

## **Welcome to Morningside at Martin's Run**

On behalf of the Association, we welcome you to the Morningside at Martin's Run Homeowners' Association, Inc. We hope that you find Morningside to be a very nice place to live. To help accomplish this, we have established this handbook of Rules and Regulations that pertain to living at Morningside.

This handbook is intended to supplement, not replace, the Morningside Declaration and Bylaws. In the event there are any inadvertent discrepancies between what is expressed in this handbook and the recorded documents, the Declaration and/or Bylaws shall govern.

We ask that you keep this handbook handy and refer to it when necessary. If something arises that may not be covered in the handbook, please contact our management company, KareCondo, at P.O. Box 1714, Stow, Ohio 44224, by telephone at (330) 688-4900, or via email at [info@karecondo.com](mailto:info@karecondo.com).

Sincerely,

The Board of Directors  
Morningside at Martin's Run Homeowners Association, Inc.



## **Channels of Communication**

The Board of Directors consists of five individual owners and are elected by their fellow owners. Board members serve without compensation and are responsible for making the decisions affecting the operations and maintenance of our property. Decisions are made during our Board's official meetings scheduled on the third Monday of the month beginning in January and every other month thereafter, or as otherwise scheduled and announced by the Board of Directors. These are open meetings and owners are encouraged to attend. Owners will be notified of any changes in the Board meeting schedule through email and/or posting on the Association website, [www.mslorain.com](http://www.mslorain.com).

In between regularly scheduled Board meetings, the Association's property manager, KareCondo, carries out the Board's decisions and handles all communications by and between the owners, contractors/vendors and the Board. The Board requests and appreciates your cooperation in respecting that Board members are not employees and should not be contacted directly on Association matters outside of Board meetings. Board members are not individually responsible for resolving Association matters and can only decide on issues brought to their attention by the management company and by majority vote. The only exception is that you should communicate directly to the Board in writing any problems you may have with the management company itself. All other communication should be directed through the management company to assure that your concerns and questions are properly addressed and answered.

Owners and occupants who do not serve on the Board are prohibited from communicating with, giving work instructions to, harassing, or otherwise interfering with any contractor hired by the Association to complete work on common ground (not individual landscaping on your property) whether the contractor is on Property or not. This requirement ensures the contractor is performing the work according to the agreement executed by the Board and helps the Association maintain a good reputation with its contractors. Any owner or occupant violating this policy will be assessed all damages incurred by the Association including but not limited to correcting work performed not in compliance with the agreement, retaining a new contractor and/or the cost to have the contractor return to the property.

## **Rules and Regulations**

The Board of Directors is responsible for the identification of homeowner responsibilities identified herein as rules. These rules and regulations are thereby subject to change by the Morningside Board of Directors. In general, compliance with these rules involves exercising common sense and using facilities in a manner that reflects courtesy towards others.

As a Morningside occupant in good standing you have the right to use the clubhouse and recreational facilities. Please review and comply with all of the following rules and regulations.

NOTE: Occupant is defined as a person who resides in a Morningside dwelling more than 90 days in a year. Owners who lease their dwelling unit transfer all recreational facility privileges to their tenants.

Occupants should consider the clubhouse as an extension to their homes and take care and pride when using the facilities. Please report any maintenance items or other concerns to the Lifestyle Director and/or to members of the Board. As you participate in activities within the clubhouse and community amenities, please help monitor the activities of other occupants and their guests within our Morningside campus for compliance to all rules and regulations.

If you witness infractions to the rules and regulations, we encourage you to explain the violation to the offending parties and when necessary file a Rules Violation Report. The violation report form is available online at the Morningside website (<https://www.mslorain.com/home/>). The completed form must be submitted (confidentiality will be maintained) to our management company, currently KareCondo, for processing. Anonymous complaints may not provide enough evidence to proceed with enforcement unless physical evidence exists.

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**1. Homeowner Unique:**

- a. **Lot Mulch:** Lot owners are responsible for maintaining appropriate appearances of their lot and dwelling unit. Black mulch must match the black mulch used across all Morningside common element areas, and is required in all shrubbery and plant beds on every lot.
- b. **Exterior Modifications and Color, Material and Design Palette:** As a deed restricted planned community development, Owners are legally obligated to comply with the requirements of Association's Declarations Article 9, Section 9.3, Architectural Restrictions and the requirements defined in the Application for Exterior Modifications, hereby incorporated by reference into the Rules and Regulations: Morningside Homeowners, Clubhouse & Facilities Use.

Modifications to the exteriors of our home and property are subject to the requirements outlined in the Application for Exterior Modification packet, incorporated by reference, and available on our [www.mslorain.com](http://www.mslorain.com) website in the Forms section. Please download and review the Application packet prior to planning changes to the exterior of your home and property.

When your home was built, the developers only offered a specific color palette for siding and shutters, and we choose to maintain the consistency of our community by continuing to follow that color palette. Owners may use any of these specific colors, however, if the original color is not available, the owner must choose something as close as possible and receive the Board's written approval as to the color before using the requested color. The allowable range of colors and materials are included in the "Color, Material and Design Palette" that is a part of the Application for Exterior Modification (available at [www.mslorain.com](http://www.mslorain.com)).

- c. **White Garage Doors:** Similar to the logic of the color palette for siding/shutters, all garage doors in Morningside must remain white, clean and free from rust or other discoloration. Additionally, when replacing the garage door, the Association requires the use of the same garage door design style. Please refer to the Application for Exterior Modification packet for specific details and requirements.
- d. **Solar Panels: SOLAR ENERGY POLICY 12-12-2022**  
Solar Energy Collection Devices, as defined by Ohio Revised Code 5312.16 ("SECD") including, but not limited to solar panels, must be installed in a rear-facing, roof-mounted array, unless the SECD request qualifies with the exception below. Except as otherwise provided, installations that are visible from the street associated with the Lot's address are prohibited. For purposes of corner Lots, the "rear" roof is in relation to the front door, but the Board will consider approving SECD requests for Corner Lots where the rear roof has more than 15% less surface area than the side of the roof that does not face a street, where the

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owner is requesting to install the SECD on the side roof that does not face a street. Installing SECD on a Lot or Dwelling Unit is prohibited without written Board approval.

Accommodations will be made if the rear of the dwelling unit faces North, and the owner can provide proof from a certified installer that the SECD would be at least 20% less efficient if installed on the rear of the dwelling unit than a different specified location. In such circumstances, Owners may pursue a solution as the least visible from the street, but this approach requires notification of all surrounding neighboring homes which may be impacted by this adjusted SECD positioning.

Recognize that all SECD installations are prohibited until the Board approves the ARC request in writing.

All components of the SECD must be compatible with the design of the dwelling. For purposes of this guideline, examples of compatibility include, but are not limited to, the following: the color of the SECD system components must be the same color of the dwelling roof shingles to the greatest extent practical. Photovoltaic / solar “shingles” that mimic the look of a composite shingle are acceptable but must match the color of the current dwelling roof shingles as much as is practical. Piping, electrical connections, or other lines or wires should be located directly under the system and/or alongside the perimeter of the system, when possible, and placed as inconspicuously as possible so that there is no exposed piping, electrical connections, or other lines or wires when viewed from all angles of the Lot.

Owners wishing to install photovoltaic/solar energy systems are required to submit an Application for Exterior Modification for approval by the Board of Directors. Applications for photovoltaic/solar energy systems submitted to the Board must include the following:

1. Submit an application that includes diagrams that are “drawn to scale” that are professionally prepared by the licensed (if necessary) contractor installing the system showing where on the dwelling roof the system will be installed. The drawings must include the dimensions of the system and roof;
2. Photos of the roof area where the photovoltaic / solar energy system will be installed;
3. Provide a clear written statement explaining the drawings and photographs;
4. Provide manufacturer’s description of the system, series, style and color of products. Include brochures and cut-sheets of specified products;

5. Documentation (i.e. drawings and photos) depicting any proposed changes to landscaping or other exterior modifications to the Lot or dwelling to accommodate the photovoltaic /solar energy installation.
  
- e. **Street Parking Restrictions:** Street Parking Restrictions: Violations of any Lorain City Ordinances including illegal parking should be reported to the Lorain Police Department at the non-emergency police phone number: 440-204-2100. The Lorain city ordinance: 303.09 LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY states that resident parking on all Morningside streets is permitted for up to 72 hours at any time, unless the winter 2” snow parking ban is in effect or unless extended special permission has been secured from the Lorain City Police Chief (such as new driveway cement is curing). Otherwise, extended street parking is permitted as long as the vehicle is moved from the street before any 72-hour window expires. Occupants are reminded that street parking is not allowed on the hydrant side of the street. Occupants should ensure that visitors abide by this parking restriction.
  
- f. **Common Element Parking:** All parking spaces and lots on Morningside common elements grounds are available to Owners, Occupants and Guests on a first come first served basis. No Owner or Occupant is permitted to interfere with the use of common elements parking through any means including but not limited to the blocking of spaces and/or the use of verbal or written directions given to Owners or Occupants or Guests using the lots and spaces. Accessible parking spaces are available on a first come first served basis for holders of valid permits. Vehicles parked on Morningside common elements or city streets suspected to be involved in criminal activity or in violation of city, state or federal laws relating to the use of accessible parking, blocking of fire lanes or hydrants, etc., must be reported to the Lorain Police for enforcement.
  
- g. **Resident Directory:** A confidential directory (names, addresses, phone numbers, and email addresses) of current occupants is maintained for private use within our community. Resident participation in the directory is entirely voluntary. The directory is exclusively intended for the benefit of residents to individually communicate and exchange between small groups of friends and like-minded associates within Morningside. Directory details may not be shared with any individuals outside of Morningside, and may NOT be used for any direct mass mailing or emailing to our community for any purpose, in order to protect the majority interests of our residents, who demand privacy, restricted notifications and no directory “spamming.” Use of the directory deemed by the Board of Directors to be in violation of these guidelines may be subject to suspension of privileges and/or an enforced assessment against the homeowner, as defined under Item-6 below. Any occupant voluntarily providing their information for inclusion in the directory waives their right to pursue the Association for damages related thereto and thereby release all claims of such damages.



- h. **Trash Cans:** Occupants are prohibited to leave trash or recycle containers outside their dwelling unit, except from 6:00 pm on the evening before scheduled trash pickup days until 8:00 pm the day of pickup. If a trash pickup day is forecast for “high winds”, you might consider refraining from putting out your recyclables for a week if feasible. In addition, if your can spills or you see trash in your yard, please help beautify the community by picking it up. The Association is not responsible (nor equipped) for picking up blowing trash.
- i. **Seasonal Decorations:** For the purpose of this section, the term “seasonal decorations” includes but is not limited to strings of lights (clear, white and/or colored bulbs) that are installed on houses, on front yard trees and landscape beds, lighted or non-lighted figurines such as animals or objects, seasonal decorative trees, wreaths, flowers and foliage, non-white bulbs in coach or front porch lights and season-specific decorative flags, banners and bunting. Holiday displays that emit sounds or music are not allowed. No owner or occupant is permitted to erect holiday decorations on any common element, including common ground areas that are adjacent to owners’ individual properties. For clarity, all lighting types defined in this section are considered seasonal decorations subject to the limitations herein and are not considered accent or landscaping lighting typically intended for year round use.

**Spring/Summer/Early Fall Holiday Decor:** Seasonal decorations displayed for commonly recognized spring, summer and fall holidays occurring in the months of March through September may be displayed for not more than 14 days from the date installed. After the 14 day period, all seasonal decorations must be fully removed.

**Late Fall/Winter Holiday Decor:** Seasonal decorations displayed during late fall and winter months (October through February) may be displayed a total of 45 days from the date installed. In the event that winter weather conditions prevent the full removal of seasonal decorations within the specified timeframe, displays may remain in place for a reasonable period of time as determined by the Board, if needed, until weather conditions allow for safe removal. However, illuminated displays and light strings, as defined herein, must be disconnected from their power source and/or turned off at the end of the allowable 45 day display period referenced above.

The use of seasonal decorations defined herein and others not listed but identified as such, if necessary, by the Board of Directors are subject to the restrictions identified in this section or as otherwise determined by the Board of Directors.

- j. **Pets:** Pet owners are reminded of the provisions of our Declarations that, when in common elements, pets must be accompanied at all times by someone who can control the pet, and be either carried or on a hand-held leash at all times. Additionally, pet owners are responsible for the immediate, complete cleanup after their pet and the proper, sanitary disposal of pet waste.

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Pets are not allowed in the clubhouse unless pets are service dogs for the physically or emotionally impaired. Please be considerate of others' bushes/flowers, and try to avoid having your dog urinate on them. Animals are prohibited to create a nuisance. Examples of nuisance behavior or behavior that creates an unreasonable disturbance for the purposes of this paragraph include:

1. Pets whose unruly behavior causes personal injury or property damage.
2. Pets who make noise continuously and/or incessantly for a period of ten minutes or intermittently for two hours or more to the disturbance of any occupant at any time of day or night.
3. Pets in common elements who are not under the complete physical control of a responsible human companion and on a hand-held leash of no more than six feet in length or in an animal carrier.
4. Pets who relieve themselves on walls or floors of common elements.
5. Pets who exhibit aggressive or other dangerous or potentially dangerous behavior.
6. Pets who have lunged at, or charged another animal or person.
7. Non-domestic pets that are prohibited include, but, are not limited to rabbits, livestock, fowl, poultry, monkeys, pigs, frogs, snakes, lizards, or other reptiles, horses, and wild hybrids, along with any rare or unusual pet kept within a human household, which is generally thought of as a wild species, not domesticated, and not typically kept as a pet.

**2. Clubhouse & Recreational Facilities:**

- a. **Orientation & Welcome Packet:** Occupants must complete a clubhouse orientation prior to using the clubhouse and recreational facilities. An owner's welcome packet will be distributed when occupants receive their Morningside overview and complete a facilities orientation. Contact the Lifestyle Director at 440-282-2905 to schedule your orientation.
- b. **Clubhouse & Recreational Facilities:** The Clubhouse and recreational facilities are for the exclusive use of Morningside occupants and their guests. Recreational facilities include tennis courts, bocce courts, indoor pool, spa, outdoor pool, community gardens, gazebo, putting green, driving range, game room and common areas in the clubhouse. Some facilities may require reservations and can be reserved by occupants by contacting the Activity Director. Clubhouse activity rooms and recreational facilities are open to individual use when not being used by scheduled activity groups. Officially sanctioned activity groups have priority over individual use when scheduled through the Lifestyle Director. However, if any courts (pickle ball/bocce ball) are unused during scheduled Morningside times, occupants may use the open court(s) as long as it does not interfere with the scheduled activity. Guests must be accompanied by an occupant at all times while using the clubhouse or recreational facilities.
- c. **Fitness Center:** The Fitness Center is for occupant use only. However, one adult guest may accompany an occupant as a personal trainer, workout or safety partner. The guest must be accompanied by the occupant at all times and wear a guest wristband that may be obtained from the Activity Director. Children under the age of 18 are not permitted in the fitness center.

It is highly recommended that occupants check with their physician before using any fitness equipment or participating fitness activities.

Clean and dry athletic footwear is required on all treadmills and fitness equipment. Cleaning supplies in the fitness room may be used to clean and dry your shoes before using any equipment or bring extra shoes from home. Occupants are also required to use the cleaning supplies provided to clean equipment after each use. When other occupants are waiting, please limit individual use to a maximum of twenty minutes.

- d. **Food & Drink:** Food and drink may only be served and consumed in the kitchen, ballroom, billiards room, patios, verandas, atrium, and the tables in the pool areas. Only the use of sports water bottles or plastic containers (no glass allowed) may be used in the fitness center or pool areas.

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- e. **Alcohol Beverage Use:** Alcohol may be consumed in the clubhouse, on the patio or in recreational areas as long as it is in a respectful, safe manner. Behavior that can be construed as obnoxious, a nuisance or drunkenness will not be tolerated.
- f. **Recreational Gambling:** Gambling in a way that is legal, friendly, positive and healthy is allowable.
- g. **Music:** Music is allowed on the grounds of the clubhouse and/or recreational facilities as long as it does not create a nuisance. We must all be mindful of being courteous and respectful to one another. Keep the volume to a reasonable level to avoid disturbing others.
- h. **Smoke-Free Environment:** The clubhouse and all recreational facilities of Morningside are smoke-free and vaping-free environments. All forms of smoking and vaping are prohibited within the clubhouse and across all common element areas and amenities of the property, except in the designated areas (the gazebo and the northernmost side of the clubhouse parking lot). Littering is prohibited.
- i. **Proper Attire:** Proper apparel must be worn at all times in the clubhouse and on all recreational facilities. Shirts and shoes must be worn at all times in the clubhouse and when using recreational facilities. Wet bathing suits and bare feet are not allowed in the clubhouse or fitness areas. Only articles of clothing designed and sold for aquatic use are permitted to be worn in the pools and spa.
- j. **Clubhouse Access & Security:** Key fobs must be used to access the clubhouse. The clubhouse will be open to occupants from 6:00 am to 11:00 pm. The Clubhouse must be vacated no later than 11:00 pm, unless prior arrangements are made with the Lifestyle Director. Without prior arrangements, the clubhouse security alarm system is activated at 11:15 pm, and remains armed until 5:45 am the following morning.
- k. **Guest Bands & Guest Access:** Occupants must accompany their guests at all times when guests are using the clubhouse or any recreational facilities. Owners are responsible for their occupants and guests while using these facilities. All guests must wear a guest band while using Morningside amenities, with the exception of children under the age of 16 years. Key fobs for entrance to the clubhouse are prohibited to be given to a guest. Guest wrist bands are re-issued to owners and occupants each January 1st and available throughout the year. Up to six (6) guest bands will be available for each household. A nominal fee may be charged for wrist bands. Wrist bands may be obtained at the office of the Lifestyle Director. Availability and fee, if applicable, will be announced at the beginning of the year. Check and Venmo payments only (no cash).

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- l. **Valuables:** If you bring valuables to any Morningside recreational area, you do so at your own risk.
  
- m. **Ballroom Use:** The ballroom is not available to rent out for private parties. At the discretion of the Board of Directors and/or Lifestyle Director, the ballroom and adjacent patio may be reserved in advance for use by Morningside activity or social group events. During such events all other areas of the clubhouse remain open to occupants and owners for general use. Other than the ballroom and adjacent patio, no other clubhouse areas may be reserved.
  
- n. **Parking Lot Restrictions:** Handicapped parking spaces are only to be used by the individuals with handicap decals. Vehicles must display a valid state issued license plate, tag or placard. Parking is prohibited between 1:00 am and 5:00 am in all association common element area parking lots. Extended overnight parking privileges may be granted to occupants, under special conditions, with prior written authorization from the HOA Board of Directors or the Lifestyle Director. Parking or excessive waiting under the portico in front of the clubhouse and in fire zones is prohibited.
  
- o. **Furniture Usage:** Occupants must return all furniture to its original location and arrangement after each use. Furniture may not be moved from one room to another without prior approval from the Board of Directors and/or the Lifestyle Director.
  
- p. **Kitchen and Ballroom Use and Clean-Up:** All areas must be kept clean and orderly at all times. Owners and groups using the ballroom and kitchen are fully responsible for clean-up, trash removal, dishwasher use, laundering table linens or kitchen towels, etc. Any time the kitchen is used, the sign in/sign out sheet located in the kitchen must be completed, with the group using the kitchen identified, and one person identified as *responsible* for ensuring that the kitchen is clean, and the dishwasher (if used) is run and emptied within 24 hours after the event. Please refer to the Kitchen and Ballroom Use And Clean-up guide located in the kitchen. Neither the Association nor its employees or contractors provide kitchen clean-up services.
  
- q. **Recreational Facilities Equipment Care:** Owners will be responsible for the cost of cleaning, repairing or replacing any item damaged or destroyed due to their carelessness, neglect or deliberate act. Owners will also be responsible for damages caused by their occupants and guests.
  
- r. **Activity Rooms Use:** Activity rooms such as the Game Room for Billiards & Cards, the Activity/Aerobics Studio and the Ballroom with its three great rooms are open to occupant use when not reserved for sanctioned activity groups. A sanctioned activity group is a residents' group that has reserved the use of a room through the Lifestyle Director which must include the

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activity start and end times to facilitate additional scheduling during any open, available time slots. Weekly activity group schedules are available on the Morningside website calendar. Scheduled activity groups will have priority use over individual use. No activity room may be reserved for an individual occupants's private use.

- s. **Billiards & Cards Game Room:** The game room serves two sets of players, billiards and cards, and therefore requires a certain amount of cooperative scheduling between both groups. Scheduled and reserved game room activity groups always have priority use over individual impromptu use, which is only available if no other competing game is in play or scheduled during that period. For example, this means that if a scheduled card game is in play, an impromptu billiards game cannot be added during the same period, and the reversed games example is likewise true. Billiards equipment is to be used by occupants and accompanied guests 18 years of age and older. Sitting on the tables is prohibited. Return all equipment to proper storage locations following use, and brush the table clean after play. Billiards balls should be stored on the storage table in the corner, not in pockets. Individuals may not monopolize the tables when others are waiting to play. Notify the Lifestyle Director if there are scheduling issues, equipment needs or any damage.
- t. **Emergency Phones and Automated External Defibrillator (AED):** Emergency phones are located near both the indoor and outdoor pools. An AED is mounted on the wall in the hallway near the atrium and aerobic studio.
- u. **Facilities Safety:** The Board of Directors and/or Lifestyle Director may close the pools, spa and related facilities at any time as deemed necessary to protect the general welfare and safety of occupants and guests when weather or maintenance concerns dictate closure. All occupants and guests using any amenity do so at their own risk. Users are urged to exercise good judgment and caution. The Association is not responsible for any accidents or personal injuries that may occur.
- v. **Clubhouse Security Cameras:** Operational clubhouse cameras have been installed to address security concerns and property damage. Great care has been taken to balance the need for security with the necessity for privacy. The cameras are focused on all entrances/exits, hallways and indoor/outdoor pool areas. All recordings are password-protected, and are under sole viewing control of the Board of Directors. The video footage is not monitored in real-time for your safety and protection and is only used to review events after-the-fact. There will always be a Board of Directors member present when reviewing the recordings. In the event there is reason to believe that an illegal action may have occurred, a review will be conducted, and if necessary, a downloaded recording will be made available to the police department.

### **3. Pool Rules:**

The Board of Directors, employees and all users of the swimming pools and related facilities are legally obligated to comply with pertinent Ohio Board of Health and State Sanitary Code Rules. For the most part, compliance with OBH and SSC Rules involves common sense efforts when using facilities (e.g. bathrooms) in a manner that reflects courtesy towards other individuals.

The Board of Directors has established the following rules designed for the safety and comfort of Morningside occupants and their guests. The rules are intended to ensure proper care of our swimming pools and related facilities, to contain maintenance expenses within operation budgets and to minimize loss, damage or the premature wear and tear of the equipment. All persons using the swimming pools, whirlpool spa and related facilities do so at their own risk. Individuals are urged to exercise good judgment and caution at all times. The Association is not responsible for any accidents or personal injuries which may occur.

It is the responsibility of occupants who use the swimming pools and related facilities to know the rules, inform their guests accordingly and ensure that their guests follow all Morningside rules when using any of the facilities.

The indoor pool is open daily from 9:00 am to 9:00 pm.

The outdoor pool is open daily from 9:00 am to 9:00 pm.

Unless otherwise advised by the Lifestyle Director or Board of Directors, the outdoor pool will typically open Memorial weekend and close on Labor Day.

- a. Children under the age of 16, when accompanied by a Morningside occupant, may only use the outdoor pool and indoor pool/spa from 10:00 am to 1:00 pm except when scheduled activities are taking place. All younger children must be potty trained. Children wearing diapers or swim diapers are prohibited in the pools or on the steps of the pools. All children must have adult supervision while utilizing the pool.
- b. Glass containers of any kind are prohibited in any of the pool areas.
- c. Diving and rough housing are prohibited.
- d. All swimmers must be continent (potty trained).

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- e. Running, jumping, diving, “cannonballing”, pushing, wrestling and/or rough play are always prohibited. In addition, roller-blading, skateboarding, bicycling, yelling and/or the use of foul language or curse words are also prohibited.
- f. Water guns, water spraying toys, water balloons, boogie boards, large rafts/floats are prohibited.
- g. Swim attire designed and sold as swimwear is required for entering the pool. All occupants and guests must wear non-slip rubber-soled footwear in the pool area, atrium and locker rooms.
- h. Chairs, lounges and tables are on a first come, first serve basis and cannot be reserved. Pool furniture that is moved must be returned to its original location upon exit from the pool area. Whenever using umbrellas in the raised position, please ensure the umbrellas are lowered and secured when you prepare to leave the area. Indoor and outdoor pool furniture must remain in their respective pool areas. Chairs and lounges are to be covered by a towel for hygienic purposes and to prevent damage caused by suntan lotion, oils, etc.
- i. Lockers are available on a first come first serve basis. Locks are to be removed when the user leaves the pool for the day. Locks that are not removed at the end of the day may be cut off.
- j. Any person with an obvious infectious wound shall not be permitted in the pool(s) or spa. Any person with bladder or bowel control problems is prohibited from using the pool. People observed passing feces, urine, or blood into a pool or spa are prohibited to use the pool or spa. Any person who has been refused entry to or removed from a pool or spa under this paragraph because of an infectious wound may be granted entry upon presentation of a written statement from a physician that the condition is not infectious. Occupants observing violations of these health and safety guidelines and/or a potentially unsanitary condition are required to immediately report the situation to the Lifestyle Director and/or the Board of Directors for remediation (i.e., disinfection, cleaning, pool treatment, etc.).
- k. As always, please be considerate of others.

**Pool Rules Enforcement:** The Morningside Board of Directors has enforcement authority for all pool, pool deck and spa rules. They also have discretionary power to take necessary steps to address potentially hazardous circumstances not specifically referenced in these rules, for example, impending thunderstorms. Occupants are also encouraged to monitor participant compliance to all Morningside rules and regulations, to address any infractions with the offenders, and to file a Rules Violation Report where appropriate.



**4. Spa Rules: *per Ohio Department of Health Administrative Code:***

- a. Pregnant women, elderly persons, and persons suffering from heart disease, diabetes or high or low blood pressure should not enter the spa without prior medical consultation and permission from their doctor.
- b. Do not use the spa while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure.
- c. Do not enter water temperatures greater than 104° Fahrenheit (40° C).
- d. Do not use the spa alone.
- e. No one under the age of 16 may use the spa.
- f. Observe reasonable time limits (that is, ten to fifteen minute sessions), then leave the water and cool down before returning for another brief stay. Long spa exposure may result in nausea, dizziness or fainting.

**5. Community Notices:**

Any notice or announcement which occupants feel might be important to the community must be forwarded to the Lifestyle Director or to the Board of Directors for publication consideration. Direct advertising or self-promoting personal agendas may never be distributed to the community. However, certain agendas, events and announcements or information may be sent to the Lifestyle Director for consideration to post in a flyers display at the clubhouse activity desk or to be emailed to all occupants.

**6. Rules Compliance:**

- a. Notwithstanding anything contained in these Rules, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Declaration, Bylaws, or Rules (“Governing Documents”) as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys’ fees, will be assessed to the account of the responsible Owner.
- b. The Owner is responsible for any violation of the Governing Documents by the Owner, or the guests, or the occupants, including tenants, of the Owner’s home.

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- c. All costs stemming from any violation, including enforcement assessments, cleaning, repairs, or removal, will be charged to the responsible Owner's account.
- d. In addition to any other action and if applicable, in accordance with the procedure outlined below, the Board may: a) levy an enforcement assessment for damages and/or cleaning of the common elements or other property, or b) levy an enforcement assessment per occurrence or if the violation is continuous and ongoing in nature, levy an enforcement assessment per day, or c) levy an enforcement assessment for the approximate cost to physically remove the violation. For any violation of the Governing Documents that is continuous and uninterrupted for a period of more than 24 hours, each calendar day that the violation continues without interruption constitutes a new and separate violation.
- e. Prior to the imposition of an enforcement assessment for a violation, the following procedure will be followed:
  - 1. Written notice(s) will be served upon the alleged responsible Owner specifying:
    - a. A description of the property damage or violation; and,
    - b. The amount of the proposed charge (or, if unknown, a reasonable estimate of the proposed charge) or enforcement assessment; and,
    - c. A statement that the Owner has a right to, and the procedures to request a hearing before the Board to contest the proposed charge or enforcement assessment; and,
    - d. If applicable, a reasonable date by which the Owner must cure the violation to avoid the proposed charge or assessment.
  - 2. To request a hearing, the Owner must mail or deliver a written "Request For Hearing" notice, which must be received by the Board not later than the tenth day after receiving the notice required by Item 1 above.
    - a. If an Owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the Owner with a written notice that includes the date, time, and location of the hearing. If the Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the enforcement assessment will be immediately imposed; and,
    - b. At the hearing, the Board and alleged responsible Owner have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence of written notice to the Owner to abate action, and intent to impose an enforcement

assessment will become a part of the hearing minutes. Within 30 calendar days of the hearing, the Owner will be sent written notice of the Board's decision; and,

- c. In the event of an enforcement assessment hearing, or court hearing, copies of complaints and the complaining party identity will be made available to the alleged violator.
3. The Association may file a lien for any enforcement assessment that remains unpaid for more than 10 days.

## **7. Community Gardens:**

Community Gardens: Occupants may lease one (1) plot in the community gardens each year. The community gardens are maintained by the leasing occupant who is responsible for all aspects of their garden plot such as soil preparation, bulbs, seeds, planting, fertilizing, weeding, watering, pruning, the Fall cleanup, etc. The 4' x 8' spaces are available on a first come, first serve basis. Requests for leasing additional plots will be determined on a case by case basis.

## **8. RV & Boat Parking:**

RV & Boat Parking: An RV and boat parking storage lot is available for lease. There are ten longer spaces approximately 42' in length, and two shorter 21' long spaces. Storage space is available on a first come, first serve basis. All information, arrangements and monthly payment must be made with the Condominium Owners Association (COA) Board of Directors. Checks should be made payable to Morningside COA.

## **9. Groups & Clubs:**

Activity groups and clubs at Morningside may be formed under approval of the Lifestyle Director and/or Board of Directors. Activity groups are open to all occupants in good standing. All activity groups and clubs will be self-supporting. The Lifestyle Director will be responsible for assisting and working with all activity groups and club coordinators. Activity groups and clubs must clearly identify fundraising activities which must be ancillary to the primary cost of an event. The Lifestyle Director, including certain reviews with the Morningside Board of Directors, must approve the communication of group and club information such as website postings, flyers, announcements and email publications.

## **10. Event Reservation and Payment Policies:**

Reservations for fee-based events are made by submitting payment to the Lifestyle Director by check or through Venmo. Cash payments are not accepted. Please follow these payment guidelines:

Venmo Payments: Venmo payments are sent to @Morningside-HOA. Double check your entry by ensuring that the photo for @Morningside-HOA is a photo of the Morningside clubhouse. In the “What’s this for?” field type the event name and date, occupants’ and guests’ names and any additional information like food choice, when applicable.

Check Payments: Write a check for the exact amount for the event for which you are paying. Seal your check in an envelope and write on the front of the envelope the event name and date, occupants’ and guests’ names and any additional information like food choice, when applicable.

Reservation Deadlines: Reservations and payment must be received on or before the posted deadline.

Cancellations and Refunds: The Association is unable to refund paid reservations. Please consider gifting or selling your reservation to another Morningside occupant.

Occupants have priority for all events. Single attendees may bring a guest to any event. The availability of guest reservations will be announced prior to the reservation deadline. Please include guests’ names on your reservation request.

Non-fee events may require sign-up. Please follow sign-up instructions provided in the event announcements.

## **11. Anti-Harassment Policy**

The Association will not tolerate harassment of any owner, occupant, employee, agent, manager, contractor, or other party for any reason, to the extent protected by Federal, State, or local laws, including but not limited to abusive comments or conduct predicated upon race, color, creed, religion, ancestry, sexual orientation, national origin, citizenship, age, sex, disability, pregnancy, genetic information, military status, or veteran status. All harassment that adversely affects any other occupant’s living conditions, including Board members’ living conditions, is prohibited. All harassment that adversely affects an employee’s working conditions is prohibited. Harassment can take many forms, including words, signs, jokes, pranks, intimidation, physical contact, violence or inundating a person’s telephone or email with excessive and unnecessary communications. The Association also prohibits threatening to cause physical harm or property damage to any owner, occupant, employee, agent, contractor or other party for any reason. The Association also prohibits causing harm to another

individual or property. Aggressive or threatening actions and words are prohibited to be directed at any owner, occupant, employee, agent, manager, contractor or other party for any reason.

If an owner, occupant, employee, or other person feels that they have been subjected to conduct that violates this policy, the person should immediately report the matter to the Board. This complaint will go straight to the Board. If a Board member is the person performing the prohibited harassment or being harassed, then contact a different Board member in writing that you feel comfortable reporting the harassment to. Once the matter has been reported it will be promptly investigated and any necessary corrective action will be taken where appropriate, including use of all enforcement mechanisms provided to the Association under the governing documents. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as is possible under the circumstances.

## **12. Records Request Policy:**

### **a. Records Available for Inspection.**

1. Unless otherwise prohibited by law or this policy, any owner may examine and copy (including receiving copies or other information by email) the Association's books, records and financial reports from the last five years ("Records"), when requested in accordance with this policy for any reasonable and proper purpose.
2. An owner may not examine or copy any records that contains any information about:
  - a. Personnel matters, including but not limited to salary/benefits information, performance reviews, applications, disciplinary action, and health matters;
  - b. Communications with legal counsel or attorney work product pertaining to potential, threatened, or pending litigation or property-related matters;
  - c. Contracts or transactions currently under negotiation or information that is contained in a contract or other agreement containing confidentiality requirements;
  - d. Enforcement of the Declaration, Bylaws or rules against other owners or occupants; and,
  - e. Matters or issues the disclosure of which is prohibited by state or federal law.

- b. All Requests for Records Must Be In Writing. An Owner who wants to inspect, copy or receive any Association record must submit a written request to the Board or the management company. The request must specifically identify the particular record(s) desired, including pertinent time

periods from the five years immediately preceding the request, and state whether the request is for inspection or copying. The request must be sufficiently detailed to allow the Association to retrieve the record(s) requested, and must include the purpose of the request. The Board will only approve requests containing a reasonable and proper purpose for inspection.

- c. Only Owners or Authorized Representatives May Inspect. Every owner has the right to inspect, copy or receive Association records when in compliance with this policy. An owner may authorize, in writing, an attorney or other designated representative to conduct this inspection or request copies on the owner's behalf.
- d. Rules of Conduct and Procedure Governing Request to Inspect/Copy.
  1. To the extent an Owner is not able to obtain Records on the Association's website or management portal, an Owner may inspect Records rather than receive copies by email or regular mail upon request. All inspections will take place at the Association's office or at such other location as the Board designates. Removing original Records from the location where the inspection is taking place is prohibited.
  2. The Association will make records available for inspection within a reasonable time, but no more than 10 business days after the Association actually receives the written inspection request. This time frame may be extended if the records requested are so voluminous or otherwise in such condition as to render this time frame unreasonable. The Association will notify the owner (by telephone, in person, by email, or in writing) that the records are available and specify the time, date and place for the inspection.
  3. If the owner requests to receive documents by regular mail or email, the Association will provide the requested records within a reasonable time, but no more than 15 business days after the Association actually receives the written inspection request. This time frame may be extended if the records requested are so voluminous or otherwise in such condition as to render this time frame unreasonable.
  4. Owners are prohibited from altering any Association records.
  5. All people inspecting or requesting copies of records must conduct themselves in a businesslike manner and not interfere with the operations of the Association's office or any other location where the inspection or copying is taking place. The Association, through the Board or management company, will assign one staff person or other Association representative to assist in the inspection. All requests for further assistance and copying during an inspection must be directed only to that one Association-designated person.

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6. During an inspection, the owner may designate for copying records by use of a tab, clip or sticky note upon the page(s) desired.
  7. Owners may not exercise their inspection or copying rights to harass any other owner or occupant, Board member, manager (or anyone at the management company) or employee.
- e. Charges for Copies/Inspection.
1. Upon written request, the Association will provide draft or approved minutes of Association annual meetings at no charge.
  2. Other than the Association annual meeting minutes from the previous five annual meetings, the Owner must pay:
    - a. \$0.10 per page for black and white copies and \$0.25 per page for colored copies up to 50 pages. Beyond 50 pages the rates are \$0.07 per page for black and white and \$0.18 per page for color.
    - b. \$1.00 per page to scan in and email any paper or printed documents.
    - c. In addition, the Owner may be charged up to \$50.00 per hour for administrative and clerical fees in quarter hour increments, depending on the size of the document.
    - d. Depending on the size and difficulty of the request, the management company (KareCondo) is authorized to waive any of these fees at their sole discretion.
  3. To preserve the sanctity of the Records, a physical records inspection requires the presence of a staff member. For inspections that last greater than one hour, the Association may, on its own or through the manager, charge the requesting Owner an hourly rate, not to exceed \$50.00 per hour, to be billed in quarter hour increments for staff or other representative attendance at the records inspection beginning at the time the inspection was scheduled to begin.
  4. The Owner must pay the costs of copying, providing or inspection at the time of billing for copies or actual inspection. However, the Board may, in its sole discretion, require advance payment.

**13. Collection Policy:**

- a. All assessments are due on the 1st day of the month and are considered late if not received by the 15th day of the month (“the late date”).
- b. Payments must be made to the Association via the method approved by the Board of Directors.
- c. After the late date, an administrative late charge of \$12.50 per month will be added for any late payment or on any balance of unpaid assessments. (Subject to increase upon further notice.)
- d. The Association will apply any payments in the following order:
  1. Interest owed to the Association;
  2. Administrative late fees owed to the Association;
  3. Collection costs, attorney’s fees and paralegal fees the owners Association incurred in collecting the assessment; and finally,
  4. Oldest principal amounts the owner owes for common expenses or penalty assessments charged to the account.
- e. Payments marked with notations contradicting the above order of application, as referenced in number four above, or disputing the amount owed, will not be applied to the account and will be returned to the titled owner and if the payment was electronic, the payment will be refunded.
- f. Any unpaid assessment may result in collection action, including letters, liens, updated liens, suits for money judgment, and foreclosure. Once judgment is obtained, the Association may proceed with post-judgment action, including bank attachment and wage garnishment. Any costs the Association incurs in the collection of unpaid assessments, including non-sufficient bank fees, attorney’s fees, recording costs, title reports, and court costs, will be charged back to the account.
- g. While a foreclosure case is pending, partial payments will not be applied to the account and will be returned to the titled owner and if the payment was electronic, the payment will be refunded, unless, through a formalized payment plan or Receiver.
- h. If any owner (either by their conduct or by the conduct of any occupant) fails to perform any other act required by the Declaration, the Bylaws, or the Rules and Regulations, the



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Association, after giving proper notice and an opportunity to request a hearing, may levy an enforcement assessment, undertake such performance, or cure such violation. Any costs the Association incurs in taking such action will be charged back to the account.

- i. If an account is more than 30 days past due, the Association may suspend privileges including the right to vote, the use of the amenities, or the ability to apply for architectural approval.
- j. If an account is more than 30 days past due and the Association becomes aware that the unit is vacant or abandoned then, in accordance with the Declaration, the Association may take action to secure the property to protect the common elements with all costs charged back to the account.

### **14. Enforcement Policy:**

- a. Notwithstanding anything contained in these Rules, the Board has the right to proceed, immediately or otherwise, with legal action for any violation of the Declaration, Bylaws, or Rules (“Governing Documents”) as the Board, in its sole discretion may determine. The entire cost of effectuating a legal remedy to impose compliance, including court costs and attorneys’ fees, will be assessed to the account of the responsible Owner.
- b. The owner is responsible for any violation of the Governing Documents by the owner, or the guests, or the occupants, including tenants, of the owner’s home.
- c. All costs stemming from any violation, including enforcement assessments, cleaning, repairs, or removal, will be charged to the responsible owner’s account.
- d. In addition to any other action and if applicable, in accordance with the procedure outlined below, the Board may: a) levy an enforcement assessment for damages and/or cleaning of the common elements or other property, or b) levy an enforcement assessment per occurrence or if the violation is continuous and ongoing in nature, levy an enforcement assessment per day, or c) levy an enforcement assessment for the approximate cost to physically remove the violation. For any violation of the Governing Documents that is continuous and uninterrupted for a period of more than 24 hours, each calendar day that the violation continues without interruption constitutes a new and separate violation.
- e. Prior to the imposition of an enforcement assessment for a violation, the following procedure will be followed:
  1. Written notice(s) will be served upon the alleged responsible owner specifying:

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- a. A description of the property damage or violation; and,
  - b. The amount of the proposed charge (or, if unknown, a reasonable estimate of the proposed charge) or enforcement assessment; and,
  - c. A statement that the owner has a right to, and the procedures to request a hearing before the Board to contest the proposed charge or enforcement assessment; and,
  - d. If applicable, a reasonable date by which the owner must cure the violation to avoid the proposed charge or assessment.
2. To request a hearing, the owner must mail or deliver a written “Request For Hearing” notice, which must be received by the Board not later than the tenth day after receiving the notice required by Item 1 above.
- a. If an owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the owner with a written notice that includes the date, time, and location of the hearing. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the enforcement assessment will be immediately imposed; and
  - b. At the hearing, the Board and alleged responsible owner have the right to present any evidence. This hearing will be held in Executive Session and proof of hearing, evidence of written notice to the owner to abate action, and intent to impose an enforcement assessment will become a part of the hearing minutes. Within 30 calendar days of the hearing, the owner will be sent written notice of the Board’s decision.
  - c. In the event of an enforcement assessment hearing, or court hearing, copies of complaints and the complaining party identity will be made available to the alleged violator.
3. The Association may file a lien for any enforcement assessment that remains unpaid for more than 10 days.

## **15. Qualifications of Directors:**

Morningside Owners or spouses wishing to serve on the Board of Directors are subject to the requirements of the Amended and Restated Bylaws for Morningside at Martin's Run Homeowners' Association, Inc., Article 3, Section 3.2.

In addition and in accordance with requirements of the U.S. Department of the Treasury, effective January 1, 2024, Owners or spouses serving on the Morningside Board of Directors are required to register their identities annually during their Board term(s) with the Financial Crimes Enforcement Network (FinCEN), a bureau of the U.S. Department of the Treasury. FinCEN is a bureau of the United States Department of the Treasury that collects and analyzes information about financial transactions in order to combat domestic and international money laundering and terrorist financing. Reporting criteria includes each Director's full name, address, driver license or passport number and an image upload of the chosen form of identification. Reporting is NOT optional and non-compliance is subject to federal penalties including fines and/or imprisonment. The Board of Directors may enforce compliance as follows: (a) Board can pass rule requiring directors to provide required information; (b) Remaining directors could levy enforcement assessment against non-complying Director; (c) Boardscan amend bylaws without an Owner vote to require as a qualification to serve on the Board.

## **16. Proper Method for Contacting the Board of Directors with Concerns and Questions**

The Board of Directors welcomes questions from Owners. To ensure that questions are logged and responded to in a timely manner, please direct questions to the Board of Directors by contacting Karecondo at 330-688-4900 or via email to [bsullivan@karecondo.com](mailto:bsullivan@karecondo.com). Unless reporting an urgent situation, Owners are not permitted to contact individual members of the Board of Directors with HOA questions or concerns in person, by email, phone or text for matters relating to Association business. Owners are not permitted to direct questions or concerns relating to Board decisions or HOA business matters to employees of the Association.

## **17. Board of Directors' Sole Responsibility for Association Employees**

The Board of Directors is solely responsible for employees of the Association and all employment conditions relating to salary, benefits, paid time off, hours worked and assigned tasks, etc. Owners and occupants are not permitted to query Association employees regarding employment parameters either directly with the employee, indirectly, or to other owners and occupants of the Association. Questions may be submitted to the Board of Directors by contacting the Association's property manager.