

# Winchester Pointe Homeowners Association

## Rules and Regulations

These rules and regulations have been drafted for the betterment, safety, and collective enjoyment of our community.

We believe these policies will:

- a) Preclude inadvertent violation of city, county and state laws and ordinances about owners, renters, and guests
- b) Prevent infringement of owners' and renters' right to the pursuit of enjoyment of residence and amenities due to lack of knowledge of others
- c) Maintain the appearance, uniformity, and architectural integrity essential to the most favorable impression possible of the Winchester Pointe community.

These rules and regulations were drafted and written by the Rules and Regulations Committee, presented, and then approved by the Winchester Board of Directors during 2013.

Violations of the rules and regulations must be reported in writing to the management company.

### **I. The Townhome Unit: its purpose, owners, and/or occupants**

- A. The unit shall be used only as a single-family dwelling.
- B. The definition of "family" according to Raleigh city ordinances:  
*Family shall mean an individual or two (2) or more persons related by blood to the third degree lineally or the fourth degree collaterally, marriage, or adoption living together in a dwelling unit; or a group of not more than four (4) persons, one (1) or more of whom is not related by blood as described above, marriage or adoption to the other.*
- C. The unit is to be used primarily as a residential dwelling. An owner may conduct business that does not require customer visitors or ongoing delivery traffic. An owner may not use a garage to conduct business. Use of telephone and electronic communications equipment is allowed to do business inside the residential dwelling.
- D. An owner must notify the management company:
  - a. When a unit goes under contract for sale
  - b. Owner must provide this document to potential buyers
  - c. Provide the name and contact information of the new owner
  - d. Date on which ownership will be transferred.

### **II. The Board of Directors does not encourage the leasing of a unit, but if a unit is leased, the following additional rules apply:**

- A. A unit may be leased as a single-family residence and for that purpose only.
- B. Units shall only be allowed one (1) lease for a period no shorter than one (1) year. All unrelated individuals must be named in the lease.
- C. Sub-letting is NOT permitted
- D. Any owner who plans to lease a unit must also notify the management company of the name of the lessee and the effective date of the occupancy at least ten (10) days prior to occupancy.
- E. A copy of the finalized lease agreement will be filed with the management company and its renewal is subject to Board approval.
- F. A copy of these rules and regulations is to be furnished to the lessee by the lessor.
- G. The owner of the unit must provide the management company with a copy of a valid driver's license for all lessees and occupants along with their vehicle tag numbers.

### **III. Pets**

*The Winchester Pointe Townhomes are located within the Raleigh city limits and, therefore, pet owners must comply with all Raleigh ordinances pertaining to pets. For the health, safety, welfare, comfort, and convenience of all residents the following rules shall be observed governing pets:*

- A. Only cats, dogs and other domestic household pets are allowed.*
- B. Any household pet SHALL BE KEPT ON A LEASH while outside in the common area as set forth in the Wake County Leash Law. No animal may be leashed to any stationary object in common areas or privacy areas including porches, courtyards, or decks per the Raleigh tethering ordinance. If an animal is outside in the private areas of a townhome the owner must be at home and supervising the animal.*
- C. Any person owning or in charge of an animal shall remove the feces deposited by such an animal as set forth in the Raleigh City Code, Section 12-3011. Pets should be encouraged to use the areas away from the front of buildings.*
- D. Pet owners are responsible for any property damage, injury and disturbances caused by their pets.*
- E. No pet shall be permitted to bark, howl, or make other loud noises for such an unreasonable time as to disturb neighbors' rest or peaceful enjoyment of their unit or the common elements.*
- F. No animal shall be allowed to wander the common or privacy areas (outside of unit) without supervision.*
- G. Feeding of waterfowl (including but not limited to ducks and geese) is not allowed.*

### **IV. Personal Conduct and Consideration of Others**

- A. Townhome property shall not be used for any immoral, improper, offensive, or illegal use. All zoning ordinances and governmental regulations shall be observed and obeyed at all times. Owners shall not permit or allow any modifications in their unit or on the common areas which will obstruct or interfere with the rights of other occupants.*
- B. Consistent with the city of Raleigh's noise ordinance, residents and their guests must minimize noise between the hours of 11 pm and 7 am. City police will respond to calls regarding violations of the noise ordinance. Residents should be especially attentive to the volume of TVs, stereos, radios, their own voices, and movements.*
- C. Radios, TVs, stereos, etc. are not to be projected from windows, decks, or porches.*
- D. Owners/renters/guests are responsible for the conduct of minor children.*
- E. Any damage or defacing of common property will be repaired by the homeowner's association, and the person responsible for the damage will be charged to their account for the repairs.*
- F. Fireworks and the carrying or discharging of firearms (including but not limited to BB guns, pellet guns, sling shots, or any weapons, etc.) are strictly prohibited.*
- G. Residents should be careful when sweeping or watering plants on their decks so that water and debris does not impact the unit or grounds next to their unit.*
- H. Yard sales are not permitted within the confines of the Winchester Pointe community.*
- I. No signs, notices, advertisements of any kind may be displayed, inscribed, or exposed to public view from any window, porch, balcony, or commons areas except for political signs in accordance with the Raleigh campaign sign ordinance. One real estate "For Sale" sign may be placed in the front yard of the owner's unit, but no other signage is permitted in this area. No signs are permitted at the entrance or on The Pointe.*

### **V. Decks, Courtyards, and Porches**

*Decks, courtyards, and porches are a prominent part of the townhomes and, therefore, need to be aesthetically appealing. Well-maintained deck or porch furniture and plants are appropriate. The cleanliness and orderliness of the decks, courtyards, and porches shall be the responsibility of the individual unit owners. The landscaping company will blow leaves and normal landscaping debris from the front and back decks inside the fences on a weekly basis. However, they will not weed, prune, or plant in these areas as this is an owner responsibility.*

- A. *Only outdoor deck or porch furniture is allowed. Indoor furniture is not permitted to be used or stored on decks or porches.*
- B. *No rugs, clothing, towels, or other household linens shall be draped over any open porch, patio railing, or wall of any unit. Clotheslines are not permitted on decks, courtyards, or porches.*
- C. *Decks, courtyards, and porches are not to be used as storage areas.*
- D. *Tasteful holiday decorations of conservative size, color, etc. are permitted. Decorations should not be offensive or derogatory to a neighbor. No flashing, blinking, or "chasing" lights are permitted.*
- E. *The throwing of trash, cigarette/cigar butts, liquids, objects, or debris of any kind from a porch, courtyard, balcony, deck or common area is prohibited.*

#### **VI. Architectural Alterations**

- A. *NO changes or additions to the common or limited common area are allowed without written approval of the Board including, but not limited to increasing patio size, paving size, paving stones, etc.*
- B. *Additional outside light fixtures must be approved by the Board of Directors before being installed.*
- C. *No major alterations or a unit of any kind shall be undertaken.*
- D. *No personal property may be placed in the common areas without written permission from the Board. The architectural review board must receive a written request, prior to placing any personal property in the common areas. Furniture not authorized may be removed by the association at the homeowner's expense.*
- E. *Propane gas tanks must be enclosed using materials that are the same color as used on the buildings.*

#### **VII. Parking and Vehicles Effective February 4, 2013**

- A. *Residents with garages should park in their garages and driveways. Residents without garages should park in the 2 spaces directly in front of their units. If you have more vehicles than your garage, driveway or parking spaces can accommodate, you must park on The Pointe. Residents with connecting driveways need to be considerate of their neighbor and ensure ingress and egress is not blocked. Residents who choose to use their garages for storage are not exempt from these policies.*
- B. *Residents are owners, family of owners, lessees, renters, or other persons that stay in the residence or are associated with the residence for 14 or more days.*
- C. *The parking spaces in the common areas on the North and South sides are for GUESTS ONLY. These spaces are not to be used by residents for daily or overnight use. Residents are responsible for notifying guests of appropriate parking locations. If there are no guest parking spaces available, then guests must park on The Pointe.*
- D. *No vehicles are allowed to park by the curb. This is a Raleigh Fire Department violation. Please see that your guests do not park by the curb.*
- E. *Boats, trailers, campers, jet skis, towed vehicles, vehicles with more than 2 axles, vehicles more than 18 feet in length, unlicensed or inoperative vehicles, vehicles with company insignias or logos, ladder racks or other commercial equipment installed on the vehicle, are not allowed to be parked outside garages within Winchester Pointe or in guest parking spots.*
- F. *Auto repairs are not permitted; vehicles must not be left on blocks or jacks.*
- G. *The speed limit is 10 mph in Winchester Pointe.*

#### **PARKING VIOLATION PENALTIES**

*Violators of the visitor parking policy will receive one notice on their vehicle with a copy sent to Talis Management. After this initial warning, no other warnings will ever be issued.*

***Second offense= You will be brought to Due Process and will receive a \$100 fine.  
After the Second Offense your car will be TOWED on any occasion thereafter.***

***\*\*Violators who have already incurred 2 or more parking offenses as of February 1, 2013, will have their car towed the next time they violate the parking policy and anytime thereafter.***

## **VIII. Landscaping**

Each unit in Winchester Pointe is connected to another unit – most on two sides. The exterior of all units is cedar siding, which is subject to rot. It is the purpose of the Landscaping Committee to maintain the common areas of the property and ensure that shrubbery and plantings remain properly trimmed and cut away from the siding as much as possible. It is the responsibility of the Landscaping Committee to ensure that one unit owner does not plant a shrub or tree that will be too large for the area and touch the walls of a neighbor's unit or privacy fencing which is maintained by the HOA.

- A. Homeowners must seek prior written approval from the Landscaping Committee of the Board of Directors before planting trees, shrubs, or vines. Homeowners are not allowed to remove, relocate, or plant trees, shrubs, flowers, or any vegetation in the common areas of Winchester Pointe that is planted and maintained by the property landscaping company employed by the association and contracted by the property management company. A homeowner is personally responsible for removing any plantings in their privacy area that may need to be removed for painting, structure work or plantings that are causing or may potentially cause damage to a neighbor's or common area property. Any item planted by the homeowner must be maintained by the homeowner.
- B. A landscape request form will be posted on the management company's website for Winchester Pointe. The form must be submitted to the management company for the Landscaping Committee's approval.
- C. The Board of Directors authorizes the Landscaping Committee to determine if the requested plantings are appropriate for the area and will not encroach on a neighbor's property or cause damage to structures, water pipes or any other amenity of the community. The Landscaping Committee shall sign and date the form with their decision and return to the homeowner. A copy of this approval will be kept on file.
- D. The Landscaping Committee has the authority to inspect all plantings and make future inspections to ensure the plantings are being appropriately maintained and are still appropriate for the area.
- E. All owners, renters, and guests are subject to these rules and regulations. Violators may be fined up to one hundred dollars (\$100) per day or occurrence at the discretion of the Board of Directors while using common sense, a professional attitude and without any prejudices. Written notice and a due process hearing must be given prior to a fine being levied. If the violation is still not corrected within a specified time, the Homeowners Association will take legal action to ensure compliance.