



MARKUP #1 ->

ARTICLE IX - DIA PARKS

Section 9.1. Delmar Park – Closes at 11:00 p.m.

- a. Members and their guests may access Delmar Park amenities only with a current valid Delmar pass. When playground equipment, pavilion, or park amenities are used, care and good judgment must be exercised at all times. If non-compliant, Members may be required by the Board to vacate the park property.
- b. With the exception of the parking facilities provided at Delmar Park, and excluding golf carts, motorized vehicles shall not be operated within park boundaries for any reason unless directed by Board for maintenance, mowing, special events, etc.
- c. When weather conditions permit, winter activities such as snowmobiling may be permitted at Delmar Park only by Members and their guests and must be conducted responsibly and only with at least 6” of snow cover. All snowmobile drivers/operators must have a current legal U.S. driver’s license on their person. Failure of a person to present proof when requested may result in the expulsion of said person from the Association property until proper proof is provided. The cost to repair any damages incurred during such activities shall be the responsibility of the motorized vehicle operator and/or owner. Under no circumstances will a person under the legal driving age be allowed to operate a snowmobile or golf cart within Delmar Subdivision boundaries. Refer to Town of Delavan Municipal Code of Ordinances #7.11 (Traffic Code) for complete snowmobile legislation.

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- d. No pets allowed at Delmar Park.
- e. Delmar Park must be kept clear of trash and rubbish at all times. Members and their guests must deposit their trash and rubbish in the trash receptacles provided in the Park when vacating the Park.
- f. Delmar Park landscape and maintenance shall be conducted weekly or as necessary to ensure a manicured and presentable appearance.
- g. Delmar Park pump shall be winterized by the Association each fall in order to prevent freeze damage. Each spring, the pump shall be put back into service with an annual well water sample test conducted.Pump and well shall be serviced and/or chlorinated as necessary to prevent well contamination.
- h. Pavilion rental is allowed by the Association only to Members and only if the Member agrees to all terms set forth in the pavilion rental agreement as prescribed bythe Delmar Park & Pavilion Committee.
- i. Any property of the Delmar Park damaged by the owner/renter will be paid for by the owner/renter who caused the damage. This will be enforced through cameras on the property.

Section 9.2. Delmar Beach – Closes at 11:00 p.m.

- a. The term Delmar Beach means the entire lake frontage including the sand, grass and parking area. The sand beach, pier, and park connected there with shall be accessible only to Members and their guests only with a current valid Delmar pass.
- b. Each Member or guest shall be obligated to present proof of their right to use Association

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. 9.1. (p. 10): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

Statutory Comparison: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

CURRENT WORDING IN DOCUMENT:

d. No pets allowed at Delmar Park. e. Delmar Park must be kept clear of trash and rubbish at all times. Members and their guests must deposit their trash and rubbish in the trash receptacles provided in the Park when vacating the Park.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals and emotional support animals required as a reasonable accommodation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).