

**KALA POINT OWNERS' ASSOCIATION
RULES AND REGULATIONS
Amended April 8, 2014, Amended August 1, 2016
Amended July 1, 2017, Amended July 1, 2018,
Amended April 9, 2019, Amended September 10, 2019
Amended February 11, 2020, Amended September 8, 2020**

I. Introduction

A. Purpose. The Kala Point Owners' Association (KPOA) endeavors to enhance the quality of life at Kala Point by preserving the value, desirability, and attractiveness of the property through established community standards. A concise statement of those legally derived standards along with an explanation of their purpose and, where appropriate, citation of the authority from whence they are derived is a necessary instrument for ensuring that the Membership is fully aware of the legal obligations, which go with ownership at Kala Point. The Rules and Regulations set forth herein are intended to serve that purpose. Kala Point developers envisioned creating a unique, private wooded and waterfront community of custom homes and condominiums, some with marine views within a magnificent natural setting. Kala Point creates its wooded and park-like environment by having underground utilities; by having an absence of street lights and sidewalks; by maintaining and protecting trails, trees and native vegetation; and most importantly, by having homes and structures that are in harmony with the environs. The developers established architectural and landscape-design aesthetics that set the tone for our current standards. Over time, standards and aesthetic have evolved, but the forming principles have continued to be upheld.

B. Authority and Enforcement. State law and county ordinance form the broad basis for the Association's regulations. Beyond this, members of the Association accept additional restrictions in the form of Project Documents (Covenants, Conditions & Restrictions (CC&Rs), Articles of Incorporation, Bylaws, Rules & Regulations) Architectural Standards, Policies & Procedures. The CC&R's spell out uniform general requirements regarding property maintenance, building restrictions, etc., the most salient of which are incorporated in this document. The CC&R's further empower the Board to "adopt, promulgate, amend and repeal" such additional Rules and Regulations as it deems reasonable. Kala Point regulations do not replace state laws; a few relevant state and county regulations are included for reference. (CC&R Art. V Sec.1.a)

The Rules and Regulations elaborated herein constitute a synthesis of standards based on the authority derived from all the above-mentioned laws and Project Documents. They are approved by the Board of Directors as specifically authorized by CC&R Articles IV parts A and B, V Section 2 and Bylaws Articles IV.

The Architectural Standards derive their authority from CC&R Articles IV and VIII and govern new structures and modification to existing structures. They also deal with separate structures (including woodsheds, gazebos, and play equipment) and related issues such as TV antennas, fences, exterior lighting, and location of garbage cans.

Administrative Procedures for Compliance & Appeals provide a procedure for Members, Committees, and the Board to enforce the documents. Copies of the established policies and procedures on compliance and how to prepare for and conduct compliance and/or appeal hearing are available to Members from the Association office.

C. Definitions. The CC&Rs define Guests as any person in the company of a member.

For the purpose of using KPOA Common Areas, other than the Clubhouse, extended family and anyone directly visiting a member or resident who has the member or resident's express permission will be considered a guest. Members may not extend open invitations to guests for use of Common Areas and Facilities.

II. Regulations

A. Land Use and Appearance - Jurisdiction: Grounds Committee

1. All Covered Property, including lots, grounds, structures, and their surroundings must be kept in a neat and attractive manner with shrubbery pruned, grass/weeds cut and dead shrubs and trees removed. (CC&R Art. IV B Sec. 7)
In addition, garbage cans should be placed out of sight from the street along with yard tools and equipment. Piles of bark, mulch and gravel for landscaping purposes must not remain in sight from the street for extended periods without being actively used or consumed.
2. Clotheslines are permitted only if retractable and retracted after use. (CC&R Art. VIII, Section 4)
3. No sanitary facility except approved septic systems or portable toilets shall be used during construction. (County Ordinance No. 2-77)
4. Only Single-family residences, whether for owner or tenant occupancy, are permitted. Single Family includes immediate family, legal dependents, foster children, and domestic partners. No residential lot shall be utilized for industrial or commercial purposes. (CC&R Art. IV D Sec. 2)
5. Burning - Jurisdiction: Grounds Committee except Architectural Committee during construction.

Intent: The growing density of housing in the wooded environment of Kala Point, where open burning constitutes a fire hazard and may be detrimental to health, necessitates community control of open fires.

Outdoor burning, including propane weed-burning torches, on Common Areas and Covered Property (all of Kala Point) is prohibited at all times except for charcoal or gas cooking grills in the two designated beach areas (gazebo and playground grilling area) and on private property. (CC&R Article IV, part B, Section 19) All cooking fires must be completely extinguished prior to leaving the beach area. No fires are allowed on the beach at any time.

6. **Vegetation Control - Jurisdiction:** Tree Committee except Architectural Committee during construction.

Intent: The Association seeks wherever possible to retain the natural, forested environment of Kala Point. The regulations below are intended to allow reasonable freedom for the lot owner to remove selected vegetation without altering the nature of the community.

- a. No clear-cutting or removal of trees larger than six (6) inches in diameter (19 inches in circumference) measured at three (3) feet above the trunk base, is allowed prior to receiving Tree or Architectural Committee written approval to a written request. (CC&R Art. IV B Sec. 8) Approval of requests for vegetation control implies responsibility for prompt removal of resulting debris.
- b. No cutting of vegetation, trees, limbing or topping of trees on Common Areas shall be allowed without written approval from the Board, Architectural, Tree or Grounds Committee and Jefferson County when required. There shall be no removal, cutting or trimming of trees, shrubs or undergrowth in the Common Area along or near the crest of high bank bordering Port Townsend Bay, or anywhere on the bank itself, including the full 1¼ mile length of the Kala Point waterfront, without approval of the KPOA Board and written consent of Jefferson County. The bank shall be preserved for the protection of the adjacent lots and the beach.
- c. There shall be no dumping of trash, grass clippings, brush or other material on or over the high bank Common Areas B.

Vehicles - Jurisdiction: General Manager

1. All posted speed limits shall be observed.
2. Parking of vehicles is prohibited on any road or Common Area except where expressly designated. Parking on road shoulders is prohibited from 1:00 a.m. to 7:00 a.m. Extended periods will require prior approval by the General Manager. Vehicles shall not be parked or stored in a manner that would obstruct the flow of traffic, impede maintenance, or jeopardize the safety of pedestrians.
3. Parking or driving of vehicles on the beach or spit area is prohibited. Parking along the waterfront is permitted in designated areas only. All vehicles shall display the Kala Point decal or guest card. Other vehicles are subject to removal. Vehicles shall not be left overnight in the beach parking area except for vehicles used by overnight moorage guests or owners.
4. Motorized vehicles (except KPOA maintenance vehicles), bicycles and horses are prohibited on walking paths and beach area.
5. *Intent: The Association encourages garaging of all vehicles and discourages outdoor residential parking of commercial and other vehicles that are not normally associated with a residential community.*

Outdoor parking or storage of large recreational vehicles, boats, trailers, vehicles that are unlicensed or inoperable and vehicles with an overall wheelbase greater than 180" or a Gross Vehicle Weight Rating greater than 15,000 pounds shall not be permitted on Covered Property, except in designated storage lots. Temporary parking on private property for a maximum of 72 hours will be permitted for loading, unloading, maintenance, or repairs. Extensions on this time limit may be granted by the General Manager on a case-by-case basis. (CC&R Art. IV B Sec. 6)

Kayaks, canoes and rowing shells may be stored on an owner's lot if they are stored neatly and are screened from view of the road and neighboring lots, subject to review by the General Manager.

6. Guest(s) shall be permitted to park their RV's in a host's driveway for up to one week. Extensions shall require General Manager's approval. (CC&R Art. IV B Sec. 6)

7. **Storage Lot**

Intent: The RV storage lots are intended primarily for the storage of Member's RV's, utility vehicles and boats. Other items may be stored with the approval of the General Manager. Space is made available on a first come - first served basis to all members, resident and non-resident. Not more than one space shall be allowed per membership unit. However, if excess space is available, the General Manager may temporarily assign a tenant a second space. If a storage space is left vacant for three (3) months and the Association office is not notified in writing, it will be assumed that the space has been vacated. Timeshare tenants may use spaces upon request during their stay at Kala Point if space is available.

- a. No use of the Storage Lot shall be permitted without the prior execution of a Rental Agreement between the Association and the owner or renter and the payment of a fee.
 - b. No structures shall be permitted in storage spaces.
8. Forced entry of the gate shall be considered vandalism.

C. Pets - Jurisdiction: Grounds Committee

Intent: Residents are encouraged to limit outdoor pets to two (2) per household (2 dogs, or 2 cats, or 1 dog and 1 cat). Pet owners are encouraged to use the beach area at times when their activity is least likely to impact others. Any animal running at large within Kala Point may be seized and impounded. Jefferson County Animal Services (JCAS) may require that a person requesting impoundment first apprehend and secure the pet if it does not appear dangerous.

1. Dogs must wear a current dog license at Kala Point. Licensing of adult cats through Jefferson County Animal Services (JCAS) is also recommended. (County Ordinance 6.07.250)
2. If a dog is defined to be “dangerous”, per RCW 16.08.070, the dog must be muzzled and restrained per RCW 16.08.090. In case a person or pet is bitten, the Jefferson County Sheriff shall be contacted (9-1-1) and a deputy may pick up the offending pet to quarantine it and check for rabies at the owner’s expense. A complaint to the County Sheriff’s Office may result in the removal of the animal (County Ordinance 6.07.030 “Seizing & Impoundment”).
3. In addition, the Grounds Committee will maintain a database of complaints of aggressive dog behavior. Aggressive dog behavior refers to any behavior connected with an attack or an impending attack. This includes snarling, growling, baring teeth, lunging, nipping and biting. If after an investigation, the Grounds Committee makes a good faith determination based on the evidence that a dog has a propensity of being aggressive, the Grounds Committee will recommend to the KPOA Board of Directors that the dog be muzzled and leashed whenever the dog is on or passing through the Common Areas. The board may fine dog owners who are not in compliance with this regulation.
4. Owners shall prevent their dogs from barking excessively. No owner may allow an animal to unreasonably disturb any resident through habitual barking or making any other noises which by the frequency or volume unreasonably disturbs or interferes with the peace of any resident. (County Ordinance 6.07.120 “Nuisance Noise”)
5. Dogs shall be leashed at all times when off the owner’s property, except for owner-supervised runs on the beach. Unleashed dogs shall be in visual range and under voice control. A dog defined to be dangerous per RCW 16.08.070, or that the Board has determined to be aggressive per paragraph C.3 above, will not be allowed on the beach or only be allowed to run on the beach if leashed and muzzled.
6. Pet owners shall remove all their pets’ waste from rights of way, beach, and Common Areas. Valid observations of pet owners not removing their pets’ waste shall be reported to the Grounds Committee.
7. Dogs must be prevented from digging on the Common areas including the beach area other than the actual sand beach within the tidal range.
8. Raccoons at Kala Point constitute a serious threat to the health, safety and welfare of members, their families and their household pets. No member shall intentionally maintain, or feed, any raccoon. Owners are encouraged to feed household pets indoors, and place trays under birdfeeders in order to deny such feed to raccoons.

D. Firearms, Fireworks, and Explosives - Jurisdiction: Grounds Committee

Due to fire danger and safety considerations, use of firearms, fireworks or explosives are prohibited on any Common Areas and Covered Property (all of Kala Point). (CC&R Art. IV, B, Section 19)

E. Alterations to Common Areas - Jurisdiction: General Manager

Intent: Any improvement made by individual property owners on Common Areas (such as the addition of trees, shrubs or flowers) is subject to conditions. KPOA reserves the right to make use of Common Areas at any time.

1. Except for driveways, newspaper boxes and house number posts, plans for improvements in the Common Area shall be pre-approved by the General Manager. Improvements must not interfere with or increase the workload of the maintenance staff.
2. Owners making improvements in the Common Areas shall maintain those improvements.
3. The owner making the improvements shall remove the improvements upon fourteen (14) days notice by KPOA if requested. If the owner fails to do so, KPOA may remove it and bill the owner for the cost of removal.

F. Boating & Beach - Jurisdiction: Grounds Committee

(See also sections Burning, Vehicles & Parking)

1. Kala Point's dock, waterfront, and beach areas are amenities reserved for Members and their guests. Except for family gatherings, group’s parties shall have prior approval of the KPOA General Manager.
2. The boat dock shall be used for attended loading and unloading only. Extended moorage is prohibited. Buoys are for use on first come - first served basis and for no longer than one consecutive week. Moored craft shall be registered at the Clubhouse. Boats shall not be registered more than once within any fourteen (14) day period. Small craft shall not be left tied to the dock, but shall be stored on the small boat storage racks. All small boats stored on the beach shall be registered at the Office and shall display a Kala Point number. Use of dock, buoys, ramp and small boat storage is at the user's risk with no liability to KPOA.
3. Swimming and the placement of unattended crab pots is prohibited in the vicinity of the dock and boat ramp. The ramp shall be kept clear of vehicles and trailers except during launching and haul out.
4. No overnight camping is permitted on the beach or spit area.

G. Clubhouse, Spa, Sauna and Pool Areas - Jurisdiction: General Manager and Staff

1. No eating, smoking, or use of glass or metal beverage containers shall be permitted in the locker room, spa, sauna and pool areas. Consumption of alcoholic beverages shall not be permitted in these areas.
2. Clubhouse
 - a. Members and their guests shall register at the Clubhouse desk prior to using the Clubhouse or pool. Additional rules governing individual facilities are posted at the facilities and are also available from the Administration Office.
 - b. Consumption of alcoholic beverages on all Common Areas is prohibited to persons under the age of 21. (State Law)

- c. A responsible adult (18+) shall supervise individuals under eight (8) years of age while using the clubhouse.
- d. Storage areas and the pool filter room are off limits.
- e. A Member shall have a maximum of six guests at any one time while using the clubhouse facilities.
- f. All guests except registered house guests and family members (see Sect. III, Membership) shall be accompanied by a Member.
- g. No pets shall be brought into the Clubhouse or left tied outside.

3. Spa

Intent: For safety reasons, it is recommended that the spa not be used alone. Long exposure may result in nausea, dizziness or fainting. Elderly persons, pregnant women, infants and those with health conditions requiring medical care should consult a physician before entering the spa. Hot water immersion while under the influence of alcohol, narcotics, drugs or medicines may lead to serious health consequences and is not recommended.

- a. Maximum spa capacity is 8. (State Law)
- b. No one under 10 years of age is permitted in the spa. A responsible adult (18+) shall supervise any individuals 10-12 years of age while using the spa. When persons 13 to 17 years of age are using the spa, there shall be at least two people 13 years of age or over present. (State Law & CC&R Art. V Sec.2)

4. Sauna

No one under 18 years of age is permitted to use the sauna.

5. Pool

Intent: KPOA does not employ a life guard. All Members and guests swim at their own risk. All persons using the pool shall familiarize themselves with the posted pool rules and regulations. The Board has delegated to the General Manager and the Staff the right to refuse admittance to or eject from the premises, any persons failing to comply with any of the facility rules. Persons having infectious or communicable diseases should not use the pool.

- a. A responsible adult (18+) shall supervise individuals 12 and under while using the pool and shall be at the pool or pool deck at all times. When persons 13 to 17 years of age are using the pool, there shall be at least two people 13 years of age or over present. (State Law)
- b. Showers are required immediately prior to entering the pool or Spa. (State Law)
- c. Running, diving and "horseplay" in the pool area is prohibited. Throwing of balls or other objects in the pool is prohibited.
- d. Supervising adults shall insure that infants using the pools wear waterproof pants with elastic legs and waistband over their diapers.
- e. Spitting, spouting water, blowing the nose or discharging bodily wastes in the pool is prohibited.
- f. Cut-offs is not permitted in the pool.
- g. Caps, braids or hair tied back is required for shoulder length hair or longer.
- h. Individuals 5 years of age and older shall use the gender appropriate locker room.

H. Tennis Courts - Jurisdiction: General Manager and Staff

- 1. Court reservations are required. Tennis play is limited to 2 hours.
- 2. Non-marking court shoes are required on tennis courts.
- 3. Use of the courts for activities other than tennis or pickle ball is prohibited.
- 4. A Member may reserve a maximum of one court at a time. If the court is reserved and not used, the General Manager and Board President will determine consequences to repeat violations up to and including loss of rights to use the courts. (APP I Compliance and Appeals)
- 5. No pets shall be permitted on the tennis courts or tied up outside.

I. Camping - Jurisdiction: Architectural Committee

Camping is restricted to an owner's individual lot, provided a culvert and driveway apron are installed, with prior Architectural Committee written approval, and a sanitary arrangement is established.

J. Signs - Jurisdiction: General Manager except Architectural Committee during construction

No signs of any kind shall be exhibited without the written approval of the staff. (CC&R Art. IV B. Sec. 5 and Architectural Standards) (See Administrative Policies & Procedures, APP III-3, Sign Policy)

K. Solicitation - Jurisdiction: General Manager

Commercial solicitation is not permitted in Kala Point.

III. Membership and Elections - Jurisdiction: General Manager & Staff

Intent: Membership in the Owners' Association is limited to two adults per unit/lot. Other owners, if any, are considered guests. Membership is transferable only by ownership change. Upon change of ownership, selling members are responsible for giving all cards and keys to purchasing members and are responsible for seeing that the purchasing member executes a Membership Agreement on or before acquisition of title.

A. Registration

Members shall be responsible for registering family members and guests at the Clubhouse and for the conduct of their family members and guests. A family member is defined as a legal dependent living at home. (CC&R Art. II Sec. 3., Art.IV.A, Sec. 5)

B. Assignment of Privileges

Members may assign to their guests their privileges for use of the Kala Point Common Areas and Facilities in accordance with the provisions of these Rules and Regulations. The Member(s) shall retain responsibility for the use and proper care of the Common Areas and observance of these Rules and Regulations by any assignee of a Member(s). Transfers of Privileges forms are available at the KPOA office.

IV. Finance - Jurisdiction: Finance Committee

Finance is governed by Chapter 61.24 of the Revised Code of Washington and the KPOA documents (specifically CC&R Art. I Sec. 3; CC&R Art. IV A Sec. 6, 7; Art. VI Sec. 1-10; Art. VII Sec. 1-5).

A. Assessments

Owners shall pay all their assessments when due. (CC&R Art. IV A Sec. 6 & 7)

B. Member Responsibility

If Members have rented their home or unit and assigned their privileges for the use of Kala Point Common Areas and Facilities, the Members are responsible for payment to KPOA of any fines or repairs levied as a special assessment against the property. (CC&R Art. I Sec. 3)