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RULES and REGULATIONS

The Morningside Homeowners Association Board of Directors is responsible for the management and maintenance of the Clubhouse and recreational facilities. These ***Rules and Regulations*** are thereby subject to change by Management.

As a Morningside Resident, you have the right to use of the Clubhouse and recreational facilities. Please review and comply with all of the following ***Rules and Regulations***. NOTE: **Resident** is defined as a person who resides in a Morningside dwelling on a permanent basis. The Home Owner retains this right unless the Owner rents out the Dwelling Unit. Owners who lease their Dwelling Unit transfer all recreational facility privileges to their tenants.

Residents 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 Campus & Lifestyle Director or to members of the Board. We also ask, as you participate in activities within the Clubhouse and community amenities, that you help monitor the activities of other Residents 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, where necessary, to file a ***RULES Violation Report*** which is available at the Activity Desk or online at the Morning-Side.com website. The completed form may be submitted confidentially to any member of the Board or to the Campus & Lifestyle Director for processing.

1. **Clubhouse Access and Security:** Key FOBs or KeyCards must be used to access the Clubhouse. The Clubhouse will be open to Residents 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 Management. Without prior arrangements, the Clubhouse security alarm system is activated at 11:00pm, and remains armed until 6:00 AM the following morning.
2. **Resident Orientation:** Residents must complete a Clubhouse orientation prior to using the Clubhouse and recreational facilities. Clubhouse activity rooms and recreational facilities are open to individual use when not being used by scheduled activity groups. Officially sanctioned Activity Groups will always have priority over individual use when scheduled through Management.
3. **Fitness Center:** The Fitness Center is for **Resident use only**. Guests may NOT use the Fitness Center. It is highly recommended that Residents check with their physician before using any fitness equipment or participating in any group fitness classes. ALL Residents must complete a mandatory orientation on the proper use of any Fitness Center equipment.

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The orientation is scheduled with the Clubhouse and Activities Director and must be completed before any Fitness Center activity is permitted.

Clean sneakers and proper footwear are required on all treadmills and fitness equipment. Residents may not wear dirty shoes or street shoes as doing so will ruin the equipment. Residents are also required to use the provided sanitary wipes in the Fitness Center to clean equipment after each use. When other Residents are waiting, please limit individual use to a maximum of twenty minutes.

NOTE: The Fitness Center is for Residents only, but individuals assisting a Resident in the Fitness Center, such as a personal trainer, must also first participate in an equipment orientation with the Clubhouse and Activities Director, and must sign a Morningside Liability Waiver before assisting the Resident.

4. **Clubhouse and Recreational Facilities:** The Clubhouse and recreational facilities (with the exception of the fitness center and the business center) are for the exclusive use of Morningside Residents 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 Residents at the Clubhouse front desk.

5. **Guests and Guest Bands:** Residents **MUST** accompany their Guests at all times when Guests are using the Clubhouse or any recreational facilities. Residents are responsible for their 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. Permanent Resident identification badges may never be worn by a guest. Guest Bands must be purchased annually at a cost of \$5.00 per band. Up to six (6) guest bands will be available for each household. Checks for Guest Bands are made payable to *Morningside HOA* and submitted to the Morningside Management office. Lost Guest Bands will not be replaced.
NOTE: Residents are limited to a maximum of six (6) guests, including children under the age of 16, at any time within any Morningside amenity.

6. **Morningside Resident Directory:** A confidential directory (names, addresses, home and cell phone numbers, and email addresses) of all current HOA Residents is maintained for private use within our Community. It 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 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 Management 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-9 below.

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7. **Community Notices:** Any Notice or Announcement which Residents feel might be important to the Community should be forwarded to the Campus & Lifestyle Director or to the *Communications Committee* for publication consideration. Residents with items for sale must submit their request to the webmaster via the “How to Post a Classified Ad” instructions. Direct advertising or self-promoting personal agendas may never be distributed to the Community.

However, certain agendas and events may be sent to the Campus & Lifestyle Director for consideration to post in a Flyers Display at the Clubhouse Activity Desk.
8. **Business Center:** The business center is for Resident use only. Guests may not use any business center equipment. The Clubhouse computers are not to be modified in any way. No software or hardware may be added or installed on either a temporary, or a permanent basis. NO personal files may be saved on the Clubhouse computers. Clubhouse computers are not to be used at any time for conducting commercial activities.
9. **Rules Compliance:** Failure to comply with all approved rules may result in the suspension of privileges and/or an enforced assessment against the homeowner:
 - A. **Suspension:** May be established for 30 days or more for any rule violation that involves the threat of injury or physical injury to any Association employee, agent, resident or guest, or for physical damage to any property as described in Item-9B, or for repeated violations of any Rules following written notice of such violations from the Board of Directors (BOD), as described in Item-9C below.
 - B. **Rule Violation:** If rule violations involve the threat of injury or physical injury to any Association employee, agent, resident or guest, or physical damage to any property, the BOD may immediately suspend the Owner and Resident privileges, including deactivation of the Clubhouse access key FOBs assigned to each Resident. The Association will send the Owner written notice of the violation and identify the right to request and attend a hearing as further described in Item-9C below, with the suspension remaining in effect pending any further Board decision following the hearing or waiver of right to a hearing.
 - C. **Violation Process:** Prior to suspending privileges of an Owner or Resident for repeated violations the Association will notify the Owner of violations by letter, which includes the date that the suspension will commence, and a statement that the Owner has the right to request a hearing before the BOD to contest the planned suspension. The hearing request must be mailed or delivered to the Association Manager and must be received within 10 days of the date of the Association’s suspension letter. If the Owner successfully requests a hearing, the Association will provide the Owner a hearing date with at least 7 days prior written notice, including hearing time and location. If the Owner fails to make a timely hearing request, the right to a hearing is waived and the suspension may commence without further notice.

- D. **Privileges Reinstatement:** If no further violations occur during the suspension period, the Association will reactivate the Clubhouse access FOB and restore the other amenity privileges 30 days from the date such suspension began.
- E. **Multiple Violations:** Violations that occur during or after a suspension period will be referred to the Board for further action. Multiple violations may also warrant a Board recommendation for an HOA penalty fine of up to \$100 for each occurrence, and will always include loss of Clubhouse access and amenity privileges for the 30-day penalty period.
- F. **Owner Access Control:** Any Owner or Resident who knowingly provides Clubhouse access to an Owner or Resident whose privileges are suspended will have their privileges also suspended for a period of 30 days, following the Owner's receipt of notice for such violation and the right to request a hearing as provided for in Item-9C above.
- G. **Notice Authority:** Any Association notice or letter provided for in this Section may be sent by any authorized Board member, or by the Association's manager or the legal counsel pursuant to the Board's approval.
10. **Ohio Board of Health:** The Board, Management, 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. In general, compliance with these rules involves exercising common sense and using facilities, such as bathrooms, in a manner that reflects courtesy towards other persons (See Morningside Pool Rules).
11. **Parking Lot Restrictions:** Handicapped parking spaces are only to be used by the handicapped individuals. Vehicles must display a valid state issued license plate, tag or placard. Overnight parking in all Association Common Area Parking Lots is prohibited. Overnight Resident guests may be granted overnight parking privileges by requesting a *Temporary Overnight Tag* from the Campus & Lifestyle Director at the Clubhouse. Extended overnight parking privileges may be granted to Residents, under special conditions, with prior written authorization from the HOA Board of Directors or the Campus & Lifestyle Director. Parking or excessive waiting under the portico in front of the Clubhouse and in fire zones is not permitted.
12. **Exercise Caution:** All persons using the swimming pools, whirlpool spa, and related facilities do so at their own risk. Users are urged to exercise good judgment and caution. The Morningside Homeowners Association and K. Hovnanian Oster Homes LLC are not responsible for any accidents or personal injuries that may occur.

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13. **Children's Swim Times:** Guests under the age of 18, when accompanied by a Morningside Resident, may only use the pool from 10:00 AM to 1:00 PM except when scheduled activities are taking place.
14. **Facilities Safety:** Management may close the pools, spa and related facilities at any time as deemed necessary to protect the general welfare and safety of Residents and guests when weather or condition concerns dictate closure.
15. **Facilities Restrictions:** Wet bathing suits and bare feet are not allowed in the Clubhouse or fitness areas. Cover-ups must be worn in these areas at all times. Pets are not allowed in the Clubhouse or in the recreational areas unless pets are guide dogs for the physically impaired. If you bring valuables to any Morningside recreational area, you do so at your own risk.
16. **Smoke-Free Environment:** The Clubhouse and all recreational facilities of Morningside are smoke-free environments. Smoking is prohibited in all community recreation areas, unless otherwise designated. Smoking is prohibited inside the Clubhouse and near the front door, or near any of the building entrances.
17. **Food and Drink:** Food and drink may only be served and consumed in the kitchen, ballroom, billiards room, patios, verandas and atrium. Only bottled water in plastic containers may be used in the fitness center.
18. **Gambling is Prohibited:** Gambling in any form is not allowed at Morningside. Chips are available for any competitive play.
19. **Alcoholic Beverage Use:** Alcoholic beverages may not be served or consumed in the Clubhouse, on the patio or in recreational areas unless it is during a sanctioned Homeowners Association party or event.
20. **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 Resident use when not reserved for sanctioned activity groups. A sanctioned activity group is a Residents group who have reserved the use of a room through Management, which must include the Activity Start and End times to facilitate additional scheduling during any open, available time slots.

Weekly activity group schedules will be available at the Activity Desk. Scheduled activity groups will have priority use over individual use. No activity room may be reserved for individual Resident's private use.
21. **Phone Usage:** A telephone is located at the activity desk for local calls only. An emergency phone is located within the indoor pool area.

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22. **Furniture Use:** Please return all furniture to its original location and arrangement after each use. Furniture may not be moved from one room to another without Management approval.
23. **Kitchen Use:** The kitchen is primarily for Activity Group and Homeowner Association Party use. Kitchen supplies are for Activity Group and Association Party use. Kitchen area must be kept clean and orderly at all times.
24. **Shower Use:** Showers are available for use after your workout. Showers are not to be used unless Residents are using the fitness center or recreational facilities.
25. **Billiards & Cards Game Room Use:** 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 Residents and accompanied guests 18 years of age and older. Sitting on the tables is never allowed. Return all equipment to proper storage locations following use, and brush the table clean after play. Billiards balls should be stored on the table, not in pockets. Individuals shall not monopolize the tables when others are waiting to play. Notify Management if there are scheduling issues, equipment needs or any damage.
26. **Proper Attire:** Proper apparel must be worn at all times on all amenity courts. Shirts, cover-ups and shoes must be worn at all times. Tennis & Bocce Court reservations may be requested at the activity desk in the Clubhouse prior to use.
27. **Community Gardens:** Residents may lease one (1) plot in the Community Gardens each year. The community gardens are maintained by the leasing Resident 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. There will be 45 garden spaces 4' x 8' available on a first come, first serve basis. Requests for leasing additional plots will be determined on a case by case basis.
28. **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. Arrangements must be made with the BOD Treasurer. RV & Boat 42' space rentals cost \$30/month, 21' spaces rent for \$20/month, and daily rates for either size run \$3/day. Checks should be made payable to *Morningside HOA*.

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29. **Music Control:** No “boom boxes” or radios utilizing speakers shall be used at any time on the grounds of the Clubhouse or on the recreational facilities. Radios and music players may only be used with personal headphones/headsets.

30. **Amenity’s Equipment Care:** Residents shall be responsible for the cost of cleaning, repairing or replacing any item damaged or destroyed due to their carelessness, neglect or deliberate act. Residents shall also be responsible for damages caused by their guests.

31. **Community Consideration:** Cell phone use shall be conducted in areas so as not to disturb other Residents.

32. **Ballroom Use:** The ballroom is not available to rent out for private parties. The facility is meant to hold events where ALL in the community are invited and welcome.

33. **Street Parking Restrictions:** Violations of any Lorain City Ordinances including Illegal Parking should be reported to the local Police Department at the non-emergency Police phone number: 440-204-2103. 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.

34. **Orientation and Welcome Packet:** A Homeowner's *Welcome Packet* will be distributed when Residents receive their Morningside overview and complete a facilities orientation. Contact the Campus & Lifestyle Director at 440-282-2905 to schedule your orientation.

MORNINGSIDE POOL RULES

The Board of Directors has established the following rules designed for the safety and comfort of Morningside Residents and their guests. The rules are intended to ensure proper care of our swimming pools and related facilities, to contain maintenance expenses within operational budgets, and to minimize loss, damage or the premature wear and tear of the equipment.

It is the responsibility of Residents 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.

Indoor Pool Hours

Indoor Pool is open daily from 9:00 AM to 9:00 PM.

Outdoor Pool Season Hours

Outdoor Pool is open daily – 9:00 AM - 9:00 PM. The outdoor pool will typically open Memorial weekend and close on Labor Day.

Children's Swim Time: Guests under the age of 18, when accompanied by a Morningside Resident, may only use the pools from 10:00 AM to 1:00 PM daily, except when scheduled activities are taking place.

The Board of Directors, Management, 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.

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 Morningside Homeowners Association and K.Hovnanian Oster Homes LLC are not responsible for any accidents or personal injuries which may occur.

Pool Closings: Management may close the pools and related facilities at any time when deemed necessary to protect the health and safety of the Residents and their guests.

Rules Enforcement: Management has complete authority to enforce 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. Residents 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.

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Resident Badges & Guest Bands: The lending of any permanent Resident badges is prohibited. Up to six (6) annual *Guest Bands* will be available to each household at a cost of \$5.00 per *Guest Band*. Checks for bands shall be made payable to *Morningside HOA* and submitted to the Management office. **LOST GUEST BADGES WILL NOT BE REPLACED.**

Guest Access Rules: All Guests, regardless of age—no exceptions, must be accompanied by a Morningside Resident, who is responsible for their guests. Residents must wear their *Morningside ID Badges* and guests (except children) must wear their *Guest Bands*. Residents are not permitted to drop off guests, and are not permitted to sign-in and leave guests, as they will be asked to leave the pool area. Up to six (6) guests per household are permitted at any time. No private parties may be held at either the indoor or outdoor pool or in the spa area.

Children: No diapers of any kind are permitted in the pool or the steps of the pool. All children must be potty trained. Children are permitted swim aids and must be accompanied into the water by an adult. Please be considerate of others. No Frisbees, balls, rafts or tubes are permitted. Only Water Aerobics classes may utilize certain specialized equipment in the pool. **Running, jumping, diving, and/or “cannonballing” is always prohibited.** All children must have adult supervision while utilizing the pool.

Valuables: If you bring valuables to the swimming pools or related facilities, you do so at your own risk.

Food & Drink: Food and beverages (with the exception of bottled water in plastic containers) **ARE NOT PERMITTED** inside the pool gates. Food and beverages are permitted on the patio. Alcoholic beverages may not be served or consumed on the patio other than during a sanctioned homeowner’s association event for which an alcohol prohibition waiver has been approved by Management. Persons exhibiting signs of being under the influence of drugs, alcohol or any other judgment-altering substance shall be prohibited from entering the pool area.

Unacceptable Behavior: The following actions are prohibited in the indoor and outdoor pool and adjacent deck areas: diving or jumping into the pool; running, pushing, wrestling or rough play; ball playing, roller-blading, skate boarding, bicycling, yelling or the use of foul language.

Prohibited Equipment: Water guns, water spraying toys, water balloons, boogie boards, rafts, floats and large tubes are forbidden.

Attire: Proper and appropriate swim attire is required for all bathers. No cut-offs, jeans, playsuits, tennis shorts, etc. will be allowed in the pool. Bare feet and wearing swim attire without a cover up are always prohibited in the Clubhouse.

Pool Furniture: 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,

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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.

Lockers: 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 will be cut off.

Showers: Bathers are asked to shower before their initial entry into the pool. After showering, people are asked to dry off before re-entering the locker room or pool area.

Health & Safety: 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. No person who is observed passing feces, urine, or blood into a pool or spa shall be permitted 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. Residents observing violations of these health and safety guidelines and/or a potentially unsanitary condition are required to immediately report the situation to the Campus & Lifestyle Director and/or the Board of Directors for remediation (i.e., disinfection, cleaning, pool treatment, etc.).

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

Caution- SPA Use: 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.

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.

Do not enter water temperatures greater than one hundred four degrees Fahrenheit (104° F or 40° C).

Do not use the Spa alone.

No one under the age of 18 may use the spa.

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.

Residents must follow all safety guidelines and rules posted for Pool(s) and Spa, including changing in locker rooms, showering before entering pools (no lotions, oils, deodorant, etc.) wearing appropriate swimwear and footwear, keeping the pool decks clear in case of emergencies, and NEVER swim alone.

GROUPS AND CLUBS

Activity Groups and Clubs at Morningside may be formed under approval of the Campus & Lifestyle Director and/or Board of Directors.

Activity groups are open to all Residents in good standing.

All Activity Groups and Clubs will be self-supporting.

Campus & Lifestyle Director will be responsible for assisting and working with all Activity Group and Club coordinators.

Non-sanctioned and non-affiliated groups and clubs will not have access to Morningside, Clubhouse, common elements or its resources.

Activity Groups and Clubs must clearly identify fund raising activities which must be ancillary to the primary cost of an event. As example, participants cannot be charged \$50 for a dinner worth \$20 – with the remaining \$30 going to a fund raising purpose.

Campus & Lifestyle Director, including certain reviews with the Board, must approve the communication of Group and Club information: website postings, flyers, announcements and e-mail publications.

CLUBHOUSE SECURITY CAMERAS

Operational Clubhouse Cameras have been installed to address security concerns. 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 and outdoor pool areas.

All recordings are password-protected and are under sole viewing control of the Board of Directors. 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 download recording will be made or the Police Department will be invited to investigate.

RESERVATION POLICIES

Reservations for an event with an associated fee are made by submitting payment to the Campus & Lifestyle Director. Payments must be submitted in a sealed envelope with the following information clearly printed on the front:

1. Resident Name(s)
2. Event Title and Date
3. Name(s) of Guests
4. Total Payment Amount.

An exact payment must be included in envelope.

Reservation deadlines are posted in the sign-up book. Reservations must be received on or before the posted deadline.

The Campus & Lifestyle Director will issue requests for cancellations made in writing prior to the reservation deadline. Refunds will not be issued for cancellations made after the deadline or not submitted in writing.

Residents will have priority for all events. Guests are welcome to most events, based on availability of space or seating or tickets, and at the discretion of the Campus & Lifestyle Director. Please notify Campus & Lifestyle Director of intent to bring guests to any event.

Reservations for an event without an associated fee are made by signing your name (one name per line) on the sign-up sheet in the event book.