lawn area. Bicycles should be parked in the bike rack provided by the Thistle Downs POA.

Conduct:

1. Conduct at the Thistle Downs Amenity Center must be such as to provide the greatest pleasure for the greatest number of members. The Board of Directors has given the POA Delegate full authority to enforce all rules and regulations, and to recommend modification of these rules to the Board of Directors for the benefit of all members. The Property Owners cooperation is necessary to ensure the safety and comfort of all members is realized when using the Thistle Downs POA Amenity Center.
2. No property owner or his/her guests or invitees shall engage in physical assaults, unacceptable, offensive and/or unbecoming conduct on or surrounding the Thistle Downs Amenity Center, pool or any common area in Thistle Downs Amenity Center.
3. a. In the event that a violation as described in #2, the offender shall receive a formal warning from the Delegate. If a second violation occurs, the offender and his/her family and/or invitees shall lose all rights and privileges to the Thistle Down Amenity Center, for a period to be determined by the Thistle Downs POA Board of Directors.

b. Upon approval by the Thistle Downs POA Board of Directors, a notice of a finding of a violation based on information and facts and narratives satisfactory to itself, but not necessarily subject to any evidentiary rules or

regulations, shall be conclusive, and notice will be given to the violating party and shall be deemed delivered upon deposit of the notification in the U.S. Postal Service. Such notices shall be sent to the violator via registered mail.

- c. Failure of any property owner, his/her families or invitees to comply with the terms and conditions of any suspension issued hereunder, shall result in a fine of \$100 per day, for each and every calendar day that the offender remains in violation, as the Thistle Downs POA Board of Directors, in its sole and unfettered discretion, may determine.

 - d. Notwithstanding the above, upon receipt of a notice of a suspension or a fine, a property owner shall have ten (10) calendar days to file a written request for a hearing before the Thistle Downs POA Board of Directors and at such hearing, may present such evidence and/or extenuating circumstances as he/she deems appropriate. The determination of the Thistle Downs POA Board of Directors shall be final.
4. To the extent that enforcement of any fines or suspensions hereunder requires resort to the civil courts of Brunswick County, North Carolina, then the Thistle Downs POA shall be entitled to recover all of its attorney's fees and any and all costs or fees associated with this matter.

Interpretation: The provisions herein shall be governed by the laws of the State of North Carolina. To the extent the provisions herein conflict with the provisions of the Planned Community Act, N.C.G.S. Chapter 47F, or any future enactment, or the First Amended and Restated Declaration of Protective Covenants, Restrictions, and Easement by Thistle Down at the Thistle Down Golf Club also known as Thistle Estate as recorded in Book __1529__, Page __572__, Brunswick County Registry, or any amendments thereto, then the provision of said legislation and declaration, as applicable, shall control.

Thistle Downs Amenity Center Rules

It is the intent and responsibility of the Thistle Downs Property Owner's Association Board of Directors and their appointed delegate to conform to all applicable regulations of the State of North Carolina Department of Health and Human Services Food Protection and Facilities Branch and local ordinances of any recognized local government agency. As such, any /all rules regarding the operation and usage of the Thistle Downs Property Owner's Association Amenity Center should (at a minimum) comply with the regulations required by these Government Agencies.

Definitions: Thistle Downs Amenity Center will have designated areas defined as, the *Pool & Spa*, the *Workout area* (Yoga, fitness and sauna area) and the *Community Room*, for the purpose of rules and regulation application.

Rules & Regulations:

1. The Thistle Downs hours of operation are scheduled and may be seasonally modified by the Thistle Downs POA Amenity Center Committee. 24 access is provided to members via FOB entry device.
2. Inside the Thistle Downs Amenity Center Community Room all persons in swim attire must use cover-ups or shirts. Footwear must be worn at all times while inside the Amenity Center. (Yoga Exercise Room excluded during sessions).
3. No wet swim attire shall be worn in the Community Room or the Workout area.
4. The Thistle Downs POA does not provide any supervision within the Amenity Center Facility. As members, you are responsible for the supervision, conduct and welfare of children, guests and visitors
5.
 - a. Minor children under the age of 16 must be accompanied by a parent, guardian or adult designee while using the amenity center.
 - b. Children under five (5) years of age will not be permitted in the Pool & Spa at any time unless accompanied IN THE POOL or SPA by a parent, guardian or adult designee. They are also not allowed in the Pool or Spa Area unless accompanied by a parent, guardian or adult designee.

- c. If children are not toilet trained they are not allowed in the pool or spa.
6. Pets, with the exception of service dogs, are not permitted within the confines of the Amenity Center, pool or other common areas at any time.
7. The Thistle Downs POA Delegate or any other staff member assumes NO responsibility for lost or missing personal property left in any portion of the facilities.
8. The host of any activity is fully responsible for their guests and assumes all liability.
9. There shall be no music or other noise loud enough to be offensive to those living near the Thistle Downs Amenity Center.
10. Unless previously requested and approved by the Thistle Downs POA Board of Directors, all Thistle Downs Amenity Center functions shall last no longer than 6 hours and shall end on or before 11:00 p.m.
11. Smoking is not permitted inside the Thistle Downs Amenity Center, in the pool area or any of the common areas at any time.
12. The maximum number of people allowed in the Thistle Downs Amenity Center Community Room is 115 as determined by the Fire Marshal.
13. During approved reserved functions in the Community Room, the Pool & Spa and Workout areas will be available for member use.
14. Pool & Spa area furniture such as chairs, lounges, tables, umbrellas, etc. should be returned to the designated areas after use.
15. Thistle Downs Amenity Center Community Room furniture may not be moved outside of the amenity center. Pictures shall not be removed from walls. All items must be returned to their original positions after the function.
16. Decorations may be used but must be promptly removed from the premises by renter. Nails, staples, thumb tacks, etc. shall not be used to affix decorations anywhere on the premises, inside or out. Tape shall not be used on painted surfaces.
17. Inside or outside the Thistle Downs Amenity Center, the use of candles or live flame devices (kerosene lamps, etc.) is prohibited as a form of lighting or other illumination. The ONLY exceptions shall be birthday candles on a

cake and the fireplace within the Community Room which must be supervised by a responsible adult.

18. Food and Beverages may be consumed in the Pool & Spa sitting area and Community Room. Consumption of food in the Workout area is prohibited. Glass containers of any kind are prohibited in the Pool & Spa area and the Workout area. Each individual is responsible for maintaining a clean area while using the Amenity Center. Trash should be properly disposed in the receptacles as provided throughout the facility.
19. a. Thistle Downs Amenity Center supports a “NO ALCOHOL” policy during meetings or functions. However, if alcoholic beverages are present and consumed, the host reserving the Amenity Center is responsible for all inherent legal liability related to same and releases the Thistle Downs POA, Inc. from all responsibility resulting from the consumption of alcohol by the reserving party and/or his/her guests.
 - b. The host reserving the Thistle Downs Amenity Center is responsible for enforcing the legal age (21) for consumption of alcoholic beverages and is responsible for the conduct of function participants.
 - c. Alcoholic beverages may be present and/or consumed within the confines of the Thistle Downs Amenity Center only in accordance with the laws of North Carolina, local ordinances and the Rules and Regulations of the Thistle Downs Amenity Center.
 - d. Alcohol beverages may not be sold on premises.