

## **ISLAND BEACH RESORT RULES AND REGULATIONS**

The following rules and regulations have been adopted by the Board of Directors of Island Beach Resort Homeowner's Association, Inc. All terms used herein are defined in the Declaration, the Bylaws or the Minnesota Common Interest Ownership Act. EACH RULE AND REGULATION APPLIES TO ALL OWNERS AND OCCUPANTS AND THEIR GUESTS. EACH OWNER IS RESPONSIBLE FOR VIOLATIONS OF THE RULES AND REGULATIONS BY THE OCCUPANTS OF THE OWNER'S UNIT AND BY THE OCCUPANT'S AND OWNER'S GUESTS. The rules and regulations are in addition to and in certain instances supplement the use restrictions provided for in the Declaration.

### **1. Use of Dwellings.**

1.1 **Occupancy Restrictions.** The Dwellings must be used exclusively as private, single-family residential dwellings (whether permanent, secondary or seasonal), and not for transient, hotel, commercial, business or other non-related purposes, except as provided in Section 1.2. Notwithstanding the foregoing, duplexes and dwellings with mother-in-law apartments are also permitted on Lots 7, 8 and 9. Any lease of a Dwelling (except for occupancy by guests with the consent of the Occupants or Owner) for a period of less than thirty (30) days, or any occupancy which includes any services customarily furnished to hotel guests, shall be presumed for transient purposes.

1.2 **Business Use Restricted.** No business, trade, occupation or profession of any kind, whether carried on for profit or otherwise, maybe conducted, maintained or permitted in any Unit or the Common Elements; except (i) an Owner or Occupant residing in a Unit may maintain a home occupation in such Unit and handle matters relating to such home occupation by telecommunications or correspondence therefrom, provided that said uses are incidental to the residential use, do not involve physical alteration of the Unit and do not involve any observable business activities, such as signs, advertising, displays, bulk mailings, regular deliveries, or regular pedestrian or vehicular traffic to and from the Unit by customers or employees, and (ii) the Association and the Declarant may maintain offices on the Property for management, marketing, development and related purposes.

1.3 **Displays Outside of Dwellings.** Nothing other than mini-blinds, vertical blinds, curtains and conventional draperies may be hung, displayed or exposed at or on the outside of windows without the prior consent of the Board of Directors. Each Owner must maintain window coverings to maintain uniformity of exterior appearance. Blankets, sheets, paper or unstructured materials are not acceptable. No clothes, sheets, blankets, laundry or any other kind of articles may be hung on the outside walls, or doors of a building or exposed or placed on the outside walls, or doors of a building or on trees or on poles or other devices and no sign, awning, canopy or shutter may be affixed to or placed upon the exterior walls or doors, roof or any part thereof or exposed on or at any window. No wind chimes or similar sound making devices may be hung outside. No basketball hoops may be affixed to a building or be placed outside.

1.4 **Cleanliness.** Each Owner must keep his or her Unit and its Limited Common Elements clean and orderly.

1.5 **Antennas.** Direct Broadcast Service (“DBS”) antenna twenty-five (25) inches or less in diameter and multi-channel, multi-point distribution (“MMDS”) service antenna twenty-five(25) inches or less in diameter and traditional rooftop antenna designed to receive television broadcast signals are permitted to the extent they are required to be permitted by §207 of the Telecommunications Act of 1996, Pub. L. No. 104-104 and the regulations on this subject promulgated pursuant to the Telecommunications Act of 1996. Notwithstanding the foregoing, for the purpose of minimizing visual intrusion, all antennas may be made subject to rules adopted by the Association to regulate the location of antenna and requiring screening or painting of antenna. An owner desiring to install an antenna may seek a determination from the Association as to whether the Owner’s installation will follow the rules and the Owner may be required to remove the installation if it does not.

2. **Use of Common Elements.**

2.1 **Obstructions.** Use of the Common Elements may not be obstructed, nor may anything be stored outside of the Dwellings without the prior consent of the Board of Directors except as expressly provided in these Rules or in the Declaration.

2.2 **Proper Use.** Common Elements may be used only for the purposes for which they are designated. No person may commit waste on the Common Elements or interfere with their proper use by others, or commit any nuisance, vandalism or boisterous or improper behavior on the Common Elements which interferes with, or limits the enjoyment of the Common Elements by others. No baby carriages, bicycles, playpens, wagons, toys, benches, chairs, or other articles of personal property may be left unattended in the Common Elements except in those areas, if any, specifically designated by the Board of Directors.

2.3 **Alterations, Additions or Improvements to Common Elements.** No alterations, additions or improvements may be made to the Common Elements without the prior consent of the Board of Directors or such committee established by the Board of Directors having jurisdiction over such matters, if any.

3. **Action of Owners and Occupants.**

3.1 **Annoyance or Nuisance.** No noxious, offensive, dangerous or unsafe activity may be carried on in any Dwelling or Unit. No Owner or Occupant may make or permit any disturbing noises nor do or permit anything that will interfere with the rights, comfort or convenience of other residents, or will in any unreasonable way be offensive to such residents. The volume of television sets, radios, stereos, musical instruments, and the like must be turned down between 10:00 o’clock p.m. and 8:00 a.m. and must, at all times, be kept at a sound level which will not cause unreasonable annoyance to the residents of neighboring Dwellings. No stereos or other sound equipment may be installed against a party wall.

3.2 **Pets.** No animals may be kept within the Property, except as provided herein. Dogs and domesticated house cats may be kept within each Dwelling as pets. No more than

two pets (which shall mean dogs and domesticated house cats) are permitted. Domestic birds and fish are also permitted. All pets must be approved by the Board of Directors, and licensed if required by law. All pets must be suitably housed in Dwellings and may not be housed or kept outside of the Dwelling or within the Common Elements. No pet may be kept, bred or maintained within the Property for any commercial purpose. No dangerous breeds of dogs, including pit bulls, doberman pinschers, mastiffs, rottweilers and wolf-dog cross breeds, are permitted. No other dangerous animals, including constricting or venomous snakes, wolves, coyotes, lions, tigers, bears or large reptiles are permitted. The Board of Directors may require the immediate and permanent removal of any pet which bites or otherwise injures any person, damages property, or acts in an aggressive or threatening manner which would cause a reasonable person to fear imminent injury. After two prior written warnings, the Board of Director's may require the permanent removal of any pet causing or creating a nuisance or unreasonable disturbance or noise upon five (5) days' written notice. If an Owner has installed an underground electric fence with the consent of the Association, the Owner shall remove the flags marking the boundaries of the electric fence within one week after the fence is installed. Except dogs that have completed basic obedience training, no pet is permitted in any portion of the Common Elements unless on a leash or carried, and no pet may be allowed to discharge bodily waste in any Common Element, except in special areas, if any, designated by the Board of Directors. Each pet owner must immediately clean-up after his or her pet(s). Each pet owner is responsible for any cost, expense or claim resulting from any action of their pet on the Property and will indemnify and hold the Association harmless. These rules apply to all owners and occupants and their guests.

3.3 **Indemnification for Acts of Others.** Owners and Occupants must hold the Association and other Owners and Occupants harmless for the actions of their guests, their pets and their guests' pets.

3.4 **Deliveries.** The Board of Directors will not be responsible for the loss of or damage to any package or other item which may be delivered other than directly to an Owner or Occupant. No deliveries will be acceptable for residents at the management office, if any.

#### 4. **Rubbish Removal.**

4.1 **Trash.** No storage of trash will be permitted in or outside any Dwelling in a manner that will permit the spread of fire or encourage vermin. All trash containers must be of a type approved by the Board of Directors. No trash containers may be placed outside any Dwelling, except that trash containers may be placed at the curb the night before collection day or on collection day but must be returned to the Dwelling on the collection day. No accumulation of rubbish, debris or unsightly materials will be permitted. Long term storage of rubbish in the Dwellings is forbidden.

#### 5. **Motor Vehicles.**

5.1 **Commercial Vehicles.** Commercial vehicles are prohibited in the roads, drives, and driveways, except for temporary loading and unloading, or as may be designated by the Board of Directors. Parking spaces may not be used for any purpose other than to park automobiles, excluding, specifically, heavy trucks (i.e., trucks larger than pickup

trucks), commercial vehicles, trailers or boats, without the express approval of the Board of Directors.

5.2 **Compliance with Law.** All persons must comply with Minnesota State Laws, Department of Motor Vehicles regulations, and applicable local ordinances on the roads, and drives and on the Property.

5.3 **Snowmobiles, Off-Road Vehicles, Boats, Unlicensed or Immobile Vehicles.** Use of snowmobiles, all-terrain vehicles, recreational vehicles, off-road vehicles, golf carts, scooters, and trail bikes, is permitted only in designated areas of the Common Elements and only for purposes of ingress and egress to and from the Property. No such vehicles may be operated in the vicinity of the Units between 10:00 p.m. and 8:00 a.m. Other four-wheel drive vehicles are prohibited, except where licensed and equipped for passage on public highways, and actually used by licensed drivers on the paved portions of the Property. Except for motor-assisted bicycles, golf carts, scooters, and wheelchairs as permitted by state law, all motor vehicles used or parked on the Property must be licensed, properly equipped and in operating condition for safe travel on the public highways of the state. No vehicles may be operated on, over or across the septic field.

5.4 **Limited Use of Trucks, Vans, Trailers and Commercial Vehicles.** The following types of vehicles are prohibited in the driveways, drives and roads in excess of eight (8) hours except for temporary loading or unloading, following which the vehicle must be removed from the Property unless stored in a storage unit: commercial vehicles carrying a sign advertising business; trucks, vans, and vehicles having capacity of more than one ton; trailers of any kind; and vehicles with more than four single-tired wheels. Construction equipment used in the actual repair, construction or maintenance of the Property will not be so restricted during such use. Parking spaces, if any, are intended to be used solely for the parking of automobiles or trucks having a gross weight of less than 10,000 lbs. Without express written consent of the Board of Directors, no buses, trucks having a gross weight in excess of 10,000 lbs., trailers, recreational vehicles, or boats may be parked in any parking space. Recreational vehicles must be parked in a storage unit.

5.5 **Vehicle Liability.** Neither the Board of Directors nor the Association will be liable for loss, destruction, theft, or damage to any vehicle parked in the Common Elements.

5.6 **Traffic Regulations.** All Owners, Occupants and their guests must observe and abide by all the parking and traffic regulations as posted by the Board of Directors or by municipal authorities. Vehicles parked in violation of any such posted regulations may be towed away at the violator's sole risk and expense.

5.7 **Garage Doors.** Garage doors shall remain closed when not in use.

5.8 **Parking.** No parking is permitted at or near the shoreline of Island Lake. Guests may park in designated areas only.

6. **Use of Employees.** No Owner or Occupant may use, employ or direct any employees of the Board of Directors or its managing agent for any private business during the hours of their employment.

7. **General Recreational Rules.**

7.1 **Limited to Owners, Occupants and Guests.** Any open space within the Common Elements is limited to use by the Owners, Occupants and their guests. All Common Elements are used at the risk and responsibility of the user, and the user will hold the Association harmless from damage or claims by virtue of such use.

7.2 **Boisterous Behavior Prohibited.** Boisterous, rough or dangerous activities or behavior is prohibited.

7.3 **Household Members.** All household members will be deemed guests. The Owner or Occupant must direct all household members and other guests to conform to these rules and regulations and the Owner and Occupant will be responsible for such conformance.

7.4 **Docks, Dock Slips and Maintenance.** Docks and dock slips shall be assigned by the Association to Unit Owners. Each Owner is entitled to the use of one slip, subject to such fees as may be charged by the Association from time to time. Guests may not dock their boats overnight without prior permission from the Board, which shall be granted on an occasional basis and limited to the length of the visit. The Association shall be responsible for all dock installation and maintenance.

7.5 **Swimming and Beach Area.**

- a. SWIM AT YOUR OWN RISK! There is no lifeguard on duty.
- b. All children under 14 must be supervised by an adult in the swimming and beach area.

7.6 **Open Fire Pits.** Open fire pits are prohibited within the boundaries of any Unit. The Association may, in its discretion, designate one or more areas within the Common Elements for common use of an open fire pit.

8. **General Administrative Rules.**

8.1 **Consent in Writing.** Any Consent or approval required by these rules must be obtained in writing prior to undertaking the action to which it refers.

8.2 **Complaint.** Any formal complaint regarding the management of the Property or regarding actions of other Owners must be made in writing to the Board of Directors, or any appropriate committee.

8.3 **Amending Rules and Regulations.** Any consent or approval given under these rules and regulations may be added to, amended or repealed at any time by resolution of the Board of Directors, only by the approval of 67% of the votes in the Association.