

**Rules for Common Areas
of the
Calmes Neck Property Owners Association, Inc.**

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Adopted by the membership on May 21, 2011; amended by the membership on October 22, 2011; amended by the Board of Directors on December 13, 2014; amended by the membership on November 7, 2015, November 5, 2016, June 24, 2017, November 4, 2017, and amended by the Board of Directors on July 13, 2019, August 23, 2020, May 1, 2022, July 24, 2022, and April 7, 2025.

INTRODUCTION

These Rules for Common Areas of the CNPOA (Rules) shall govern the use of, and conduct within, all Common Areas, as defined herein, owned by the Calmes Neck Property Owners Association, Inc. (CNPOA), or under the control of the CNPOA and over which the CNPOA has a duty to maintain. These Rules are issued pursuant to Bylaw IX(1) of the CNPOA Bylaws.

Authorized Users, as defined herein, understand that the Recreation Area and Grassy Knoll are shared resources for themselves, their family members, and/or their accompanied Guests, as well as for other Authorized Users; and therefore, should be considerate of other Authorized Users also using the Recreation Area and Grassy Knoll.

The Recreation Area and Grassy Knoll are not for the use of unaccompanied guests. Short-term Renters, unaccompanied real estate agents, prospective buyers, contractors, vendors, delivery persons, lawn care, and portable toilet providers are not Guests and are prohibited from using the Recreation Area and Grassy Knoll. All service providers not engaged in maintaining the Common Areas must be accompanied when at the Recreation Area and Grassy Knoll. See definition of Guest and Rules 1.2 and 1.3.

Authorized Users must protect and preserve the natural vegetation and wildlife and maintain the peace and tranquility of the Recreation Area and Grassy Knoll.

The Recreation Area and Grassy Knoll must be shared. Sharing the Recreation Area and Grassy Knoll requires that all Authorized Users understand that approval to camp or hold an event does not give that Authorized User exclusive use of the Recreation Area or Grassy Knoll. Therefore, all other Authorized Users will also need access to the Recreation Area and Grassy Knoll.

The Boat Landing and beach area must be shared. Beach users who set up chairs and coolers shall not block access to the River for those putting in or taking out watercraft. No vehicles are allowed in the Boat Landing or beach area, except for brief loading and unloading of watercraft.

Campsite boundaries shall be respected, and other users should avoid disturbing campers and their campsites.

DEFINITIONS

Authorized Users shall mean the following categories of users: (a) Members, in good standing, who pay a full assessment to the CNPOA; (b) Non-member Owners who pay a full assessment (pursuant to CNPOA Article IV(8)); and/or (c) Tenants of the foregoing who pay the additional annual user fee. Members or Non-member Owners who are not in good standing or who do not pay a full assessment will not be considered Guests of Authorized Users. Family members of Authorized Users may use the Recreation Area without being accompanied by an Authorized User, but such family members do not hold the easements described in the definition of Easements below.

Board shall mean the CNPOA Board of Directors, who are authorized pursuant to the Virginia Nonstock Corporation Act, Code of Virginia § 13.1-801, *et seq.*, and the CNPOA Articles and Bylaws, to manage the Association.

Campsites shall mean the two (2) camping areas, located around Fire Pit #1 in the Tree Grove and Fire Pit #2 across from the Historic Burr Oak, designated on the map attached as Appendix B. The campsites are considered primitive campsites because the CNPOA does not provide potable water, bathroom or shower facilities, or electrical connections.

Common Areas shall mean the areas owned or maintained by the CNPOA. More specifically, the Official CNPOA Map (Map), attached as Appendix A, identifies by specific colors the CNPOA Common Areas owned by the CNPOA, including the Grassy Knoll (pink), Recreation Area (pink), and CNPOA Roads (red); and the roads, which the CNPOA does not own, but over which it, and the Authorized Users have an easement, as defined herein in the definition of Roads, and for which the CNPOA has a duty to maintain. The Map also identifies the properties of Authorized Users, denoted by colored lots, including lots in Calmes Neck Estates Independent Lots, Calmes Neck Estates Subdivision, Burwell-van Lennep Foundation, Blue Yonder Subdivision, and River Glen Subdivision, and MacDougall Tract.

Designated Areas shall mean the areas designated by the Board as shown on the attached Google Map of the CNPOA Recreation Area and Grassy Knoll Designated Areas, attached as Appendix B, including, without limitation, Boat Landing and beach area; Fire Pit #1; Fire Pit #2; Historic Burr Oak; North and South Riparian Buffers (no camping or mowing); North, South, and West Grassy Knoll Slopes; Pedestrian Corridor; Tree Grove; Pollinator Habitats (may be mowed and/or weed-whacked up to twice a year in accordance with the standards set forth by the Monarch Joint Venture): Milkweed Patch; Test Patch; and Triangles 1 and 2.

Easements shall refer to the right of Authorized Users to use the Recreation Area and Grassy Knoll, where the Pool was formerly located, pursuant to easements granted on April 15, 1983, recorded at Deed Book 150/Page 4 (for Calmes Neck Estates Independent Lots, Calmes Neck Estates Subdivision, Burwell-van Lennep Foundation (numbered lots), River Glen Subdivision, and MacDougall Tract) (hereafter Deed Book shall be abbreviated as DB and Page as P, and all Deed Book references shall refer to documents recorded in the Office of the Clerk of the Circuit Court of Clarke County Virginia); on January 4, 1988, recorded at DB 188/P 368 (for Blue Yonder Subdivision); and on April 6, 2006, recorded at DB 456/P 813 (for River Glen Subdivision). The easements for the non-CNPOA Roads are more particularly described in the definition of Roads hereafter. The easements for the CNPOA Roads are more particularly described in individual deeds.

The Easements for use of the Recreation Area and/or Boat Landing do not include a right or easement to access any private properties across and/or along the Shenandoah River, including but not limited to, private properties adjoining Spout Run Falls or the small island near the Falls. Access to the Authorized User's own property is not subject to this prohibition.

Grassy Knoll shall mean the grass area where the Pool was formerly located which is part of the 9.993 acres deeded to the CNPOA by Richard C. Plater, Jr. on February 21, 1994, recorded at DB 242/P 14, and for which Authorized Users have easements, as more fully described in the definition of Easements.

Guest shall mean a person who, by invitation or permission of an Authorized User, has been granted use of the Recreation Area, but only if accompanied by the Authorized User or a family member of the Authorized User, as set forth in these Rules.

Member shall mean the person who, by virtue of a recorded deed (a) in Calmes Neck Estates Subdivision, is automatically a Member of the CNPOA, or (b) in Calmes Neck Estates Independent Lots, Burwell-van Lennep Foundation, Blue Yonder Subdivision, and River Glen Subdivision, voluntarily becomes a Member of the CNPOA.

Non-member Owner, for purposes of these Rules, shall mean the person who, by virtue of a recorded deed in Calmes Neck Estates Independent Lots, Burwell-van Lennep Foundation, Blue Yonder Subdivision, River Glen Subdivision, and MacDougall Tract has a covenant obligation to pay an assessment to the CNPOA and/or has an easement for the Recreation Area, but chooses not to be a Member of the CNPOA.

Overnight Camping, for purposes of these Rules, shall be defined by the parameters set forth in Rules 2.7 through 2.13.

Parking Permit shall mean a current official CNPOA Parking Permit hang tag, decal, sticker, or a temporary official CNPOA Common Area Parking Permit. Parking Permit hang tags with the prior Owner's name are invalid, are not transferable, and should be destroyed. Parking Permits are invalid if copied or reproduced. Note: Entry Codes, Devices (entry cards and remote controls), Parking Permits (hang tags (displays the Owner's or Tenant's name), decals, and stickers) cannot be transferred or used by new Owners/Tenants or Short-term Renters.

Recreation Area shall mean the 9.993 acres deeded to the CNPOA by Richard C. Plater, Jr. on February 21, 1994, recorded at DB 242/P 14, and for which Authorized Users have easements, as more fully described in the definition of Easements.

Roads shall mean (a) the roads deeded to the CNPOA by Double E on December 30, 1994, recorded at DB 249/P 738, and over which the Authorized Users have easements pursuant to individual deeds, which roads are colored red in the Official CNPOA Map, attached hereto; and (b) those roads not owned by the CNPOA, but over which the CNPOA and the Authorized Users have easements to travel from Route 606 to Calmes Neck Estates Subdivision, including easements from (1) W.S.C. Burwell on July 11, 1960, recorded at DB 59/P 252 (Route 606 to the Gate, excluding that portion of the road which encroaches on the Historic John Lloyd Tract)(easement to Double E only); (2) Justus M. Holme, Jr., as trustee for John B. Lacey on March 22, 1978, recorded at DB 128/P 600 (over that portion of the road, between Route 606 and Pearl Lane that encroaches on the Historic John Lloyd Tract); (3) the children and widow of W.S.C. Burwell on May 22, 1981, recorded at DB 145/P 653 (from Route 606 to Pearl Lane, excluding that portion of the road which encroaches on the Historic John Lloyd Tract)(purple); (4) Kenneth and Barbara Herron and Joan Huff on October 9, 1981, recorded at DB 145/P 649 (from Pearl Lane to the Gate)(purple); (5) the then-owner of Hickory Knob on December 19, 1980, recorded at DB 140/P 590 (over Hickory Knob) (yellow); and (6) Richard C. Plater, Jr. on April 18, 1983, recorded at DB 150/P 9, corrected on September 19, 1983, at DB 150/P 768, and B-vLF on March 15, 1988, recorded at DB 186/P 203 (over B-vLF road)(green).

Security Gate shall mean the security gate, gate call box, gate operator, radio frequency receiver, and related gate equipment, owned by the CNPOA and located at its current site pursuant to easements granted on April 7, 2008, recorded at DB 495/P 837.

Tenant shall mean a person who, by virtue of a Long-term Rental (30 days or longer) Lease of the property of a Member or Non-member Owner, has paid the additional annual user fee, and has been granted use of the Recreation Area. For purposes of this definition, a renter for a period of less than 30 days shall not be considered a Tenant, but a Short-term Renter. Short-term Renters are expressly prohibited from using the Recreation Area and Grassy Knoll.

1.0 Compliance and Enforcement

- 1.1 When the CNPOA does not have an applicable Rule, federal, state, and county law govern.
- 1.2 Authorized Users shall be responsible for compliance by their family, Guests/invitees, tenants, and pets with the provisions of these Rules. Authorized Users or their family members are expected to accompany their Guests when they use the Recreation Area and the Grassy Knoll. Where Guests must be unaccompanied for short periods of time, the Authorized User should be reachable by phone to confirm their Guests' status. All Guests aged 14 and above are expected to know the name of the Authorized User who is their host.
- 1.3 For purposes of these Rules, Short-term Renters or transient visitors (renting for less than 30 days) are neither Tenants nor Guests/invitees, but are business clients of the Authorized User from whom they rent, and are prohibited from using the Recreation Area and the Grassy Knoll and will be asked to leave.
- 1.4 For purposes of these Rules, all service providers not engaged in maintaining the Common Areas must be accompanied when in the Recreation Area. Unaccompanied real estate agents, prospective buyers, contractors, vendors, delivery persons, and lawn care, and portable toilet providers are prohibited from using the Recreation Area and Grassy Knoll and will be asked to leave.
- 1.5 Authorized Users in violation of these Rules, or who are delinquent in their assessment/charges/fines/fees levied by the CNPOA, may be prohibited from use of the Recreation Area and the Grassy Knoll, after application of the Due Process Protocol, as set forth in Bylaw IV(3) of the CNPOA Bylaws. Authorized Users, who are out of compliance, shall be treated as trespassers at the Recreation Area and the Grassy Knoll and will be asked to leave.
- 1.6 Violations of these Rules shall be reported to the Board and may result in fines.
- 1.7 To avoid confrontations with those parked without Parking Permits, please report incidents to the CNPOA Board, or the Gate & Security Coordinator. If possible, include a photo or make, model, color, license plate number, date, and time with your report.
- 1.8 Board members and their authorized designees, i.e., the Gate and Security Coordinator and the Security Assistants, shall have authority (a) to ask trespassers and those not in compliance with these Rules to leave the Common Areas, (b) to notify local law enforcement of trespassers and request their ejection, (c) to file trespassing complaints with local law enforcement, and (d) to submit No Trespass Notices, through local law enforcement, to violators.
- 1.9 Incorporated herein by reference are the various relevant statutes from the Code of Virginia regulating trespass and conduct in public places and the Code of Clarke County Noise Ordinance, which are set forth in Appendix C and attached to these Rules.

2.0 Use of the Recreation Area

- 2.1 Use of the Recreation Area is at the user's risk.
- 2.2 No vehicle, including recreational vehicles, i.e., ATVs, UTVs, and motorcycles may be parked at the Recreation Area unless it displays a current official CNPOA Parking Permit hang tag, decal, sticker, or a temporary official CNPOA Common Area Parking Permit.
- 2.3 Authorized Users shall request temporary official CNPOA Common Area Parking Permits for events at the Recreation Area, such as camping or other events, to ensure that all vehicles display a Parking Permit.
- 2.4 No vehicles are allowed in the Boat Landing or beach areas, except for brief loading and unloading of watercraft.
- 2.5 Beach users must share and not block the Boat Landing.
- 2.6 River users must be able to put in/take out or load/unload watercraft without asking beach users and campers to move.
- 2.7 No camping is permitted on the beach, or within the designated Boat Landing area from the road to the beach, to allow access for other Authorized Users, family members, guests, Fire, EMS, and Law Enforcement.
- 2.8 To avoid scheduling or other conflicts, Authorized Users must receive Board approval for camping or other events held at the Recreation Area and Grassy Knoll, including, but not limited to, holidays, birthdays, graduations, weddings, receptions, meetings, and other events.
- 2.9 Overnight Camping is only available to Authorized Users, their family members, and accompanied Guests, subject to advance approval of the Board.
- 2.10 Approved Overnight Camping events will be placed on the monthly CNPOA Camping & Event Calendar and will be sent to the Authorized Users via allcontacts@cnpoa.com.
- 2.11 Authorized Users can obtain the Camping & Event Request Form from the Board, Gate & Security Coordinator, or the CNPOA website, cnpoa.com. A request may be submitted up to six (6) months prior to the Overnight Camping event, but preferably no later than forty-eight hours (48) prior to the Overnight Camping event. Exceptions may apply depending on circumstances.
- 2.12 Overnight Camping is on a first come, first served basis. Separate, back-to-back Overnight Camping events from the same Authorized User shall only be approved if they are separated by seven (7) days or more, and only if there is an available Campsite; provided however, that Authorized Users may request a waiver from the Board for a shorter duration between Overnight Camping events.
- 2.13 Overnight Camping shall be limited to five (5) consecutive nights with no more than twenty-five (25) people, subject to the Board's discretion to allow a greater number or duration, as circumstances merit.
- 2.14 Recreational vehicles are permitted, so long as generators are not used, and are subject to the Board's discretion to evaluate size, number of vehicle(s), and duration of stay.

- 2.15 For purposes of sanitation, campers at each Campsite must provide their own sanitation and submit their plan to the Board for approval prior to camping, e.g., camp bucket toilet, portable toilet (rental), self-contained camping unit, etc.
- 2.16 Portable toilets provided by the CNPOA at the Recreation Area or Grassy Knoll are not intended for large camping or other events. The host shall provide a portable toilet (rental) for large events.
- 2.17 Care should be taken to not damage the grass. Driving on the grass shall be limited to loading, unloading, and parking.
- 2.18 No areas of the Recreation Area or the Grassy Knoll Slopes may be used for four wheeling, reckless driving, or other types of recreational activities that may damage CNPOA property.
- 2.19 No vehicles, including ATVs, UTVs, motorcycles, or other motorized vehicles, are allowed on the Grassy Knoll Slopes or the Pedestrian Corridor.
- 2.20 No loud vehicles or motorcycles without mufflers or with mufflers that have been altered or not maintained, as defined in the Code of Clarke County Noise Ordinance.
- 2.21 No alcohol or illegal drugs are allowed at the Recreation Area.
- 2.22 No dogs or other pets are allowed to run at large at the Recreation Area, including the Grassy Knoll, or on the Roads. They must be on a leash or under direct control when off private property.
- 2.23 Authorized Users of the Recreation Area and Grassy Knoll must clean up after their pets. Used waste bags must be carried out, not left behind. Pet waste bags are provided by the CNPOA and are located at the Grassy Knoll parking lot and at the Boat Landing.
- 2.24 Any outdoor fire must be attended constantly by a responsible person and must be extinguished completely before being abandoned.
- 2.25 No outdoor fire may be built on CNPOA property, except in the designated CNPOA Fire Pits. It is unlawful to set an outdoor fire within 300 feet of any woodland, brush land, or field containing dry grass during the period from February 15 to April 30, except between 4 p.m. and midnight. For the period from May 1 to February 14, it is unlawful to set an outdoor fire, within 150 feet of any woodland, brush land, or field containing dry grass, except in designated CNPOA Fire Pits.
- 2.26 No outdoor fire may be built on CNPOA property, during draught conditions or when the Virginia Department of Forestry issues a high fire danger or above.
- 2.27 The Board and the Boyce Fire Department or the Virginia Department of Forestry must be notified before starting any unusual outdoor fire, such as a bonfire, on CNPOA property.
- 2.28 No fireworks of any kind are permitted on CNPOA property.
- 2.29 No hunting, trapping, or weapons are allowed at the Recreation Area or Grassy Knoll.
- 2.30 No littering is allowed. Carry in and carry out.

3.0 Use of the Grassy Knoll

- 3.1 Use of the Grassy Knoll is at the user's risk.
- 3.2 No vehicle, including recreational vehicles, i.e., ATVs, UTVs, and motorcycles may be parked at the Recreation Area unless it displays a current official CNPOA Parking Permit hang tag, decal, sticker, or a temporary official CNPOA Common Area Parking Permit.
- 3.3 Authorized Users shall request temporary official CNPOA Common Area Parking Permits for events at the Grassy Knoll to ensure that all vehicles display a Parking Permit.
- 3.4 Authorized Users agree to follow, and to ensure that their family members and Guests follow, the Rules and signs.
- 3.5 No loud music.
- 3.6 No alcohol or illegal drugs are allowed at the Grassy Knoll.
- 3.7 No dogs or other pets are allowed to run at large.
- 3.8 No littering is allowed. Carry in and carry out.

4.0 Use of the Roads

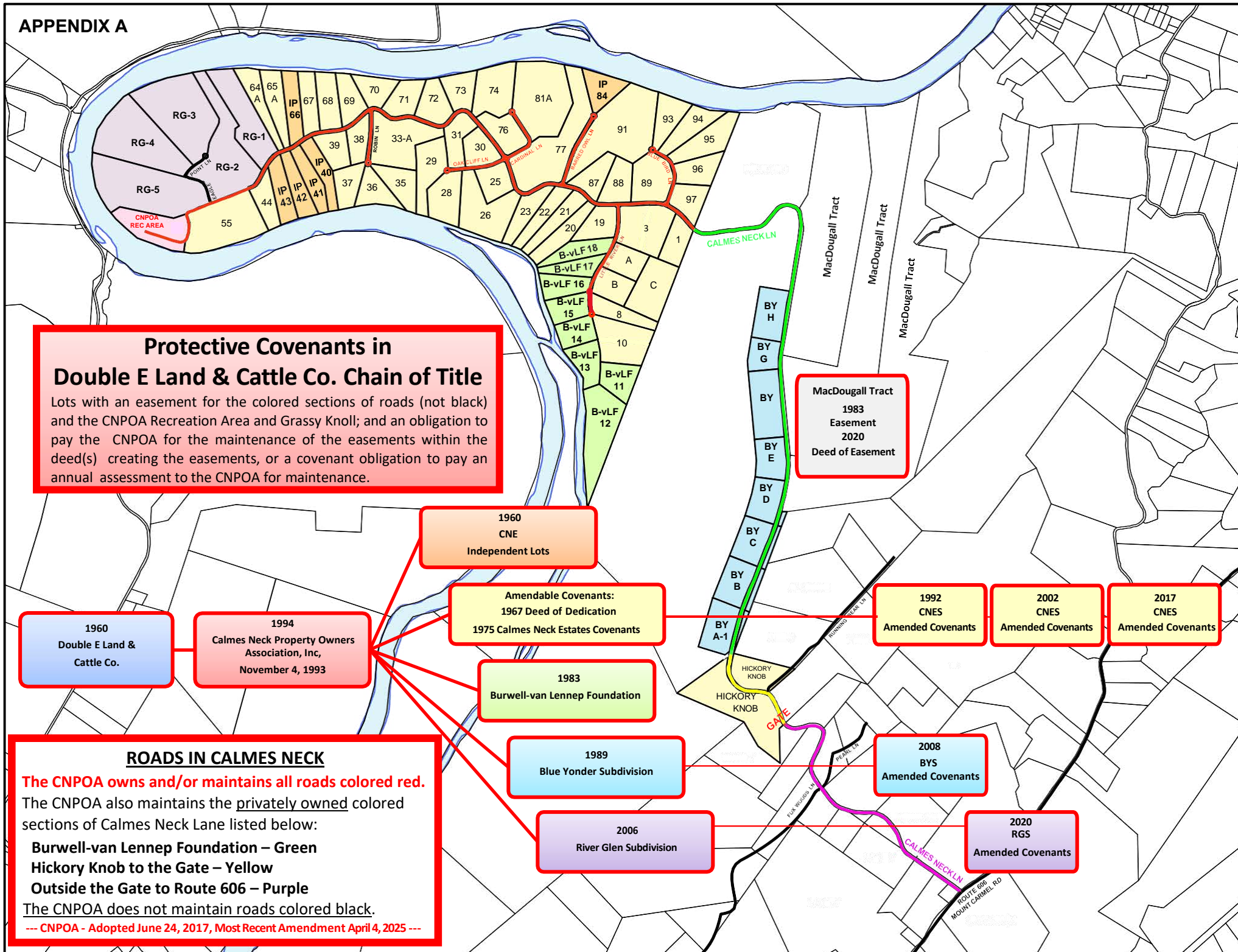
- 4.1 The speed limit posted at the security gate is 15 miles per hour.
- 4.2 Users shall slow down and yield to pedestrians on the Roads.
- 4.3 No littering is allowed. Carry in and carry out.

5.0 Use of the Security Gate

- 5.1 All Security Gate Codes and Devices (entry cards and remote controls) operate by codes that are owned by the CNPOA. The Devices include a fee for use.
- 5.2 Owners and Tenants must be issued separate Security Gate Codes, Devices, and Parking Permits.
- 5.3 A three (3) digit Speed Dial Code is issued to each Authorized User. It dials the Authorized User's phone and allows the Authorized User to open the Security Gate remotely. It can be given to anyone and posted for public use. This Speed Dial Code is the most secure method for giving access to the Authorized User's property and the rest of the community. DO NOT enter the #-KEY before or after the Speed Dial Code.
- 5.4 To maximize security in our community, the CNPOA encourages you to keep your #Entry Codes private, and to give a Speed Dial Code to your guests or vendors whenever possible.
- 5.5 A four (4) digit unique private #Entry Code (#Code) is issued to each Authorized User that will operate the Security Gate **24/7/365**. The Authorized User is responsible for the use of their #Code and to ensure that those coming to their property follow the applicable Rules.

- 5.6 A four (4) digit unique private #Entry Code (#Code) is issued to each Authorized User that will operate the Security Gate from **6 a.m. to 9 p.m.** This #Code should be given to trusted guests and vendors.
- 5.7 Distribution of the #Codes to anyone you do not know or outside family members and trusted friends may compromise the security of the community and may result in de-activation of the #Code. Please request a new code if you are concerned - no questions asked.
- 5.8 You may trust your guests and vendors, but you cannot control to whom they may give the code. Please request a new code if you are concerned - no questions asked.
- 5.9 Authorized Users shall request a unique private Temporary Guest #Code for events at the Recreation Area and Grassy Knoll, such as camping or other events, which include Guests outside of family members and trusted friends. Please provide instructions to enter the **#-KEY** before entering the Temporary Guest #Code, and if it does not work to call **Gate HELP (000 or 001 -- DO NOT enter the #-KEY)**. Gate HELP numbers are posted on the call box.
- 5.10 Authorized Users shall request a Temporary #Code for licensed real estate agents, contractors, and other vendors (Service Providers) who will be providing services to the Authorized User. The Authorized User is responsible for the use of their Temporary Service Provider #Code and to ensure that those coming to their property follow the applicable Rules. The Temporary Service Provider #Code will be set with security parameters, and the Service Provider will be issued a Terms of Use. Violations of the Terms of Use will be cause for de-activation of the Temporary Service Provider #Code.
- 5.11 Radio frequency remote controls (remote controls) shall be limited to Authorized Users and family members.
- 5.12 Authorized Users may purchase gate AWID Entry Cards (Entry Cards) for their family members and select Service Providers, i.e., babysitters, pet sitters, housekeepers, lawn care providers, and other professionals. Entry Cards can be set with security parameters, tracked, and de-activated if lost or stolen.
- 5.13 If Authorized Users sell their properties or otherwise leave the CNPOA, they must return their remote controls and Entry Cards to the CNPOA.
- 5.14 Entry Codes (#Codes), Devices (entry cards and remotes controls), and Parking Permits (hang tags (displays the Owner's or Tenant's name), decals, and stickers) cannot be transferred or used by new Owners/Tenants or Short-term Renters.
- 5.15 No parking near the gate equipment or the wooden security fence. Parking is available on either side of, and across from, the mailboxes.

APPENDIX A



Protective Covenants in Double E Land & Cattle Co. Chain of Title
 Lots with an easement for the colored sections of roads (not black) and the CNPOA Recreation Area and Grassy Knoll; and an obligation to pay the CNPOA for the maintenance of the easements within the deed(s) creating the easements, or a covenant obligation to pay an annual assessment to the CNPOA for maintenance.

MacDougall Tract
 1983 Easement
 2020 Deed of Easement

1960 CNE Independent Lots

Amendable Covenants:
 1967 Deed of Dedication
 1975 Calmes Neck Estates Covenants

1983 Burwell-van Lennep Foundation

1989 Blue Yonder Subdivision

2006 River Glen Subdivision

1992 CNES Amendable Covenants

2002 CNES Amendable Covenants

2017 CNES Amendable Covenants

2008 BYS Amendable Covenants

2020 RGS Amendable Covenants

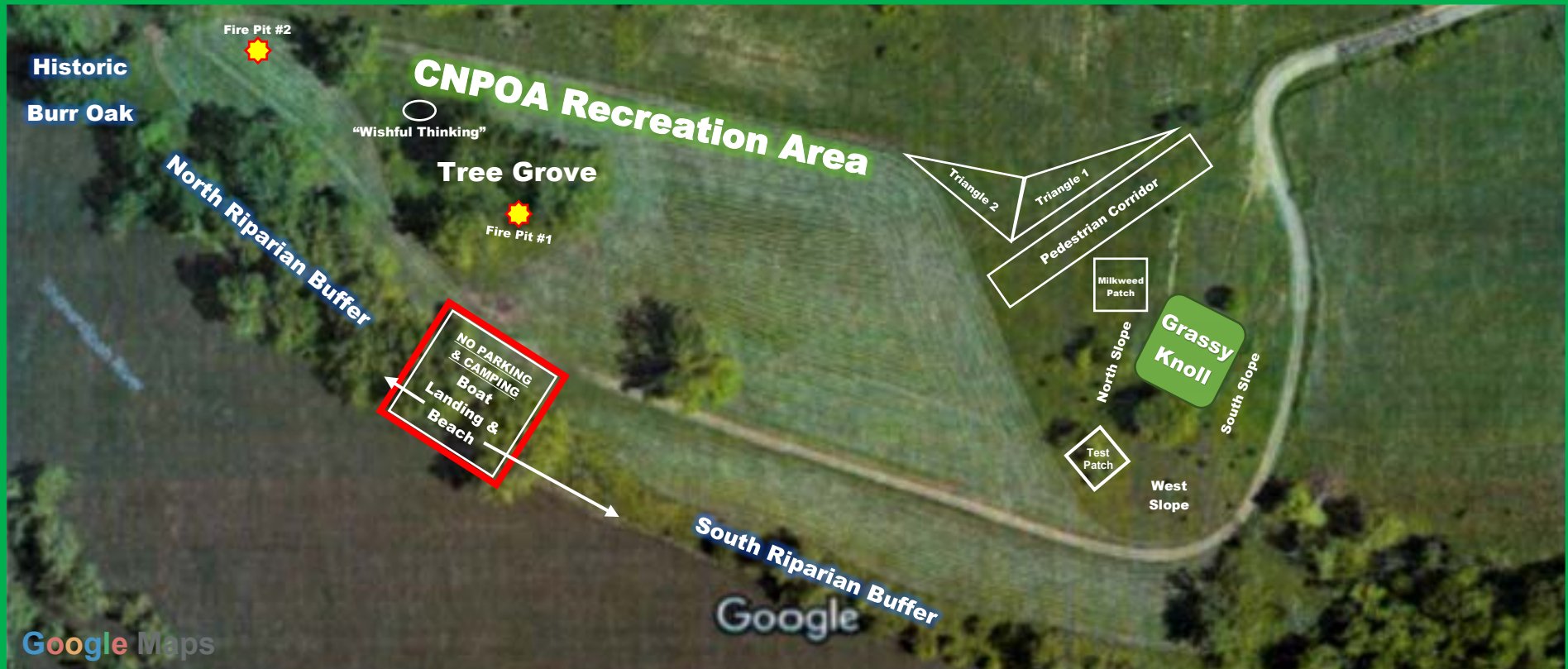
1960 Double E Land & Cattle Co.

1994 Calmes Neck Property Owners Association, Inc, November 4, 1993

ROADS IN CALMES NECK
The CNPOA owns and/or maintains all roads colored red.
 The CNPOA also maintains the privately owned colored sections of Calmes Neck Lane listed below:
Burwell-van Lennep Foundation – Green
Hickory Knob to the Gate – Yellow
Outside the Gate to Route 606 – Purple
 The CNPOA does not maintain roads colored black.
 --- CNPOA - Adopted June 24, 2017, Most Recent Amendment April 4, 2025 ---

CNPOA Recreation Area & Grassy Knoll

2025 Designated Areas



Designations by the Board of Directors on Mar. 4, 2018, Oct. 6, 2018*, June 11, 2019**, July 8, 2020, Apr. 18, 2021***

- Designated Historic Access Area Pursuant to the Clarke County Stream Protection Ordinance: Historic Burr Oak
- Designated Natural Areas: Riparian Buffers (North and South)
- Designated Natural Areas of the Monarch Waystation Pollinator Habitats: Triangle 1&*2, Milkweed Patch, **Test Patch, and ***Wishful Thinking
 - Natural areas will not be regularly mowed, but will be managed to maintain control of the non-native invasives. Management will require volunteers to hand pull and/or weed-whack the non-native invasives.
 - To maintain control and/or help with the management of the Pollinator Habitats, they may be mowed and/or weed-whacked once in the Spring & Fall and in accordance with the standards set forth by the Monarch Joint Venture.
 - If the Pollinator Habitats are not managed, they will be mowed and/or weed-whacked to maintain control of the non-native invasives.

[Note: There are two accepted spellings of burr oak - either "bur" or "burr". The CNPOA uses "burr", because that is the spelling in the CNPOA Recreation Area deed and Plater Settlement Agreement.]

Virginia Trespass Statutes & Clarke County Noise Ordinance

CNPOA Board Duty to Maintain the Peace and Tranquility of the Community

AMENDED AND RESTATED ARTICLES OF INCORPORATION of the Calmes Neck Property Owners Association, Inc. May 20, 2023	
ARTICLE I: Name ARTICLE II: Definitions ARTICLE III: Purpose ARTICLE IV: Members and Members' Rights ARTICLE V: Registered Agent ARTICLE VI: Board	ARTICLE VII: Limitations ARTICLE VIII: Amendment ARTICLE IX: Dissolution ARTICLE X: Signatories APPENDIX A: Definitions
<p>The undersigned, on behalf of the nonstock corporation set forth below, pursuant to the Virginia Nonstock Corporation Act (Nonstock Act), Title 13.1, Chapter 10 of the Code of Virginia, states that the Articles of Incorporation are amended and restated as follows:</p> <p>ARTICLE I: NAME</p> <p>The name of the corporation is Calmes Neck Property Owners Association, Inc., referred to herein as the CNPOA.</p> <p>ARTICLE II: DEFINITIONS</p> <p>The capitalized words or terms used in the Articles and Bylaws are defined in Appendix A.</p> <p>ARTICLE III: PURPOSE</p> <p>Section 1. To keep and maintain the Common Areas, Roads, Easements, and Depreciable Assets in good condition.</p> <p>Section 2. To apply and enforce the Rules for Common Areas of the CNPOA (Rules).</p> <p>Section 3. To protect and preserve the natural vegetation and wildlife.</p> <p>Section 4. To maintain the peace and tranquility of the Common Areas and community.</p> <p>Section 5. To exercise the powers and rights and to comply with the duties set forth in the Nonstock Act, Articles, and Bylaws.</p> <p>Section 6. To apply and enforce the Governing Documents.</p> <p>Section 7. To manage the CNPOA Business and Affairs.</p>	

Article II: Definitions Relevant to the Recreation Area

- (5) **Board** shall mean the CNPOA Board, who are authorized pursuant to Section 853 of the Nonstock Act to manage the CNPOA Business and Affairs, pursuant to the good faith business judgment rule of Section 870 and the Articles and Bylaws.
- (11) **Common Areas** shall mean the areas owned and/or maintained by the CNPOA. The Common Areas include the CNPOA Roads, Recreation Area, Pool, and Security Gate, all defined below.
- (15) **Good Standing** shall mean an Owner (a) who is current on their obligation to pay an Annual Assessment to the CNPOA, (b) who complies with the applicable Governing Documents and ensures that their family members, Guests, pets, invitees, and Tenants also comply, and (c) who has not been prohibited by the Due Process Protocol from using the Recreation Area and Pool. Guests and Tenants are defined in the Rules.
- (19) **Owner** shall mean a Person, who by virtue of a recorded deed in Calmes Neck, has an obligation to pay an Annual Assessment to the CNPOA and/or has Easements for the Roads and Recreation Area and an obligation to pay for the maintenance of the Easements.
- (25) **Recreation Area** shall mean the 9.993 acres deeded to the CNPOA by Richard C. Plater, Jr. on February 21, 1994, recorded at DB 242/P 14, and for which Owners have Easements. As used herein, the Recreation Area includes the Pool.

Virginia Trespass Statutes

(Current, as of April 7, 2025, and as may hereafter be amended)

Misdemeanors *(As amended in 2000)*

§ 18.2-11. Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.
- (d) For Class 4 misdemeanors, a fine of not more than \$250.

For a misdemeanor offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in subsection B of that section in addition to any other penalty provided by law.

Trespassing *(As amended in 2011)*

§ 18.2-119. Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

Instigating a Trespass *(As amended in 1975)*

§ 18.2-120. Instigating, etc., such trespass by others; preventing service to persons not forbidden to trespass.

If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person or persons not so forbidden, he shall be guilty of a Class 1 misdemeanor.

Destruction of Trespass Signs *(As amended in 2010)*

§ 18.2-135. Destruction of posted signs; posting land of another.

Any person who shall mutilate, destroy or take down any "posted," "no hunting" or similar sign or poster on the lands or waters of another, or who shall post such sign or poster on the lands or waters of another, without the consent of the landowner or his agent, shall be deemed guilty of a Class 3 misdemeanor and his hunting, fishing, and trapping license and privileges shall be revoked for a period of one to five years from the date of conviction.

Public Intoxication *(As amended in 2020)*

§ 18.2-388. Intoxication in public; penalty; transportation of public inebriates to detoxification center.

If any person is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, shall be deemed guilty of a Class 4 misdemeanor. In any area in which there is located a court-approved detoxification center a law-enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

Disorderly Conduct *(As amended in 2020)*

§ 18.2-415. Disorderly conduct in public places.

A. A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

1. In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; or

2. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

3. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

B. The conduct prohibited under subsection A shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

C. The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

D. The provisions of this section shall not apply to any elementary or secondary student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus, as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.

E. The governing bodies of counties, cities and towns are authorized to adopt ordinances prohibiting and punishing the acts and conduct prohibited by this section, provided that the punishment fixed therefor shall not exceed that prescribed for a Class 1 misdemeanor. A person violating any provision of this section is guilty of a Class 1 misdemeanor.

Cursing and Abusing *(As amended in 1975)*

§ 18.2-416. Punishment for using abusive language to another.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

Slander and Libel *(As amended in 2020)*

§ 18.2-417. Slander and libel.

Any person who shall falsely utter, and speak, or falsely write and publish, of and concerning any person of chaste character, any words derogatory of such person's character for virtue and chastity, or imputing to such person acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which from their usual construction and common acceptation are construed as insults and tend to violence and breach of the peace or shall use grossly insulting language to any person of good character or reputation, is guilty of a Class 3 misdemeanor.

The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

Code of Clarke County Chapter 120 Noise

(Current, as of April 7, 2025 and as may hereafter be amended)

Code Of Virginia References

§ 15.2-919. Regulation of motorcycle noise

§ 46.2-113. Violations of this title; penalties

§ 46.2-1047. Muffler cutout, etc., illegal

Article I Noise (abridged)

[Adopted 01-19-1988 as § 8-10 of the 1987 Code]

The Board of Supervisors hereby finds and declares that excessive or unwanted sound is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of Clarke County have a right to and should be free from an environment of excessive or unwanted sound. Therefore, it is the policy of the County and the purpose and intent of this article to prohibit such excessive or unwanted sound as provided herein.

§ 120-1. Administration and enforcement.

(a) The Sheriff is hereby designated the agent of the Board of Supervisors in the administration and enforcement of this article. Employees of the Building Department, Planning Department, and other officers and employees of the County may assist the Sheriff in the enforcement of this article.

§ 120-2. Applicability.

This article shall apply to sound generated within the County, regardless of whether the complainant or the receiving property is within or without the County. This article shall be in addition to any sound or noise regulations set forth in the County Zoning Ordinance.

§ 120-3. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Emergency work.** The term “emergency work” means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency.
- B. **Motorcycle.** The term “motorcycle” means any motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicles weighing less than five hundred (500) and equipped with an engine of less than six (6) horsepower, excepting farm tractors.
- C. **Motor vehicle.** The term “motor vehicle” means any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a street or highway, except devices moved by human power or used exclusively upon stationary wheels or tracks.
- D. **Noise.** The term “noise” means any audible sound, which disturbs or tends to disturb humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

§ 120-4. Violations.

- (a) Any person who violates any provision of this article shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one (1) year after a previous conviction under this article shall be guilty of a Class 2 misdemeanor.
- (b) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident, or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.
- (c) In addition to and not in lieu of the penalties prescribed in this section, the County may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this article and may seek any other remedy authorized by law.

§ 120-6 Maximum Sound Levels/Residential Dwellings

- (a) Nighttime. No person shall permit, operate, or cause any source of sound to create a sound level that can be heard in another person's residential dwelling during the hours between 10:00 p.m. and 7:00 a.m. in excess of 55 dBA when measured inside the residence at least four (4) feet from the wall nearest the source, with doors and windows to the receiving area closed.
- (b) Daytime. No person shall permit, operate or cause any source of sound to create a sound level in another person's residential dwelling during the hours between 7:00 a.m. and 10:00 p.m. in excess of 65 dBA when measured inside the residence at least four (4) feet from the wall nearest the source, with doors and windows to the receiving area closed.

(d) Exemptions. The following activities or sources of noise shall be exempt from the daytime prohibition set forth in subsection (b) of this section:

1. Band performances or practices, athletic contests or practices, and other school-sponsored activities on the grounds of public or private schools, colleges, or universities.
2. Athletic contests and other officially sanctioned activities in County parks or facilities.
3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading, or other improvement of real property.
4. Gardening, lawn care, tree maintenance or removal, and other landscaping activities.
5. Agricultural activities.
6. Church bells, carillons, or calls to worship by other sound-producing devices.
7. Religious or political gatherings to the extent that those activities are protected by the First Amendment to the United States Constitution.
8. Public transportation, refuse collection and sanitation services.
9. Sounds generated from the lawful discharge of a firearm. Sport shooting ranges shall also be exempt from these regulations to the extent the range is exempt from these noise regulations pursuant to Va. Code § 15.2-917.

§ 120-7 Motor Vehicle Maximum Sound Levels; Amplified Sounds From Vehicles

(c) Notwithstanding any other provisions of this section or article, it shall be unlawful for any person to play or operate, or permit the playing, use or operation of, any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated or parked on public or private property within the County, including any public or private street or alley, in such a manner as to be audible and discernable at a distance of one hundred (100) or more feet from the vehicle in which it is located.

§ 120-9. *Specific Prohibitions.*

The following acts are declared to be violations of this article. This enumeration shall not be construed to limit, in any way, the general prohibitions contained in section 120-6:

- (a) Vehicle horns, signaling devices and similar devices. Sounding any horn, signaling device, or similar device on any automobile, motorcycle or other vehicle on any right-of-way or in any public space continuously or intermittently for more than ten (10) consecutive seconds, except when the sounding of any such device is intended as a danger warning.
- (b) *Nonemergency signaling devices.* Sounding or permitting the sounding of any amplified signal continuously or intermittently from any bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes from any one location for more than ten (10) consecutive seconds in any hourly period; provided, however, that this subsection shall not apply to the sounding of such devices by religious users or by public bodies or agencies for testing, traffic control, or other public purposes.
- (c) *Emergency signaling devices, security, burglar and fire alarms, etc.* Sounding or permitting the continuous or intermittent sounding outdoors of any emergency signaling device, or any security, burglar or fire alarm, siren, whistle, or similar device, including without limitation any motor vehicle security alarm, *siren*, whistle, or similar device, for a period in excess of ten (10) minutes in any residential area and fifteen (15) minutes in any other area, except in response to a burglary, attempted burglary, fire, or other emergency.
- (d) *Audio and audio-visual devices, musical instruments, amplified sound etc., excluding those in motor vehicles.* The playing or operation of any television, boombox, stereo, phonograph, radio, tape player, compact disc player, MP3 player, video player, musical instrument, drum, amplifier or any other device that *produces*, reproduces or amplifies sound except for those located in motor vehicles, where the sound, when measured in any public area including but not limited to any public street or sidewalk, or from other private property between the hours of 7:00 a.m. and 11:00 p.m. exceeds eighty (80) dB(A), or between the hours of 11:00 p.m. and 7:00 a.m. exceeds seventy-five (75) dB(A); provided, however that the provisions of this subsection shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the County or for which the County has granted a permit.
- (e) *Noise-sensitive areas.* The making of any unreasonably loud and raucous noise within two hundred (200) feet of any *school*, place of worship, court, hospital, nursing home, or assisted-living facility while the same is being used as such, that substantially interferes with the workings of the institution.
- (f) *Construction equipment.* The operation of any bulldozer, crane, backhoe, front loader, pile driver, *jackhammer*, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 7:00 a.m.

§ 120-10. General Exceptions.

No provisions of this article shall apply to (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; (2) the emission of sound in the performance of emergency work; (3) activities sponsored by the County; or (4) activities for which the regulation of noise has been preempted by federal law.