



DATAW ISLAND OWNERS' ASSOCIATION
RULES AND REGULATIONS

REVISED July 2026

INTRODUCTION

The information in this section is a summary of the rules and regulations of the Dataw Island Owners' Association (DIOA). Copies of the full documents, including any recent changes, may be found online at <https://members.dataw.com>.

All rules, regulations, and policies of the DIOA may be amended by the DIOA Board. **If a conflict exists between the information below and the DIOA Bylaws, the latter shall prevail.**

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1. RULES AND REGULATIONS

1.1 **GENERAL** – The DIOA was created by the Declaration of Covenants and Restrictions for Dataw Island (the Covenants). It operates under the Covenants, as well as the Bylaws of the Dataw Island Owners' Association, Inc. (the Bylaws). The DIOA is responsible for maintaining and repairing all portions of the Common Grounds, maintaining the security of the Island, and preserving architectural standards and use restrictions set forth in the Dataw Island Design Guidelines. The latter function is administered by the Architectural Review Board and the Covenants are administered by the Living with the Covenants Committee.

1.2 **MEMBERSHIP** – All property owners on Dataw Island, as well as any future property owners on Oak Island, are automatically members of the DIOA. As such, they are entitled to enjoy the use of the Common Grounds as set forth below. They are also subject to these Rules and Regulations. The Dataw Island Marina is a property owner, and all Marina guests must comply with DIOA Rules and Regulations as they apply to common properties.

1.3 **DATAW ISLAND STATISTICS** – The Island consists of approximately 875 acres, of which platted home sites cover 342 acres, Dataw Island Club property covers 304 acres, Oak Island 33 acres and the Marina, ~~which is independently owned and operated~~, seven acres. The remaining 189 acres constitutes the DIOA Common Grounds.

1.4 **POLITICAL ACTIVITY**- Neither the Dataw Island Owners Association, nor the Board, will endorse, support, or oppose a political party or candidate for any local, state, or federal position.

a. No solicitation is allowed door to door, in message boxes, on the Dataw website or by use of the Dataw email system.

b. The use of company phones, postal equipment, funds, the website or staff to endorse, support or oppose a political party or candidate is strictly prohibited.

c. A DIOA committee may invite sitting office holders to speak to island residents about relevant issues. However, office holders running for re-election in races for which Dataw residents can vote may not be scheduled during the calendar year of their re-election bid. Exceptions to this re-election rule can be made in the case of emergencies, but approval of the GM and both boards is required. Any recording of the event may be posted on the Dataw website as long as the information is relevant to the residents of Dataw.

d. No candidate forums sponsored by the DIOA or Board are permitted.

e. No political signs of any nature may be posted on Dataw except for those required by the County during open polls.

f. Residents may privately use DIOA facilities (Gazebo & Cannery/Library) to host political events and invite guests as long as they reserve the facility and follow proper procedures in using the facility. Any events hosted by an individual using DIOA facilities may not be open to the general public.

g. The DIOA or its Board may endorse, support, or oppose a specific county or state issue affecting the health, safety, reputation, or welfare of Dataw residents and/or employees. Examples would include the expansion of the airport, school bond referenda, local option sales tax increases, storm debris removal, environmental issues, etc. Under the direction of the General Manager and the Board, ad-hoc committees or the Government & Community Relations Committee can be assigned to work on an issue on behalf of the DIOA, either alone or in conjunction with other groups and communities.

1.5 OPEN CARRY - For the safety and well-being of our residents no weapons in plain view are permitted on property owned by the Dataw Island Owners Association.

2. ISLAND COMMUNICATIONS

2.1 GENERAL – The Joint Marketing & Communications Committee assists the Boards by providing accurate, timely, widely distributed information regarding Board actions, Island activities, and off-island issues important to residents, members, and owners of island property.

The following policies govern the various media used by the members of the Dataw Island Owners Association (DIOA) and the Dataw Island Club (DIC) for Island communications. Some of these policies are required by legal considerations.

We use e-mail (the DatawConnect), an internet-based website (dataw.com), the Dialogue newsletter, message tubes, online surveys and registration, as well as direct mail, to communicate information and items of importance. Specific guidelines for each communications vehicle are outlined in the following sections

2.2 DATAWCONNECT – **Mission Statement** - DatawConnect is a Dataw Island amenity available to qualified users and designed to promote effective communication among participants through sharing appropriate, factual, and clear information.

DatawConnect access is limited to DIOA and DIC members in good standing, approved staff, long-term renters with a lease on file, and members' immediate family members who reside full-time on Dataw Island. Use of DatawConnect should be restricted to information of common interest to the membership, and all communications should be conducted with the entire audience in mind. Users are encouraged to familiarize themselves with the platform's features and consider whether DatawConnect is the most appropriate channel for their message. All

messages should be reviewed prior to sending to ensure they are accurate, appropriate, and aligned with the DatawConnect Mission Statement.

Messages must include a clear subject line and be written in a concise and informative manner. Users are expected to verify information before sharing, proofread carefully, and include complete and accurate details when applicable. Users must identify themselves by including their first and last name on every message. Anonymous postings are not permitted.

Best Practices:

- Familiarize yourself with the features and benefits of DatawConnect.
- Consider whether DatawConnect is the best way to communicate your message.
- Review all messages before sending to ensure they are appropriate and accurate and that they support the DatawConnect Mission Statement (See 2.2 above in bold type).
- Take concerns about club operations or facilities to the appropriate entity (the Board, General Manager, etc.) before publishing a message on DatawConnect.
- Include a clear subject line in each email.
- Write clear, concise messages with the necessary detail.
- Check facts before you send a message.
- Proofread carefully. Double-check again, especially phone numbers and addresses. Include the day of the week and date for events.
- Consult the Recommendations List before requesting a recommendation. The list is pinned on the DatawConnect website

Rules of Use:

- Do not publish disparaging opinions about identifiable residents, staff, or businesses.
- Do not convey misleading, false, inaccurate, or incomplete information.
- Do not offer prescription drugs for humans or pets for sale or free, as these actions are illegal.
- Do not offer to purchase or sell firearms.
- Do not send messages detrimental to the reputation of our island community.
- Do not use language, graphics, photographs, or implications that could be offensive (profanity, coarse language, snide comments, inappropriate images (such as pet waste), etc.).
- Do not post changes in a business status without explicit confirmation from the business owner.
- Do not post opinions expressing support or opposition to political candidates/platforms or governmental actions, including Dataw elections.
- Do not post junk email such as chain letters, jokes, April Fools' scams, or news that is easily found elsewhere.

- Do not promote a business from which you stand to gain financially, except on the dedicated area for members & resident affiliates (the static Wiki page on Groups.io).
- Post items for sale, trade, or giveaway only to Marketplace@dataw.groups.io.
- Ensure your DatawConnect account includes your first and last name. Anonymous emails or postings are not allowed.
- Share information about upcoming events only after confirming there are no conflicts with DIOA or DIC activities. Event details may be shared 60 days in advance, followed by an email 30 days prior, then weekly updates until the event.
- Limit your DatawConnect emails to no more than 10 per month.

Users should ensure that event-related communications do not conflict with scheduled DIOA or DIC activities. Event announcements may be shared with a save-the-date up to 60 days in advance, followed by a reminder at 30 days prior, and then weekly updates leading up to the event.

DatawConnect extends beyond the Island, and all communications contribute to the perception and reputation of the community. Users should remain mindful that content shared may reach a broad audience.

DatawConnect is intended for the use and enjoyment of all participants. Any message that violates these rules, in the interpretation of the Living With The Covenants Committee, the General Manager, and/or their official designees, will result in a warning and/or moderation or suspension of access to DatawConnect.

- First violation - warning or suspension, depending on the severity of the violation.
- A subsequent violation of any kind within three years will result in a suspension from the platform for 60 days.
- A third violation of any kind within three years will result in a six-month suspension from DatawConnect.
- Subsequent violations may result in a permanent suspension, with DIOA Board approval.

Any attempt to circumvent suspension will result in further discipline. Appeals may be made in writing within five days; decisions made by the appeals committee are final. If an appeal is requested, the final decision will be made by a committee consisting of the DIC and DIOA Presidents, the Co-chairs of the Living With The Covenants Committee, and the General Manager.

“Moderation” may be imposed at any time and requires that outgoing messages be reviewed and approved prior to distribution. Any attempt to circumvent moderation or suspension will result in further disciplinary action.

Users may subscribe, suspend delivery, or unsubscribe from DatawConnect at any time through the designated platform. New residents or those requiring assistance should

contact the Communications Department at (843) 838-8210 or by e-mail at Laura.Quail@dataw.com.

2.2.1 EMAILING THE GENERAL MANAGER, ASSISTANT GENERAL MANAGER, DIC AND DIOA BOARD MEMBERS - Dataw E-mail can also be used for communicating with the DIC Board (dicboard@islc.net) and the DIOA Board (dioaboard@dataw.com), any board member, or the management of the Club. E-mail to either Board address is automatically sent to each respective Board member, the General Manager, Assistant Secretary and the Assistant General Manager. All communications are welcome. However, if you have a concern or suggestion for the Boards or management, please direct that concern to the appropriate Board, Board member, or Manager and not to the entire broadcast list. Both Boards assume that e-mails sent to the broadcast list of Dataw are meant for the Island and not the Boards. Thus, the Boards, in general will not respond to these messages.

All communications directed specifically to the Boards and Management will be acknowledged within 2 business days. Most requests can expect a detailed response within 3-4 days unless the situation requires further research, in which case you will be advised. In the event that a specific Island issue is presented, the Boards may create an e-mail address for responses to the specific issue.

2.3 THE DATAW WEBSITE – The Dataw website (dataw.com) offers Island-specific information to both DIOA and DIC members. The site is password protected to allow information to be shared with specific audiences. The enhanced website offers an up-to-date membership directory, newsletter delivery, document retrieval, calendar information, and more. The public side of the site (www.dataw.com) provides prospective members with information on the amenities, activities, and membership in the Club.

2.4 PRINT MEDIA – The Dialogue is a DIOA publication that focuses on the business of the Island. It contains articles such as the General Manager's Report, the President's reports, financial status, security issues, and updates to the Design Guidelines and Covenants. It is available in print and on the Dataw website.

2.5 MESSAGE TUBES – Hand-delivered materials should not be placed in U.S. Postal Mailboxes, but in the message tube adjacent to the mailbox. Island residents are encouraged to have a message box installed if they do not have one. Contact the Building Maintenance Office (838-8435) for information on purchase and installation. Message tubes are for the use of residents and should not be used for general solicitations or distribution of off-Island business information by either residents or non-residents. Messages distributed via message tubes should be signed and contain only factual information and shall not be disparaging or libelous.

2.6 SURVEYS AND ONLINE RESERVATIONS – Surveys and online reservations for special events are done through the Dataw Island website and provide easy access for Members and Residents.

2.7 GOVERNMENT AND COMMUNITY RELATIONS COMMITTEE SPEAKER SERIES - The chairman of the Government and Community Relations Committee must seek approval from the DIOA board and/or General Manager for any event featuring a community speaker, either live or in an electronic format. Guidelines for hosting political office holders can be found in Section. 1.4 of the DIOA Rules and Regulations. If the event is held in a DIC venue, permission is required from the DIC, as non-DIC members will be invited.

Event Flyers, Save The Date reminders, recorded interviews, or other communications must be submitted to the Marketing and Communications Director for approval prior to distribution.

3. ROADS AND VEHICLES

3.1 GENERAL – All roads on Dataw are part of our common areas. Unless otherwise specified, County and State laws are applicable, and all regulation of use established by the DIOA Board are enforceable under both the Covenants and the Bylaws. All drivers of motor vehicles must have a valid Driver's License. Motor vehicle operators must be alert to golf cart traffic, cart crossings, cyclists, pedestrians, maintenance equipment and vehicles parked along the roadways throughout the island.

3.2 SPEED LIMITS – The speed limit on Dataw Drive, and Island Circle East and West is 30mph. On all other roadways the limit is 20 mph, except for approaching the Guard house, on Dataw Club Road and Malilly Run Road where the limit is 15 mph. Violations of posted speed limits by roadway users are subject to fine and possible cancellation of driving privileges on the Island as specified in Annex A to these DIOA Rules and Regulations.

3.3 GOLF CARTS – Operators of golf carts on Dataw Island must be licensed drivers. Violations will result in action to prohibit further operation of the cart and may result in fines. Members are responsible for the actions of their guests.

3.4 ROADWAY USE –

a. Island roadways shall be used by the following categories of users: automobiles, trucks, golf carts, bicycles, motorized skateboards, scooters and similar devices, Maintenance vehicles and persons utilizing roller blades or in-line roller skates.

b. Pedestrians may only use Island roadways in those areas where no walking path exists or in the event of extenuating circumstances (storm damage, wildlife occupying the walkway, construction, etc.). When using Island roadways, pedestrians should walk on that side of the roadway allowing them to face oncoming traffic, and as close to the roadway's edge as possible.

c. All bicycles, motorized skateboards, scooters and similar devices, and persons utilizing roller blades or in-line skates are subject to the same rules and shall be equipped with a flashing red or yellow light visible from behind, and the light must be flashing while using island roadways.

d. All roadway users must adhere to posted speed limits on all roadways.

e. There shall be no passing of vehicles or other roadway users, except bicycles, where yellow lines mark "no passing zones." However, all roadway users may pass, in "no passing zones," parked vehicles, stopped delivery and postal vehicles. Roadway users may pass a slower roadway user if the slower roadway user is traveling below the posted speed limits, provided there is no oncoming traffic and the pass can be done assuring the safety of all parties. Roadway users should not "tailgate."

f. All roadway users shall obey all posted stop signs and shall not enter the adjacent roadway until entry can be done safely.

g. Where cart paths intersect the roadways, Island roadway users have the right of way.

h. Bicycles operated by persons over the age of 12 shall ride on Island roadways, NOT on Island walking paths. When on Island roadways, all traffic rules regarding speed, passing and stopping pertain. Roadway users travelling together shall travel in single file and shall stay as far to the right as is safely possible.

i. Operators under the age of 12 of bicycles, scooters, skateboards and similar vehicles should use Island walking paths where they are available, NOT Island roadways. Where Island walking paths are not available, operators of these type devices are subject to the same requirements set forth above at Section 3.4 (b).

j. During non-golfing hours or when a golf course is closed, proper use of the cart paths is described in DIC Rule 4.6.3.1.

3.5 GATE PASS PERMITS – Members should contact Security prior to the arrival of guests. Members are responsible for accurately categorizing their visitors so that proper passes can be issued. Persons without passes will be denied entry if the member hasn't made prior arrangements and cannot be reached.

Any contractor, subcontractor, vendor, or individual who enters Dataw for the purpose of providing a service for a resident or commercial operation for which a fee is paid, or a profit is realized, will be required to purchase a daily or monthly pass or an annual decal.

In addition to the aforementioned, individuals arriving at the gate for warranty work, contractor or vendor meetings with construction companies, deliveries, material drop offs and domestic help will be required to purchase a daily or monthly pass or an annual decal.

Contractors or vendors going to the Marina for reasons outlined above will also have to purchase a daily, monthly pass or an annual decal.

Gate pass fees are “usage fees” which supplement annual resident homeowner dues. These pay for maintenance of our road infrastructure. The current daily fees, which are subject to change, are \$20.00 for 4-wheeled, \$30.00 for 6-wheeled, and \$50.00 for over 6-wheeled vehicles.

3.6 EARLY MORNING EXERCISERS – For the safety of all, it is strongly recommended that reflective sports clothing be worn by all who use Dataw's streets for early morning or late evening exercise.

3.7 PARKING – Parking is not permitted off of the roadways on Common Grounds property or on unpaved portions of privately owned properties whether improved or unimproved. Permission must be obtained from the General Manager, Director of Landscape Maintenance or the Director of Security in the event of a requested exception to the foregoing provision with respect to Common Grounds property, or in writing from the property owner in the event of a requested exception to the foregoing provision with respect to privately owned properties, provided, however, that no overnight parking shall be permitted on unpaved portions of privately owned properties whether improved or unimproved.

Due to the Beaufort County fire codes and emergency access requirements no unattended parking is allowed in the curved driveway in front of the Dataw Island Club or in any area that is not specifically designated as parking at the Dataw Island Country Club or Dataw Island Community Center.

4. PETS

All pets must be kept on a leash at all times when off the pet owner's property. Pet owners are responsible for the immediate removal of their pet's excrement from all locations, including wooded areas, vacant lots, and nature preserves, whenever the pet is off the pet owner's property.

Excrement may not be disposed of in the storm water drainage system or DIC/DIOA-owned trash receptacles. (See also Section 9.8.)

5. DIOA COMMON USE FACILITIES

5.1 GENERAL – The use of DIOA common areas and facilities is limited to DIOA members and their guests and is intended for the recreational and social enjoyment of all. Common areas and facilities may not be used for any commercial purpose without the prior approval of the General Manager.

5.2 **PATHS** – If a path adjoins your property, please make sure your landscaping, irrigation system and/or vehicles do not hinder others in using the path. If this happens, you will be requested to correct the problem to the satisfaction of the DIOA. If you don't, the DIOA will have the problem corrected, either in-house or by an outside firm, and the cost will be billed to you.

5.3 **RUINS AND CEMETERIES** – The use of tabby as a building material is only found in Florida, Georgia, and South Carolina. The ruins on Dataw, one of the best-preserved sites, are among the five most important historical tabby sites in South Carolina.

The ruins and cemeteries of the Sams' Family Plantation are over 200 years old. Although some ruins are found in other locations, the most important are the family home and associated buildings near the Cannery/Library. The ruins are very fragile, and improper treatment of them could result in irreparable damage. Please don't enter or climb on the ruins, remove parts or pieces, or in any other way deface them. You may go inside the outer fence, but please remain outside the inner fence. You may enter the Sams' Family Cemetery, but please treat it with respect. Do not walk on the walls or the stones. Other ruins on the Island should be treated similarly.

5.4 **CANNERY/LIBRARY** – The Cannery/Library is a free resident lending library. All materials may be borrowed for whatever time is needed, and there are no formal checkout procedures. Donated and returned items should not be shelved, but placed in the appropriate boxes. Also, because of space limitations, the only non-fiction works that can be accepted are biographies and autobiographies.

The building may be reserved by contacting the Special Events/ Catering Director ((843) 838-8428). Any setup activities, as well as cleanup and rearranging after the event, are the responsibility of the reserving party.

5.5 **PAVILION/GAZEBO** – A screened pavilion, furnished with picnic tables and located near the Marina, is available to DIOA members and their guests. Off-island groups may also use it if sponsored by a member. The DIOA member/sponsor is responsible for all cleanups and removal of garbage, as well as any damages to the facility. The pavilion/gazebo may be reserved by contacting the Special Events/Catering Director ((843) 838- 8428).

5.6 **PLAYGROUND** – The playground near the pavilion is for the use of DIOA members and their guests at their own risk. An adult must supervise children using the playground.

5.7 **OAK ISLAND** – Any eventual Oak Island residences will become part of the Dataw community, with owners paying annual assessments and maintaining Dataw Island Club memberships.

5.8 GARDEN PLOTS – By paying a small annual fee at the Golf Maintenance office, a member may reserve a garden plot, located near the Cannery Library. The fee covers rental, plot preparation and watering, but the member must maintain the plot. If the plot is not maintained properly, the renter will be notified and given ten days to correct the problem. If this is not done, the plot will be cleared, and the renter will not be permitted to rent a plot the following year.

5.9 YARD DEBRIS DROP-OFF CENTER – A drop-off location is available in the Golf and Landscaping Maintenance area for residential yard debris consisting of grass clippings, small tree branches, palm fronds, and small shrubs and bushes. Commercial dumping by landscape contractors is not permitted. Yard debris must be loose and may not be left in any type of container, including plastic bags.

Landscape Debris Disposal- Rubbish or debris must not be blown or thrown down storm drains. Landscape contractors are required to remove landscaping debris from the Island for disposal. Property owners may dispose of their unbagged yard waste at a site designated for that purpose in the maintenance area. Household trash may not be disposed of in construction or maintenance dumpsters. Household and lawn and garden trash may not be disposed of on common grounds or undeveloped lots. Property owners improperly disposing of the trash will be billed for its removal and fined in every instance. (See Common Areas Section 1, Page 28)

Overhanging limbs from a neighboring property- Limbs from trees on a neighboring private property that overhang your property can be perceived as a hazard or nuisance. If the tree's owner is not willing to remove the offending limb when asked, you may remove it for as much as it impacts your property, up to the property line.

5.10 LAKES, DOCKS AND PIERS – There are a number of lakes, docks, and piers within the Common Grounds, including two locations on the saltwater marsh. Members and their guests may use these areas for watching wildlife, fishing, shrimping, and crabbing. Children must be accompanied by an adult at all times when using these facilities.

Alligators inhabit nearly every lake on the Island. They may become aggressive under some conditions. They may attack humans as well as pets, or attempt to steal a freshly caught fish from your line. Do not feed the alligators. An alligator that is fed will become aggressive and may have to be either relocated or destroyed.

Common Grounds lakes include Hill Field and Malilly Run Pond (each of which includes a fishing pier); the Entrance Lake; Long Field; the unnamed lake next to Longfield; the lake at Curisha Point; two lakes at Sparrow Nest Point; a lake across from the Community Center; and the unnamed lake between Island Circle East and Reeve Court. Recreational fishing, and the use of non- gasoline-powered model boats, is permitted in any of these lakes, as well as in the golf course lakes during the hours that golf is not scheduled. Off- roadway vehicle parking is permitted, but vehicles are not allowed on the banks or edges of lakes.

Because of the danger of alligators, no swimming, boating, floating, rafting or kayaking is allowed. Access to the lakes through a member's property requires the permission of the property owner.

A pier at the end of Sparrow Nest and a floating dock and platform on Jenkins Creek opposite Oak Island Road are primarily used for fishing, shrimping, and crabbing. Jenkins Creek dock can also be used for kayak launching. Boat tie-up is not allowed except for short-term boarding or unloading. Storage of equipment, with the exception of crab traps, which may be stored on a seasonal basis, is not permitted. Stored equipment will be removed and will become the property of the DIOA. State law governs the length of time a crab trap may be left unattended in the water. No person, other than the owner of the crab trap or his/her designee, may remove a trap from the water or remove crabs from the trap.

6. RECREATIONAL VEHICLE (RV) AND BOAT STORAGE

Boats and RVs may not be stored/parked on residential property for more than 24 hours at a time. Violators may be fined. Upon payment of a fee, and subject to availability, storage is available at the RV Storage Area located near the Golf and Landscape Maintenance area. Contact the Accounting Office (843) 838-8435 for more information.

7. HURRICANES

7.1 GENERAL – While Dataw is not directly on the ocean, it is nevertheless subject to the effects of a hurricane. Proper preparation, which is the responsibility of individual owners, can reduce the chance for damage, as well as decrease the threat to personal safety. For specific information concerning hurricane shutters and their use, see Section 9.7.1 #17.

If a Hurricane Watch or Warning is issued, Island staff will be involved in preparations necessary to secure the Island. They will be unable to assist residents except as outlined in 7.3 below.

7.2 EVACUATION – If a voluntary evacuation is ordered, the Lightning Warning System will be sounded and Security will do a door-to-door notification. Residents are strongly urged to comply and should check out with Security when they depart. If civil authorities order a mandatory evacuation, Island residents must comply. Should this occur, Security will barricade the Island entrance to deter looters; any residents who have not evacuated will be isolated and unable to leave. Each year, shortly before hurricane season (June through November), the Security Manager issues a hurricane information letter to residents, containing any updated information.

7.3 BLOCK CAPTAINS – The DIOA and the DIC have formed a volunteer Block Captain program to ensure that members who are in need of special assistance in case of an evacuation receive that assistance. The Block Captain identifies individuals with such needs to Security, and also contacts them personally as a backup to the Security notification, as needed. The Block Captain's function is solely to identify these individuals and inform Security. He/She is not responsible for providing evacuation assistance. If you require special assistance, or if you are willing to be a Block Captain, please contact Security.

8. ASSESSMENTS

On the last day of February, DIOA members are assessed an annual fee to cover the expenses of the Association. These, as well as any special assessments or recreational charges are due upon receipt. Payments received after March 31st will result in a penalty fee of 18% per annum.

9. LIVING WITH OUR COVENANTS

9.1 GENERAL – Our covenants and design guidelines were written to set the standards and ensure the high quality of life and beauty we enjoy on Dataw Island. Living in a community with covenants is a new experience for many of us and requires both full communication and a spirit of good will and cooperation. This section is intended as summary and a reminder. For details and further information, the appropriate source documents (available on the Dataw website) should be consulted.

All property owners are members of the Dataw Island Owners' Association (DIOA). The Architectural Review Board (ARB), a committee of the DIOA, is responsible for maintaining the standards of construction and renovation as set forth in the Dataw Island Design Guidelines (Design Guidelines). All new construction and any modification to the exterior of an existing home or home site must be approved in advance by the ARB. (See also Section 9.3 below, Antennas and Satellite Dishes)

Sometimes property owners forget that a certain item is covered by the Covenants or they have not read and understood the Covenants in detail. With this in mind, a Living with the Covenants Committee (LWC) exists to communicate and enforce the Covenants and Design Guidelines. The Committee is responsible for studying any complaints or violations not associated with new construction or home improvements (handled by the ARB) and following up with the property owner until a violation is resolved.

Anyone who notes a violation should report it to the Living With The Covenants Committee at dioa.covenants@dataw.com. A LWC member will contact the property

owner. If the situation continues unresolved, extreme or prolonged cases will be reported to the DIOA Board for further action.

9.2 NUISANCES – No noxious or offensive activities are allowed, no activity, odor or sound that disturbs others is allowed; no disorderly, unsightly or unkempt conditions are permitted; exterior speakers, horns, whistles, bells or other sound devices (excluding fire alarms) are prohibited; no landscaping, building, or other materials or items may be stored on the exterior of a home or a home site without approval by the ARB or the LWC; no rubbish may be dumped, placed or allowed to accumulate; air drying of clothing, rugs, etc., is prohibited except within a screened service yard. Property owners must also refrain from any activity or behavior or items on their home site that could be distracting to golfers.

9.3 ANTENNAS AND SATELLITE DISHES – This rule is no longer relevant and has been removed.

9.4 LANDSCAPING AND HOME SITE MANAGEMENT – All landscaping plans for newly constructed homes and landscape renovation projects for existing homes must be submitted to the ARB Administrator ((843) 838-8402) for review and approval by the ARB prior to installation. If landscaping or landscape changes are being done in association with new construction, the landscaping must be completed within 90 days of the date of issue of the certificate of occupancy.

ARB approval of a landscape plan is not required to add annuals or add or transplant up to three trees less than 1½ inches in caliper, and up to ten shrubs less than 24 inches in height in a year, provided such work is done within the boundaries of the owner's own property.

Preserving the aesthetic appearance and beauty of Dataw Island requires the cooperation of all residents and property owners. We live in a climate where the growing period for most plants and trees is nine months or more. Neglected property, even for short periods of time, can quickly become an eyesore. Our Common Grounds require constant maintenance to maintain their appearance. Property owners must give their own property the same or greater care and attention.

All landscaping shall be maintained to a level equal to or greater than the landscape plan originally approved by ARB, and regular maintenance must include watering, weeding, mowing, trimming, removing and replacing dead vegetation, refurbishing of mulch, removing dead limbs, raking and removing leaves, and applying herbicides and fertilizers as needed.

When maintenance is not performed on a regular basis, it is usually because residents are away for an extended period, and are not aware of the condition of their property. However, failure to maintain one's property for any reason is a violation of the Covenants. In such cases the owners will be contacted to take corrective action. If they are not

responsive in a timely manner, the necessary maintenance will be performed, and the owner will be billed for these services and a fine will be imposed.

The landscaping of the common property between the front property line of a privately owned lot and the street must be kept trimmed by the property owner who planted it so that it does not block the view of others.

9.4.1 MAINTENANCE OF UNIMPROVED LOTS– Periodic bush hogging of unimproved lots is not required, but the owner of an unimproved lot will be asked to bush hog or otherwise clean up the lot if it presents a health or safety hazard to other residents, or has clearly become unkempt as provided in section 9.4 Paragraph 1. (See section 9.5 - Trees) The provisions of section 9.4 Paragraph 4 for failure to respond in a timely fashion apply to this section.

9.5 TREES – ARB approval is required before removal of any tree that measures 4 inches or more in diameter at a point 4 feet above the ground. The Covenants require the owner of any lot, improved or unimproved, to remove any tree that is certified as dead, diseased, or currently hazardous by the ARB or its representative. Other justification criteria for tree removal include the following: trees pose a current safety hazard to pedestrians, vehicles, buildings or other structures; trees threaten to cause damage or disruption to public utilities; non-specimen trees may be removed after certification by a registered arborist that their removal would be beneficial to the well-being of the remaining tree cover; tree removal has been requested in writing by the property owner's insurance carrier; trees require removal for reasons other than set forth herein where it is determined to be in the public interest.

The Chinese Tallow Tree, or *Triadica sebifera*, is deemed to be so hazardous to the well-being of the existing tree cover as well as the ecological balance of the island, that their eradication is imperative. No ARB permission is required for their removal.

Homeowners who have a tallow tree(s) of any size on their property will be notified by the DIOA board that they must remove the said tree(s) from within 90-days of said notice or they will be removed at the owner's expense. The ARB will continue to ensure that all tallow trees are removed from a lot during the building process.

Tree Removal Request Procedures: If the tree is on your property and meets any of the ARB removal criteria listed above (other than insurance carrier requests), the tree's owner must call a private tree removal service with a certified arborist on staff and have the tree inspected. The arborist's recommendation must be sent by email to the ARB Administrator (john.wartman@dataw.com). If the arborist recommends removal, the recommendation will be verified by a staff member and the removal request approved.

If the tree is on your property but does not meet any of the ARB removal criteria listed above (or is an insurance carrier request), flag the tree and contact the ARB Administrator ((843) 838-8402). (For example, the tree is within 10 feet of the house.) If the tree is on the improved or unimproved private property of another property owner and appears to meet the ARB established criteria for removal, you may either contact the

tree's owner and request removal, in which case he/she must follow the steps listed above, or contact the LWC at dioa.covenants@dataw.com. Please remember that in accordance with SC Law, no property owner can be forced to remove a healthy or nonhazardous tree from their property if they do not wish to do so.

If the tree is on golf course property, contact the Golf Maintenance Director, ((843) 838-8278).

If the tree is on DIOA common property, contact the Landscape Maintenance Director, ((843) 838-8216).

No approval is required for pruning trees on your property.

9.6 MISCELLANEOUS PROPERTY OWNER RESTRICTIONS – Each lot and dwelling shall be used for residential purposes only, and no trade or business of any kind may be carried on within, with the exception that home offices are allowed as long as they do not generate regular customer or employee traffic.

With the exception of the Bluff Units, no single-family dwelling may be leased or rented for fewer than 30 days or more than twice in any one year. (See 9.11 Rental Guidelines for details.)

Yard sales are not permitted. However, garage and tag sales are allowed, subject to the following restrictions: Such sales must be limited to Dataw Island resident participation; off-island customers will not be allowed to enter. No off-island advertising shall be done; no signs shall be posted; and any items for sale must be displayed inside garages, interior courtyards, or homes. Waivers will be considered by the DIOA Board on a case-by-case basis for charitable yard sales conducted in common areas.

9.7 HOME APPEARANCE, MAINTENANCE, AND IMPROVEMENTS

9.7.1 HOME APPEARANCE AND MAINTENANCE – Homeowners are responsible for all maintenance and repair of dwellings, lawns, and landscaping. All dwellings must be kept in a neat, clean and sanitary condition, and shall include maintenance and repair of all exterior surfaces of a dwelling, all lawns, trees, shrubs, hedges, grass, and other landscaping. Tarps over firewood or other stored items are not permitted. Covers for outdoor accessories such as tables, chairs, grills, fire pits, spas, firewood, etc., must be manufactured for such purpose. The colors of such covers must be of a neutral color. In addition, the following Covenants rules, regulations, and restrictions apply:

1. Temporary structures, tents or outbuildings, except as approved by the General Manager for use at a specific social event, are not permitted.
2. Signs, with the exception of those required for legal proceedings or erected by the Board of Directors, may not be displayed without the written permission of the ARB.
3. The Beaufort County 911 Addressing System and the Dataw Island ARB require that house numbers be installed on each home on Dataw Island and that houses located

more than fifty (50) feet from the road have house number signs in compliance with Beaufort County and ARB standards.

(See the Dataw Island Design Guidelines for specifications.)

4. Privately owned water wells or septic tanks are not permitted.
5. Window-mounted air conditioners or through-the-wall air conditioning units are not allowed.
6. Basketball Hoops/Poles/ Backboards: Fixed systems are no longer allowed. The use of a portable system is permitted, but it must be immediately stored out of sight when not in use.
7. Flags and poles: One freestanding pole is allowed per ARB specifications on the rear of a conventional home site. Two decorative flags, not to exceed 3 feet x 5 feet are allowed per home site as long as they are installed on angled brackets per ARB specifications, and are in good taste. The installation of one lawn flag that measures approximately 11 inches by 15 inches will be permitted on each property as long as it is located within setbacks and is in good taste.
8. Swimming pools and hot tubs are considered for approval on a case-by-case basis and must be located within setbacks. Screening for privacy and safety should be considered during the home/pool design process.
9. Fencing: Only invisible fencing is allowed for pet containment. Electric fencing per guidelines is allowed to deter deer. Chain link fencing and perimeter fencing is not permitted. Other fencing or walls may be allowed as a landscape feature per ARB guidelines.
10. Openings are not permitted in the privacy wall of a patio home, and nothing is to be installed or stored on the neighbor's side of the owner's privacy wall.
11. Firewood or log storage must be in accordance with the Design Guidelines.
12. Decorative yard items, their proposed location and possible screening must be approved by the ARB prior to display or installation. This includes items such as sculptures, birdhouses, birdbaths, feeders, wind chimes, weathervanes, and windsocks. Glittering or shining objects, reflective balls and similar items are not permitted. Holiday decorations are permitted and may be displayed outside the home from 4 weeks before the holiday to two weeks after the holiday. The decorations must be in good taste and in moderation.
13. Reflective pools and fountains require ARB approval. Scale, surroundings, plantings, as well as other factors, will be considered. Check with the ARB for a more detailed list of requirements.
14. Privately-owned docking facilities must be maintained in good condition. No one may reside on boats or watercraft parked at docking facilities at residences. No docks may be rented to persons other than other Dataw owners or their tenants.
15. Drapes, shutters, and blinds (Venetian or other types) shall be lined or finished with white or a very light neutral color when viewed from the exterior of the home. No foil or

other reflective material is permitted. All awnings, whether permanent or retractable, must be approved by the ARB prior to installation.

16. Trash receptacles and recycle bins must be stored out of view from anywhere off the property. An open placement for pickup may only occur one hour before sunset the night before the pickup is scheduled and receptacles must be returned to storage as soon as possible, but before 4:00 p.m. on the next afternoon.

17. Hurricane shutters that have any permanent items of hardware or frame remaining on the window frame when they are not installed must be submitted to the ARB for approval prior to installation. Approved, pre-made shutters may be installed before a hurricane watch has been issued if (1) a storm that appears to be heading in our direction and is in the National Weather Service "Five-Day Cone" and (2) Security has notified residents that they may be installed. Typical plywood barricades, as well as decorative operable shutters, may be installed or closed within the same time frame. All shutters must be removed within five days after the watch or warning is lifted, or when advised by Security to do so.

18. Tasteful exterior and landscape lighting, which has been approved by the ARB, is allowed for safety, general appearance, and site accent, in accordance with the criteria as established in the Design Guidelines. Specifications for ARB acceptable post lamps, path lights, and landscape lighting may be obtained from the ARB Administrator. No exterior lighting will be allowed on the common property between the owner's front property line and the street.

19. Mailboxes with numbers, message boxes and posts, per ARB required specifications, are available from the DIOA through the Building Maintenance Department only. They must be located per US Post Office direction, and no names are allowed to appear on the boxes or posts. If your mailbox needs repair or replacement, contact the building maintenance department at building.maintenance@dataw.com.

20. Gutters and Downspouts installed by owners must be submitted to the ARB for consideration of approval on site/drainage plans.

21. Garage doors must be kept closed when not being used for garage ingress or egress, and mechanical openers are required.

22. Reflectors or similar markers may not be used to mark driveways, trees, walkways, or property lines.

23. Protection of Property from Traffic

Building contractors are required to install stakes to protect private and common property from construction vehicles while construction is in progress.

Private property owners may not install any decorative or protective stakes on their property. Decorative or protective stakes include, but are not limited to, wood, concrete or metal posts, decorative rocks, landscape timbers, chains, Plant containers or other objects that are placed at or near the curb area, lot line or entrance to any property.

If a resident feels that a stake is required to protect their property, then the resident must apply to the ARB with a site plan showing the proposed location of the stake(s). If approved, the DIOA will install an ARB approved post and bill the resident.

24. Motor vehicles, trailers, boats, and car covers – Property owners must provide two parking spaces in addition to the garage for parking of two vehicles off the street. No repair or restoration of motorized vehicles is allowed except within garages. All recreational vehicles, commercial vehicles, boats, trailers, and trucks (except pickups) must be parked in garages or in rental spaces provided in the RV Storage Area on Cotton Dike Road and rented through Dataw Island Accounting ((843) 838-8435), or off Island. A car cover may only be used in The Bluff parking lot on a vehicle of a Bluff resident, and is not permitted in any other area of Dataw Island.

25. The ARB and the LWC, acting on their behalf, reserve the right, at their discretion, to compel the removal of any item on the exterior of a home or in a yard for aesthetic reasons.

9.7.2 IMPROVEMENTS – Written approval is required from the ARB before any refurbishing, changes, or alterations are made to the appearance of the exterior of the home. If a house is to be repainted, re-roofed, etc., as originally approved, a property owner is still required to notify the ARB in writing before beginning the project. Property owners are responsible for enforcing all regulations contained in the Design Guidelines and must advise all contractors of those requirements.

9.8 PETS –A reasonable number of generally recognized domestic house pets are allowed per household subject to the rules and regulations below, as long as they are not being kept for commercial purposes.

No pet will be permitted to make an unreasonable amount of noise or be a nuisance to others. No outside cages, structures, or fenced areas (except invisible fences) for animal confinement or housing are allowed.

All pets must be kept on a leash and controlled by the owner when off the owner's property. When off the owner's property, the pet's owner must remove animal excrement immediately. Excrement may not be disposed of in the storm water drainage system or DIC/DIOA-owned trash receptacles.

Please note that allowing pets to urinate on Plants, Trees and Lawns belonging to another resident or on areas of any DIOA property that has been landscaped with flowers and shrubs for the beautification of the Island is not appropriate nor allowed.

The Association Board of Directors may fine pet owners for violations per the Schedule of Resident Fines and Penalties (See Section 11.3 and Annex A, Schedule of Resident Fines and Penalties). DIOA Rules prohibit pets inside the playground enclosure near the gazebo, the fenced area of the Community Garden or any other enclosed area on DIOA common grounds property. Dataw Island Club rules prohibit pets (excluding seeing eye/health assistant dogs) from any of its facilities, including Golf Courses, tennis or

croquet courts, the pool and its surroundings, pro shops, Clubhouse, Carolina Room, and the Community Center.

No animals, livestock, birds, or poultry of any kind shall be raised bred, fed, or kept by any Owner, his family, tenants, or guests upon any portion of the Development, other than their own property. The only exception to this is that Board-authorized wildlife control programs may incorporate feeding programs to facilitate the capture and care of subject animals, and/or birds.

9.9 PROPANE TANKS – When space permits, underground propane tanks are preferred for aesthetic reasons, but above-ground propane tanks are permitted. Neither requires ARB approval; however, above-ground tanks must be shielded from view from off the property by a solid or shadow box type fence that has been approved by the ARB.

9.10 SECURITY AND ALARM SYSTEMS – Installation of an approved compatible alarm system is mandatory for all Dataw Island Homes. The system must be linked by telephone landline, hard-wired internet connection, or cellular connection to the Dataw Island Security gatehouse where it is monitored. The system must be capable of being automatically monitored for fire detection and manually capable of sending panic alerts for medical or intrusion using a keypad. Owners may wish to have intrusion alarms and monitoring; however, this is not required. An operational phone link and security system must be maintained at all times even if the house is unoccupied.

Management may notify property owners of non-compliance and/or violations of Covenants, Design Guidelines and Rules and Regulations. In any event, the Association assumes no liability for any damages to life or property resulting from any non-compliance with or violation of DIOA Covenants, Design Guidelines and Rules/Regulations.

9.11 RENTAL GUIDELINES - All homes (except the Bluff Villas) must be rented for a minimum of thirty (30) days and can be rented no more than twice in one calendar year. All owners wishing to rent their properties are required to submit a copy of the lease (or Rental Information Sheet as an approved substitute) in advance of the commencement of the rental period. This lease (or Rental Information Sheet) must be provided to the Assistant Secretary/Membership Director who will forward it to the Security Department. Renters will be limited to one five (5) day pass until this information is provided.

10. ARCHITECTURAL REVIEW BOARD (ARB)

10.1 GENERAL – Any owner desiring to make a change to the exterior of their home or home site, no matter how minor, must apply to the ARB for approval prior to beginning

any work. For details, see Article X of the Second Amended Declaration of Covenants, Conditions and Restrictions for Dataw Island.

10.2 MEETING SCHEDULE – Monthly meetings are held in accordance with the current schedule, which is available on the Dataw Island website or from the ARB Administrator. In order to be placed on the meeting agenda new home construction applications and supplemental materials must be submitted at least two (2) weeks prior to the meeting date, and applications for all other types of projects and supplemental materials submitted at least one (1) week prior to the meeting date.

10.3 NON-REFUNDABLE REVIEW FEES – While no fee is charged for a preliminary plan review, following are the current fees that must be paid with the application: For New Home Construction an acceptance plan review has a fee of \$4,000. For additions to an existing home, an abbreviated plan review (when the footprint or roofline is changed) has a fee of \$1,000. An abbreviated plan review for other lesser exterior structural modifications may have a review fee of up to \$250. An abbreviated plan review for home or landscaping modifications, such as repainting, re-roofing, landscape changes, or installing items such as a deck, screened porch enclosure, yard art, satellite dish or propane tank, has no fee.

10.4 REFUNDABLE ESCROW COMPLIANCE DEPOSIT – The following refundable deposits must also be paid at the time of application: For New Home Construction, \$4,000 from the property owner and \$5,000 from the contractor; for additions which change the footprint/roofline, \$2,000 from the property owner and \$3,000 from the contractor; for demolition/removal of 40% or more of the exterior walls, up to \$5,000. Lesser modifications require deposits of from \$250 to \$500. For an application or more information, contact the ARB Administrator ((843) 838- 8402).

10.5 ARB FINES FOR VIOLATIONS OF THE DESIGN GUIDELINES OR COVENANTS- The following is a schedule of fines that may be levied when a property owner, general contractor, contractor, or those in their employ violate any Covenants, Design Guidelines, policies, rules, or regulations of Dataw Island. Such assessments may be deducted from the escrowed compliance deposit of the property owner (if on file) or fined directly to the property owner, general contractor, or contractor, in accordance with the following schedule. Note this process does not relieve the property owner from the provisions of Article XII, 12.03 of the Covenants.

ARB FINES

Please note: Stop work orders may be issued for serious and/or repetitive violations.

Type of Violation

1) Removing trees, excavating, grading, or adding fill to a construction site before ARB inspects and approves the stake-out for new home construction projects.

FINE:

\$500.00 per violation (to owner &/or contractor) Could warrant expulsion of the general contractor.

2) Disturbing or adding dirt on a building site (other than clearing and grubbing) before the pre-construction meeting and silt fence inspection is approved by the ARB for new home construction projects.

FINE:

\$500.00 per violation

Could warrant expulsion of the general contractor.

3) a. Removing trees without ARB approval

FINE:

\$500.00 per violation (to owner &/or contractor)

Could warrant expulsion of the general contractor or contractor.

b. Failing to remove a tree when directed by the ARB, LWC, DIOA Board, or its representative.

FINE:

\$500.00 per violation (to owner)

4) Failure to construct, complete, or landscape in compliance with ARB approved plans

FINE:

\$500-\$5,000 per violation (to owner &/or contractor) Possible additional assessment up to the amount of the escrow compliance deposit plus the possibility of expenses to correct per Covenants, 10.05. Could warrant expulsion of the general contractor or contractor.

5) Occupying a new house before completion.

FINE:

\$100.00 per day until CO is issued (to owner)

6) Landscaping not completed within ninety (90) days of receipt of Certificate of Occupancy.

FINE:

\$100.00 per day until completed. (to owner)

7) Failure to complete construction within 12 months of commencement. (Extensions may be requested in advance of deadline per guidelines.)

FINE:

\$100 per day until completed (to owner &/or contractor)

8) Failure to prevent water run-off and/or soil erosion from building sites, or blowing, throwing, or pouring anything down storm drains.

FINE:

\$100.00 per violation + restoration costs (to owner &/or contractor)

9) Failure to maintain silt fence or property protection stakes for period of project.

FINE:

\$100 per violation per diem until corrected (to contractor)

10) Failure to provide adequate trash receptacles, or properly sited port-o-let.

FINE:

\$100 per day per violation until corrected (to contractor)

11) Failure to clean up trash and debris from job site or dirt and debris from roadway at the end of each workday.

FINE:

\$100 per violation (to contractor)

12) Damage to road pavement, curbs, and road right-of-way, if not repaired within 10 days.

FINE:

\$100.00 per violation + restoration costs (to owner &/or contractor)

13) Trespass &/or storage of construction or landscaping materials, vehicles, equipment, port-o-let, signs, dumpsters, personal property or trash and debris, or

dumping of same onto private or common property without written permission per guidelines.

FINE:

\$500.00 per violation + restoration costs (to owner &/or contractor)

Could result in expulsion of general contractor.

14) Borrowing temporary services (water, electricity, etc.), from neighbor of job site, without written permission

FINE:

\$500.00 per violation + payment of expense of cost of utility used to neighbor (to contractor)

15) Parking in road without permission of Security or without safety precautions

FINE:

\$100.00 per violation (to general contractor or contractor)

16) Loud music, language or inappropriate personal behavior of contractors or subs on Dataw Island.

FINE:

\$100.00 per violation (to contractor)

17) Non-Complying and/or improperly placed signage

FINE:

\$100 per violation (to owner &/or contractor)

18) Contractor's improper hauling of trash or debris, using someone else's dumpster, or emptying debris (including concrete) anywhere on Island off job site.

FINE:

\$500 per violation + clean-up costs (to contractor)

19) Trash, fill dirt, landscape debris, or concrete spills on road.

FINE:

\$100 per violation plus clean-up costs (to contractor)

20) Fires of any nature are prohibited

FINE:

\$500.00 per violation (to contractor)

Could result in expulsion of contractor from Island.

21) Pets, children (unless accompanied by property owners) or unauthorized personnel on construction site.

FINE:

\$100.00 per violation (to contractor)

22) Fishing in lagoons (by contractors)

FINE:

\$100 per violation (to contractor)

23) Failure to install or remove storm shutters or close or open operable decorative shutters in accordance with the timeframe specified in the Design Guidelines

FINE:

\$100.00 per day until compliance

24) Contractor working on non-work or holiday without special permission of Security

FINE:

\$100 per day per incident (to contractor)

25) Adding fill dirt without ARB permission

FINE:

\$100 per incident (owner &/or contractor)

26) For new home construction and additions, failure to submit copy of foundation survey for ARB approval within five (5) working days of the survey's completion and before framing is begun.

FINE:

\$100 per incident (to contractor)

Possibility of tear out of any framing or construction completed before approval.

11. Disciplinary Action

ANY RESIDENT OF DATAW ISLAND WHO'S CONDUCT OR THAT OF A FAMILY MEMBER OR GUEST THAT IS DEEMED TO BE DETRIMENTAL TO THE PRESERVATION AND WELL BEING OF THE DATAW ISLAND INFRASTRUCTURE, ITS MANAGEMENT OR THE GOVERNING BOARD OF THE DIOA MAY BE SUBJECT TO DISCIPLINARY ACTION BY THE DIOA BOARD OF DIRECTORS. REFER TO SECTION 12 FOR PENALTIES FOR VIOLATION.

12. PENALTIES FOR VIOLATIONS

12.1 GENERAL – To preserve the Dataw lifestyle, it may become necessary to levy fines or suspend a member's privileges. Such actions are viewed as methods of last resort, and are only used when lesser actions have failed. A Schedule of Resident Fines and Penalties follows this section.

12.2 DUE PROCESS – For traffic/vehicle violations Security will issue either a Warning Citation or Ticket (Fine), based on the severity of the violation. For incidents involving negligent damage to common property or dumping of materials on common property or private lots, a letter will be sent stating the violation and the amount of the fine. Due process procedures will be clearly outlined in the letter.

For other violations, the following steps will be taken as needed: When a violation is reported to the DIOA, we'll give you a phone call and/or an e-mail, outlining the situation and our proposed corrective action. In most cases, this will result in the violation being closed.

If corrective action is not taken within a timely manner as determined by the Board, a letter will then be sent concerning the violation, stating the action required and allowing ten days for correction or a reply to the DIOA, unless the offense is particularly egregious, in which case immediate correction may be required by the Board.

If the violation is still not corrected within the time period set by the Board in its letter, the DIOA will notify the offender in writing of the DIOA's intent to hold a Hearing in Executive Session. In addition to the alleged violation, the notification will contain: the time and place of the Hearing, which shall be not less than ten days from the notification; an invitation to attend the Hearing and produce any statement, evidence and witnesses on his behalf; and the proposed sanction to be imposed.

If the Hearing does not result in correction of the violation within a reasonable time as determined by the Board, a fine may be imposed or other actions taken (See Annex A). Notification of the imposition of any fine shall be given to the offender either at the Hearing or by subsequent written notice.

When fines have been imposed, the DIOA may advise the offender of its intent to forward the matter to legal counsel for collection.

If such fines remain unpaid 20 days after imposition and receipt of notice by the offender, the DIOA may file a lien against the property or initiate other legal action. If any such action is initiated, the offender will be assessed all of the actual costs incurred at the time of the action. Other costs, including attorney fees, will be assessed as they are incurred.

Second and third violations are dealt with in Annex A. In addition to normal assessments, DIOA members are required to pay fines or charges levied by the DIOA. If a member is delinquent in any payment by more than 30 days, the following sanctions occur automatically: Suspension of the owner's right to vote in the DIOA; and Suspension of the owner's vehicle transponder until the delinquency is paid in full, including all related fees, costs, interest, and penalties.

ANNEX A: SCHEDULE OF PROPERTY OWNER FINES AND PENALTIES

MOTOR VEHICLE VIOLATIONS

1. Speeding (10 MPH or less over posted speed limit)

1st Violation – Warning.

2nd Violation – \$50 fine.

3rd and Subsequent Violations - \$250 fine and possible suspension of driving privileges on Dataw Island, not to exceed 60 days.

2. Speeding (11 MPH to 15 MPH over posted speed limit)

1st Violation – \$100 fine.

2nd Violation \$250 fine, and up to a 60-day suspension of driving privileges on Dataw Island.

3rd Violation and Subsequent – \$500 fine, and up to a 90-day suspension of driving privileges on Dataw Island.

3. Reckless/Otherwise Dangerous Operation of a Vehicle:

All drivers on Dataw Island must comply with all posted road signage and markings. Driving 16 MPH or more over the posted speed limit or operating a vehicle with willful or wanton disregard for the safety of persons or property will be considered reckless driving. Reckless driving includes, but is not limited to:

- a. Following too closely, brake checking, or aggressive lane changes.

- b. Failing to stop at the request of Security Personnel.
- c. Leaving the scene of a traffic incident (causing injury to persons or damaging a vehicle or property)
- d. Street racing or distracted driving (texting)
- e. Driving Under the Influence of drugs or alcohol.
- f. Operating a motor vehicle at speeds in excess of the limit in this section.

1st Violation - \$250 fine and up to a 60-day suspension of driving privileges on Dataw.

2nd and Subsequent violation - \$500 fine and up to a 90-day suspension of driving privileges on Dataw Island. Persistent and repetitive violations of this section may lead to permanent loss of driving privileges on Dataw Island. In addition, where possible, Dataw Security will call local law enforcement to determine whether or not state sanctioned charges should be brought.

4. Driving while privileges suspended

If a resident has had their driving privileges suspended by Security or the DIOA Board, but they continue to operate their vehicle anywhere on Dataw roadways, the Board shall impose an additional fine of \$1000, and all motor vehicles in the suspended driver's household shall have their gate passes suspended for the duration of the original suspension. If circumstances warrant, the Board can extend the length of the originally imposed suspension, including the imposition of a permanent suspension where it is determined continued operation of a motor vehicle on Dataw Island by the resident constitutes a threat to the safety of residents and property. Further, the DIOA Board may establish reasonable conditions which, if satisfied, may allow a resident subject to these provisions to regain their driving privileges.

5. Other violations of the Rules of Use

Persons, including bicyclists, roller bladers, pedestrians and others who mis-use Island roadways, walking paths or cart paths shall be subject to the following penalties:

- a) A first violation will result in the person receiving a warning;
- b) A second violation will result in the imposition of a fine of \$25;
- c) Subsequent violations will result in the imposition of a fine, not to exceed \$100.

6. Passing on a yellow line

1st Violation – Warning.

2nd Violation - \$100 fine

3rd and Subsequent violation - \$200 fine and possible 60-day suspension of driving privileges on Dataw.

7. Driving the wrong way on the roadway

1st Violation – Warning.

2nd Violation - \$100 fine.

3rd and Subsequent violation - \$200 fine and possible 60-day suspension of driving privileges on Dataw.

8. Failure to stop at a Stop Sign

1st Violation – Warning.

2nd Violation - \$100 fine

3rd and Subsequent violation - \$200 fine and possible 60-day suspension of driving privileges on Dataw.

NON-MOVING VEHICLE VIOLATIONS

1. Illegal Parking in a Handicap Space

1st Violation – Warning.

2nd Violation – \$50 fine

3rd Violation and subsequent – \$ 200 fine.

2. All Other Illegal Parking (parking on common grounds, personal property, walking paths, in front of a fire hydrant, fire zone etc.)

1st Violation – Warning.

2nd Violation – \$25 fine.

3rd Violation and subsequent– \$50 fine.

3. Parked along yellow line without flagger

1st Violation – Warning.

2nd Violation - \$50 fine

3rd and subsequent violation - \$100 fine and possible 60-day suspension of driving privileges on Dataw.

4. Parked along the roadway without a traffic cone (Contractors)

1st Violation – Warning.

2nd Violation - \$50 fine.

3rd and subsequent violation - \$100 fine and possible 60-day suspension of driving privileges on Dataw.

GOLF CART OPERATION

Fine Schedule for Golf Carts

1. Operation of an Unregistered Cart

1st Violation – Warning

2nd Violation - \$100 fine

3rd Violation and subsequent - \$200 fine, loss of cart privileges for 60 days.

2. Operation of a Cart on Roads or Paths on Common Grounds by Unlicensed Driver

1st Violation - Warning

2nd Violation - \$100 fine.

3rd Violation and subsequent - \$200 fine, loss of cart privileges for 60 days.

COMMON AREAS

1. Malicious, Reckless or Intentional damage.

These cases will be referred to Law Enforcement.

2. Disorderly Conduct and/or Unruly Behavior

1st Violation – Warning.

2nd Violation – \$100 fine.

3rd Violation – \$200 fine.

Authority to impose penalties under this section: the Director of Security has the authority to impose and collect monetary fines which are set forth above when a Security Officer has issued a citation to a resident, visitor, employee, or contractor for operating a motor vehicle at speeds or in a manner prohibited by this Appendix. In the event that

authorized penalties include a possible suspension of driving privileges, the Director of Security shall engage the General Manager and the DIOA Liaison to Security to determine jointly whether or not a suspension should be issued, its duration, and any actions the affected driver may take to restore driving privileges earlier than the determined length of the suspension.

VIOLATION OF DIOA/DIC COMMUNICATIONS POLICY (THE DATAWNET)

Violations in the use of the DatawNet are handled on a case- by-case basis. Warnings, either verbal or written, may be issued by the Joint Communications Committee. The JCC may also impose suspensions from the DatawNet for various periods. However, should the alleged offender wish to appeal, specific procedures will be followed. See Section 2, beginning on Page 1 of these Rules and Regulations for details.

PERSONAL BEHAVIOR – Abusive Deportment or Language in dealings with staff employees. If situation arises to a physical level or any violation of the South Carolina Code of Laws, case will be referred to Law Enforcement.

1st Violation – Warning.

2nd Violation – \$100 fine, and/or legal action/suspension.

3rd Violation – \$250 fine, and/or legal action/suspension.

ANIMALS – Leash Law Violations and Failure to Remove Excrement

1st Violation – Verbal notification.

2nd Violation – \$50 fine.

3rd Violation and subsequent – \$100 fine.

RECUMBENT BICYCLES – All recumbent bicycles must have a visible “Day- Glo” green or orange signal flag attached at a minimum height of 6 feet above the pavement.

1st Violation – Warning.

2nd Violation – \$25 fine.

3rd Violation and subsequent – \$50 fine.

HOMEOWNER PROPERTY

1. Failure to comply with, or violations of, Covenants, Design Guidelines, and Rules and Regulations. (See also Section

10.5 ARB Fines for Violations of the Design Guidelines or Covenants.)

1st Violation – See Section 12.2, Due Process, above. Continued violation or non-compliance can lead to a fine of \$25 per day plus any legal or collection costs incurred.

Management may notify property owners of non-compliance and/or violations of Covenants, Design Guidelines and Rules and Regulations. In any event, the Association assumes no liability for any damages to life or property resulting from any non-compliance with or violation of DIOA Covenants, Design Guidelines and Rules/Regulations.

2. Failure to pay assessment within 30 days of billing

1st Violation – Late charge of 18% per annum is assessed.

Over 60 days-Another 18% per annum is assessed and a late notice letter is mailed.

If not paid within 20 days, a certified letter is mailed telling the owner they have 10 days to pay, or a lien will be placed on the property.

If not paid within 10 days, an attorney is directed to place the lien. In order to remove the lien, the owner must pay the balance due, the \$500+ attorney fees and an administrative fine of \$250.

3. Delinquent DIOA Assessment and Fines

In the event an owner of a lot or dwelling is delinquent in the payment of the property owner's assessment and/or duly assessed fines for a period in excess of (90) days beyond the due date, the Board is authorized to assess the owner a toll for access to Dataw Island.

Payment of fines and appeals

a) Payment of fines: All fines imposed upon residents, their guests, and other non-residents under these rules shall be paid within 14 days of being notified of the violation. Payment shall be made by mail to the Dataw Island Owners' Association, PO Box 819, Beaufort, SC 29901, or in person to the Dataw Island Accounting Office.

b) Unpaid fines imposed on residents or their guests after this period shall be added to the resident's DIOA bill.

c) Unpaid fines levied against other non-residents: In the event this category of person has not paid previously levied fines, Security is authorized to deny that person (including a business contractor and its employees) entry to the Island until such time as the fine is paid.

d) Citations issued under these Rules may be appealed to the DIOA Board. Notice of the intention to appeal must be provided to the Office of the General Manager, in writing or via electronic mail, no later than 10 days from receipt of the Citation. Upon receipt of such Notice of Intention to Appeal, the General Manager shall set a date for a hearing at the next scheduled meeting of the DIOA Board.

d) The Hearing Process: The Security Officer who issued the citation will be required to present any evidence in support of the citation. The person appealing shall have an opportunity to hear the Security Officer's presentation, and to present any evidence in support of their appeal. Thereafter, the Security Officer will be permitted to respond, if necessary. The board shall then decide whether to grant the appeal, dismiss the appeal, or modify the fine imposed. The Board's decision shall be final.