

THE POINT OWNERS ASSOCIATION, INC.

Resolution of the Board of Directors

Resolution Regarding Use of Motorized Vehicles in Community

Enacted: January 25, 2013

Effective: February 1, 2013

WHEREAS, the Board of Directors (the “Board”) of The Point Owners Association, Inc. (the “Association”) is empowered to govern the affairs of the Association pursuant to Article VI of the Bylaws of the Association and Article XIII, Section 4 of the Declaration of Covenants, Conditions, and Restrictions for The Point, recorded with the Register of Deeds of Iredell County, North Carolina in Book 1095 at Page 1206 (as amended from time to time, the “CC&Rs”), including the enforcement of the provisions of the CC&Rs and the promulgation of rules and regulations pursuant to Article VII, Section 18 of the CC&Rs, and

WHEREAS, all owners are required to comply with all federal, state and local laws and ordinances (the “Applicable Laws”) that apply to the Property (as defined in the CC&Rs), and

WHEREAS, with the assistance of counsel, the Association has determined that Applicable Laws prohibit the use and operation of non-registered motorized vehicles, including, without limitation, golf carts, motorcycles, dirt bikes, and all terrain vehicles (ATVs) (collectively, “Motorized Vehicles”) on the roadways and sidewalks located within the Property, and

WHEREAS, the Board has determined that the current use and operation of Motorized Vehicles by residents of the community on the roadways, sidewalks, common areas and septic easement areas located within the Property presents a significant public safety risk and is inflicting significant damage to the community landscape, and

WHEREAS, the Board desires to adopt rules and regulations concerning the use of Motorized Vehicles on all common areas, septic easement areas, walking trails and other property owned by the Association, and to enforce compliance with the Applicable Laws that prohibit the use of Motorized Vehicles on the roadways and sidewalks located within the community, and

WHEREAS, it is the intent of the Board that the rules and regulations concerning the use and operation of Motorized Vehicles within the community as set forth in this Resolution shall remain in effect until otherwise rescinded, modified, or amended by the Board.

NOW THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt the following rules and regulations concerning the use and operation of Motorized Vehicles within The Point community:

1. In accordance with Applicable Law, no golf cart or other Motorized Vehicle that is not registered for operation on a public road by the North Carolina Department of Motor Vehicles (“DMV”) shall be operated on any Roadways (as defined in the CC&Rs) located within the Property.

2. In accordance with Applicable Law, no golf cart or other Motorized Vehicle shall be operated on any sidewalks located within the Property.
3. In accordance with Applicable Law, no registered Motorized Vehicle shall be operated on any Roadways within the Property by any person that does not have a valid North Carolina driver's license issued by DMV.
4. No golf cart, motorcycle, ATV or other Motorized Vehicle shall be operated on any property owned by the Association (including, without limitation, the walking trails, the village green, other Common Areas and Septic Easement Areas (as defined in the CC&Rs)) without the express written permission of the Board.
5. Any information concerning an Owner's or Occupant's non-compliance with the rules set forth herein should be provided to the Association's management company for investigation. Residents are encouraged to report any violation to the management company and provide a photo or other supporting documentation, if possible. If the management company receives credible evidence that a Motorized Vehicle has been used in violation of the rules set forth herein, a hearing before the Board on such violation shall be scheduled and conducted in accordance with NCGS § 47F-3-107.1, and if it is determined that the Owner or Occupant, as applicable, violated such rules, a fine of \$100 per day shall be imposed for the violation and without further hearing, for any future violations.
6. The use of any unregistered Motorized Vehicle on the Roadways or sidewalks may also be reported to the Iredell County Sherriff's Office at (704) 878-3100.

IN WITNESS WHEREOF, the undersigned Secretary of the Association hereby certifies that this resolution was duly adopted by the Board at a special meeting held on January 25, 2013.

ATTEST:

Jan 25, 2013
Date



Jenny Hensley, Secretary