

Salem Village

Rules and Regulations

SEPTEMBER 2023

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS AND REGULATES
THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF
NORTH CAROLINA.**

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ARCHITECTURAL and MAINTENANCE STANDARDS RULES

INTRODUCTION

Purpose

Salem Village is a single-family home-owner association. Simply stated, this means that the original tract of property was designed and approved as a self-contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide by and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The Architectural Control Committee reviews all architectural requests (ARC, also frequently referred to as the ARC – Architectural Review Committee). These Architectural Rules provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Rules are established to give the Owner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Salem Village Community. The Salem Village Owners Association, Inc. (also referred to as Association, HOA or SVOA) By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ARC. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plantings, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment, solar panels or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ARC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ARC. The ARC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Rules establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Salem Village.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Rules or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Rules (in that order) shall prevail.

Review Structure

The ARC of Salem Village will handle architectural control and design review for the community. The ARC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The ARC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Rules, shall monitor the effectiveness of these Architectural Rules, and may promulgate additional design standards and review procedures consistent with these Architectural Rules.

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications

The review of the proposed modifications shall require the submission of the current Association application to the ACC (Note that the Declarations terminology is Architectural Control Committee, whereas, a more positive term is ARC – Architectural Request Committee. Both are interchangeable with ARC being the preferred term). The most current application form can be obtained on the Enumerate Engage (formerly NABR) website or Property Management Company's website. Depending on the scope of the modification, the ARC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ARC may require a less detailed description of the proposed modification.

In accordance with Article 13.01 of the DCCR, "...The Architectural Control Committee shall have the absolute and exclusive right to approve or disapprove Plans in its sole discretion and may approve or disapprove Plans based on purely aesthetic reasons, which in the sole discretion of the Architectural Control Committee has been deemed sufficient. Absent an approval from the Architectural Control Committee the proposed alteration or improvement may not be commenced..."

Application Process

The ARC will require a set of modification plans in addition to the submission of an application. All forms, plans and any additional documents must be uploaded on the Enumerate Engage website (formerly NABR), or other website specified in the application form.

Drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines and easements) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ARC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations & Variances

While the Architectural Rules are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ARC will not grant approval for a proposed modification that is inconsistent with the Architectural Rules, unless the ARC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ARC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the ARC.

Review Period

Each application and plan submittal shall be **approved or disapproved within 45 days of receipt of the complete application including all materials required by the ARC.** No application is considered complete until all required and requested documents have been received. The ARC's decision shall be based upon a majority vote of the ARC and shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.

2. "Approved with Conditions" - The application is not approved as submitted, but the ARC's direction for curing objectionable features or segments is noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ARC shall specify the particular grounds upon which denial of such application is based.
4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the forty-five (45) day period for further ARC response shall only commence upon receipt of the requested additional information. If the application remains incomplete after 30 days of submission, it is denied and the Owner is required to submit a new application.

If the ARC fails to respond within 45 days of receipt of a complete application, approval shall be deemed granted. *As a condition of approval under this section, each Owner and all successors-in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.*

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any Owner who submits Plans to the ARC and disagrees with the finding of the ARC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ARC or its representative. At such meeting, the ARC or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ARC. The decision of the ARC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

City / County Approval

The review and approval of plans and specifications by the ARC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ARC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Rules or any

approval issued by the ARC or Board, the ARC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Rules and the Owner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ARC and receives approval for that additional time.

Time to Complete

The ARC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ARC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ARC, the Applicant must notify the ARC of such changes and receive approval from the ARC prior to implementing such changes.

Enforcement, Due Process Hearings, Fines & Fees

Any construction, alteration, or other work done in violation of these Rules or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ARC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ARC will investigate any reported violation and attempt to bring the Owner into compliance. Owners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.

2. Should the Owner fail to act upon the recommendations for corrections, the ARC shall submit the matter to the Board.
3. The Owner shall be invited to a hearing with the Board where the Owner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the Owner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at up to \$100/day to uphold standards that will protect and ensure Owners of maintained property values, with regard to holding all property Owners accountable for abiding by the existing covenants.

Fees associated with enforcement

Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association, to pursue all legal and equitable remedies available to enforce the provisions of the DCCR, Architectural Rules, and the decisions of the ARC.

ARCHITECTURAL RULES AND ASSOCIATED STANDARDS FOR CHANGES OR IMPROVEMENTS

The following specific site criteria shall apply to all proposed modifications within the community unless the ARC or Board grants a variance. These Rules may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Salem Village Owners Association, Inc. Applicants are responsible for obtaining all necessary building permits through the Town of Apex or applicable governing body.

Air Conditioning Equipment

Unless otherwise permitted by the ARC, no window-air-conditioning unit (sides or front) shall be installed.

Antennae and Satellite Dishes

In accordance with the federal *Telecommunications Act of 1996*, installation of a satellite dish does not require prior approval, provided that the dish is: a) no more than one (1) meter (39.37 inches) in diameter, b) has a hidden cable, and c) is not placed in front of a home. If the only viable location to obtain a signal is in the front of a home, the Owner must submit a letter provided by the installation company confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on a free-standing pole in the yard.

Awnings

The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation will be reviewed by the ARC on a case-by-case basis.

Basketball goals

The placement of a basketball goal requires prior approval of the ARC (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). Permanent basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad and must be mounted on a single pole cemented into the ground. Portable basketball goals 1) may not be stored on common area; 2) must remain upright at all times; 3) must not impede on neighboring lots, traffic or pedestrians in any way; and 4) may not create a noise nuisance.

Clotheslines and outside clothes drying

No clothesline or clothes poles shall be erected, and no outside clothes drying is permitted.

Common Area

Common Area is all real property owned by the Association for the common use and enjoyment of its Members. Per Declarations §4.12. The Association has the right to adopt, publish and enforce Rules and Regulations governing the use and enjoyment of the Common Area, and any facilities thereon. The Association is obligated to repair and maintain the Common Area and any improvements, utilities and facilities located on the Common Area. Owners are prohibited from constructing any improvements, drainage structures, planters, fences, etc. in Common

Area without the Associations' prior written permission. Owners are, however, allowed to mow and maintain Common Areas.

Curtains/Window Treatments

No Owner shall place on or about any windows any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels, or bedsheets in any window. Any window treatments deemed not to be in keeping with the overall scheme and aesthetic of the Property shall be removed by the Owner at the discretion and at the direction of the ARC.

Driveway extension

No driveway extension shall be closer than 1 foot from the side property line and shall not extend toward the street past the sidewalk. Where there is no sidewalk, an extension shall not be closer than 10 feet 8 inches from the street edge of the curb. Prior approval of the ARC is required for all driveway extensions (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). Driveway extensions may not be placed within the HOA Maintenance Easement.

Exterior Appearance of Home

All yard art, door decorations, plants, furniture, and grills must be kept clean and in good condition. All grills must be stored on the rear patio only. All furniture must be specifically designed for outdoor use. Cleaning equipment such as mops, brooms, buckets, or storage boxes, bins, lawn maintenance equipment, etc. may not be stored anywhere on the exterior of the unit. Siding, trim, decks, and exterior painted surfaces must be kept in good condition. Obvious accumulations of mold/mildew/algae/lichens/moss on these surfaces must be cleaned/removed.

Exterior Lighting

Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ARC (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). The ARC may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Holiday lights shall be removed no later than one (1) month after the holiday.

Fences

Five-foot high black aluminum fencing is the sole fencing material allowed to be installed by owners in Salem Village. The approval of the ARC is required prior to installation of all fences (see Exhibits to Salem Village Rules & Regulations - B for approved fencing option and Exhibit D for examples of plot maps). All fences installed by the Developer shall be maintained by the Owners on which property the fence is located.

Please note that Owners in The Cottages at Salem Village have additional fencing requirements due to the yard maintenance program provided in this portion of the community. A five (5) foot gate must be installed on both sides of the fence to allow access by the Landscaping Service (see Exhibits to Salem Village Rules & Regulations - Exhibit B for further information).

Each Owner shall be solely responsible for securing its fence gates and securing its pets before, during and after the Association's performance of the landscaping work within the fenced rear yards of such Owner's Landscaping Service Area Lot. Owner also understands that the day and time of landscape service will vary and a set schedule cannot be guaranteed.

Fireplaces, Firepits, Firebowls, Contained Fires

Outdoor fires located within an enclosed outdoor fireplace or other similar device specifically designed to hold and contain a fire, shall be permitted along with grills, if located in the rear yard of a home and if utilized in a safe manner. No fires may be left unattended at any time and all such installations must comply with applicable municipal requirements. Barrels may not be used to contain a fire.

Flags

Flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and a 4' x 6' NC flag may be flown on the flagpole, in accordance with §47F-3-121 North Carolina Planned Community Act. Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of any flag displayed does not exceed 4' x 6'. Other flags may be flown, provided 1) no larger than 4'x 6', 2) not prohibited by law, and 3) not flown above the U.S. flag, if both are on the same pole. No more than two flags may be flown on any Lot.

Gardens, Garden Containers

Garden plots and/or raised beds do not require prior approval of the ARC, provided that the following criteria are met: 1) the total garden area does not exceed 8 feet X 12 feet; 2) the garden area is located directly behind the home and not visible from the street in front of the home; 3) the perimeter of the bed is constructed of materials specifically designed for outdoor use; 4) no wire or chain link may be used to enclose the garden; 5) the garden must be properly maintained throughout the growing season and dead plant material removed at the end of the growing season.

Grills, gas or charcoal

The preferred placement of a grill is at the rear of a home, on a deck with stairs or patio. Owners who choose to store their grill in their garage and place the grill on the driveway for operation must adhere to the following requirements: 1) the propane line must be disconnected from the grill whenever stored in the garage; 2) when in use, the grill must be placed on the rear portion of the driveway, at least 10 feet away from the building and any combustible materials; 3) the grill must be returned to the garage within 4 hours of use.

Hot Tubs and Saunas

Hot tubs and saunas require a Town of Apex building permit. The approval of the ARC is required for the installation of any hot tub, sauna or spa (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at

the rear of the house but not extending beyond the sides of the house and shall be installed in such a way that is not immediately visible from the street in front of the house or to adjacent property Owners and shall not create an unreasonable level of noise for adjacent property Owners. Additional landscaping or screening plants may be required by the ARC, depending upon location of hot tub/sauna. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Mailboxes

All owners with mailboxes on their property shall keep the mailboxes, posts, and support brackets in good condition. Posts may not obviously lean from vertical in any direction.

All Owners should paint (gloss black) or replace mailboxes, their supporting posts and brackets if they are in disrepair or leaning. Owners wishing to replace their mailbox with a design other than the original must submit a request and receive approval from the ARC prior to replacement.

House Numbers

For safety and security reasons, 4-5" high house numbers shall be displayed on the front of homes so they are clearly visible from the street. Color should contrast with the background.

All Owners must display the assigned house number on the front of their mailboxes to assist mail delivery and emergency services.

Owners must keep house numbers in good condition. (See Exhibits to Salem Village Rules & Regulations - F for possible places to obtain house numbers)).

Patios/Decks/Screened Porches

The approval of the ARC is required for the construction of patios and screened porches (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house. Patios and decks shall be no closer than 5' from the side and rear property lines. Plasticized wood products are allowed for decks. Aluminum is allowed for screening frames. No structure may be placed within the HOA Maintenance Easement.

Play Equipment

Play equipment must be of wood or composite (not metal or plastic) material and must be placed in the backyard. No play yard equipment, including trampolines may be placed in the front or side yard nor in the Common Areas.

Pools

No above ground pools (except for wading pools no more than 2' tall and no wider than 10' in diameter) shall be allowed or approved by the ARC on any Lot. In-ground swimming pools require a Town of Apex building permit with the apron surrounding the pool no closer than 5'

from the side and rear property lines. The pool equipment (pipes, pumps etc.) must be shielded from view. Prior approval of the ARC is required for all in-ground pools (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). Additional landscaping or screening plants may be required by the ARC, depending upon location of the pool. Wading pools shall only be used during appropriate weather and must be emptied and stored when not in use.

Resource Conservation Areas (RCAs)

The Town of Apex has designated tree conservation in several Resource Conservation Areas (RCAs) located throughout the community and owned in common by the Association, as shown on recorded maps of the property. No tree disturbing activity shall be permitted in tree conservation areas in violation of the Town Code. Any tree disturbing activity undertaken in tree conservation areas or in undisturbed open space areas (and similarly designated areas for tree preservation subject to tree coverage requirements) shown on recorded Maps of the Property without a permit from the Town or otherwise in violation of the Town Code is a violation of the Town Code and may result in significant financial consequences.

Per Declarations §8.1.2, F), No development, including grading or vegetation removal or alteration, shall occur as part of the development project or associated construction activity inside the RCA. This means no improvements, or structures; including but not limited to treehouses, fences, and planting beds; shall be constructed in the RCAs.

Only the Town of Apex can approve the removal, by hand, of dead or naturally fallen trees or vegetation, or the removal, by an approved method, of trees or vegetation that are found by the Town to be a threat to the public health, safety, or welfare. An Owner may request to the Property Management Company that a tree in the RCA be removed due to safety concerns in which case the Property Management Company shall coordinate with the Town of Apex and must obtain a written response from the Apex Zoning Compliance Officer providing authorization for the tree to be removed. If the Apex Zoning Compliance Officer cannot confirm the tree is dead, diseased or poses a hazard, the Property Management Company will coordinate an inspection from a certified arborist to confirm if the tree poses a hazard to the property and/or residents who have requested the removal. This report will be submitted to the Town of Apex for a determination. If the Town of Apex concurs with the report, the Association will pay for dropping the tree in the RCA.

Owners are prohibited from mowing and/or maintaining any portion of RCAs, except as approved in writing by the Association Board and the Town of Apex.

Retaining walls

The Association has no obligation to maintain any retaining wall other than those designated by resolution of the Board of Directors and filed with the Wake County Register of Deeds. Retaining walls are subject to Town of Apex building permit requirements. An ARC request is required for retaining walls, other than “garden walls” no higher than 18” around flower beds and A/C units (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps). See Exhibits to Salem Village Rules & Regulations - Exhibit E for schematic showing

Association-maintained retaining walls. Retaining walls may not be placed within utility easements or Association Maintenance Easements. Owners are responsible for keeping the Association-maintained Retaining Wall easement free of vegetation to avoid compromising the structural integrity of the wall and to allow access for wall maintenance, if required.

Rooftop Equipment

1. The approval of the ARC is required for all rooftop equipment and accessories, unless specifically an exception in this section.
2. Photovoltaic (PV) solar panels (type currently installed in Salem Village) may be installed on any roof surface. No ground-mount installations are allowed.
3. Such installations shall strictly comply with applicable building permit requirements, installation by licensed professional (NABCEP PV Installation Professional certification), neat and professional wire management, all roof conduit and wiring color matching closely the color of shingles and must be approved by the Salem Village Architectural Control Committee (also referred to "ARC").
4. ALL conduit must run within 2" (two inches) of the line of house trim and surface offsets (gap between conduit and trim/surface not more than 2"). See Exhibits to Salem Village Rules & Regulations - Exhibit A for PV solar conduit routing.
5. ARC application process
 - a) Communications regarding ARC applications are only between the Owner and the Property Management Company. Direct communications with contractors by the ARC or Association could inadvertently compromise the Owner because of unknown arrangements between the Owner and its contractor.
 - b) ARC applications submitted by anyone other than the Owner are treated as invalid and will not be acted upon by the ARC committee. This also applies if an Owner sends a separate email requesting approval of an email sent by the contractor, such as a solar company.
 - c) Communications regarding the ARC application and/or specific questions associated with the application will be to/from the ARC via the Enumerate Engage website (formerly called NABR) or the Property Management Company and the Owner. No one else, such as a contractor, will be copied.
 - d) The ARC application shall consist of:
 - 1) The ARC application form is available on the Enumerate Engage (formerly called NABR) website or Property Management Company's website. The application must state specifically what is requested and with appropriate signatures. If any other application form, other than the current Salem Village form is submitted, the application will be denied.
 - 2) One page with a photo example of the proposed panel installation. This is to ensure that the panels are PV only.
 - e) Plan showing the location of visible wiring/wiring conduits on the home The ARC application will **automatically be denied** if the attachments include a submittal letter by the solar company, efficiencies with various solar panel orientations, or any company promotional material.

Shed, Playhouse or Tree House

Storage shed, playhouse or tree house plans must be approved in advance before construction can begin. (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps) Approved storage sheds and playhouses must be no larger in size than 8 x 12' and no higher than 12' and be constructed of wood and finished with a siding material with matching color and composition to the residence. Sheds and playhouses shall be no closer than 5' from the side and rear property lines, and may not be placed within utility easements or Association Maintenance Easements

Smaller sheds are allowed next to the side of the house with no more than 32 sq ft footprint with maximum height of 8'. Material may be wood, composite or plastic (no metal sheds are allowed), providing color matches, as close as possible, the siding color.

The shed/playhouse must have a suitably constructed flooring system. The walls must match the existing color of the house. The roof must be constructed of architectural shingles that match the type and color of the home. Additional landscaping or screening plants may be required by the ARC, depending upon the location of the shed. Sheds and playhouses may not be located in a sewer, landscape or drainage easement. Lastly, Owner must obtain all necessary permits and approvals from The Town of Apex.

Tree houses do not have a standard design requirement and will be considered on a case-by-case basis.

Signs

1. The following signage described below may be installed without prior authorization of the ARC, provided that all signs shall comply with the Town of Apex and Wake County sign ordinances.
2. One security company sign may be placed in the front yard only in existing planter beds without prior ARC approval. Post may not extend more than 24 inches above grade and sign may be no larger than 12 inches x 12 inches. Preferred location of sign is near the front door of the property.
3. Vendor signage is permitted on an owners lot during construction/improvements and must be removed immediately upon completion. No Vendor signage is allowed in Common Areas.
4. No more than one (1) political sign may be displayed on any Lot at any one time. Political signs may not be displayed any earlier than 45 days before the day of the election for which the political sign is being displayed or later than 7 days after an election for which the political sign is being displayed. No political sign may exceed the dimensions of 24 inches by 24 inches. For purposes of this Section, "political sign" means a sign that attempts to influence the outcome of an election including supporting or opposing a candidate or an issue on the election ballot.
5. Permits as may be required by legal proceedings and permits as may be required by governmental entity may be placed on any Lot or Unit.
6. Owners are permitted to post one "No Soliciting" sign near or on the front door of their residence, provided that the sign does not exceed twenty-five (25) square inches.

7. One temporary sign per Lot, which has a maximum face area of five (5) square feet that advertises property For Sale.
8. There may be one other sign placed in the yard not to exceed 24 inches x 24 inches.
9. Small, discreet signs or stickers, such as security surveillance and alerting firefighters and police of resident or pet concerns, are exempted.
10. For Rent and/or For Lease signs are prohibited.
11. No sign may be displayed in the window of any residence location on any Lot or Unit, unless specifically allowed in this Section.
12. No other signage whatsoever, without the ARC's prior written approval may be installed, altered, or maintained on any Lot or Unit or on any portion of a structure visible from the exterior thereof. A Plot Plan/Survey map with exact placement of the sign, dimensions, and sign content must be submitted to the ARC for approval.

Temporary Structures

Temporary structures are prohibited including tents except for camping tents that are used for occasional overnight sleeping.

Trash, Garbage, Rubbish, Waste

No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of any private rights-of-way or adjoining lots. Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area by the end of the collection day (see Exhibits to Salem Village Rules & Regulations - Exhibit C for requirements for trash screens).

Trees and shrubs

1. New plantings
Requests for additional plantings require approval from the ARC. A copy of the plot plan with the proposed location of the plantings, along with the type of planting and size at maturity should be noted on the plot plan (see Exhibits to Salem Village Rules & Regulations - Exhibit D for examples of plot maps).

The ARC requests shall identify each type of tree and shrub, along with the mature width and height and place each tree and shrub trunk no closer to the property line (either back or side than one-half (1/2) of the mature width plus 2'. For example, if the mature width of a tree is 10', the trunk can be no closer to the property line than 7' (10/2 + 2).

2. Removal of a tree on a Lot.
The Developer's tree planting plan required the Town of Apex approval, and the Town of Apex requires the Owners to maintain the same or more trees than in the original plan. If a tree to be removed is located on a lot and not in the RCA, the Owner must submit an ARC request, along with a copy of the plot plan with the location of the tree to be removed marked or a photograph of the rear yard with the tree to be removed marked. Should the tree to be removed be close to the house foundation or the Association-Maintained

retaining wall the tree may be removed without prior approval. Should a tree or other plantings die or become overgrown, they may be removed replaced without ARC request.

LANDSCAPING RULES AND ASSOCIATED SITE STANDARDS

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned. Without limitation, examples of non-compliance include excessive weeds in the turf, weeds in landscape beds, and grass height greater than 4 inches. Sidewalks, driveways, curbs, and landscape beds must be edged.

Changes to the existing landscaping plan of the home require prior approval of the ARC. Requests should be accompanied by a plot plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may be requested by the ARC. These plans should include the mature height and width of proposed plantings. Grass in the front yard must be Bermuda or Zoysia. For side and rear yards where shade is a problem, Fescue grass may be planted.

Drainage

No Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or Common Area or which adversely affect other Lots or Association Common Area. The ARC are not drainage experts and approval of ARC request does not constitute approval of drainage impact on adjacent Lots or Association Common Area.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

CONSTRUCTION STANDARDS

Inspections

The ARC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural Rules. All inspections are observations only and will not relieve the Owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Rules or approved plans will be issued a Notice of Violation. Further construction is prohibited until the Owner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by an Owner, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the Owner of the damaged property. The Association, at its sole option, may elect to repair the damage and assess the costs of repair to the Owner responsible for the damage. If the Association does not elect to repair the damage, the Owner responsible for the damage must repair it at the Owner's expense.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

Site Cleanliness

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

OWNERS SHOULD REFER TO ARTICLE VII, USE RESTRICTIONS AND ARTICLE 13, ARCHITECTURAL CONTROL, IN THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR SALEM VILLAGE FOR ADDITIONAL INFORMATION.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, ARC, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not

bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages.

GENERAL RULES

INTRODUCTION

To live harmoniously in a close community, it is necessary to have a few rules. Please keep in mind that each one of these rules is necessary to make your day-to-day life and the day to day lives of your neighbors more pleasant and enjoyable. By observing these rules, all residents of the Salem Village community will have the benefit of living in one of the most pleasant and appealing residential communities in the region. If there are any rules with which we just cannot live, your Owners Association Board of Directors (the "Board") has the authority to revise them.

These rules and regulations are in addition to those covenants, conditions and restrictions for Salem Village set forth in the Declaration of Covenants, Conditions and Restrictions for Salem Village governing the community, as amended from time to time (the "Declaration"). If there is a conflict between the provisions of the Declaration and these rules and regulations, the provisions of the Declaration shall control. Capitalized but undefined terms set out in these rules and regulations shall have the meanings ascribed to these terms in the Declaration.

APPEARANCE

In addition to any restrictions contained in the Declaration:

1. No portion of the Common Areas shall be decorated in any manner by any Owner or occupant without the prior written consent of the Board.
2. Each Owner shall maintain his or her Lot and the improvements and landscaping thereon in good repair.
3. No Owner shall make any alterations or improvements of or to the Common Areas without the prior written consent of the Board.
4. No tables with umbrellas or grilles of any kind shall be located on any front porches of the homes on the Lots.
5. It shall be the responsibility of each Owner to regularly water the grass, plants, trees and landscaping on its Lot.

DISTURBANCES

In addition to the restrictions contained in the Declaration:

1. No Owner shall make or permit any noises that will disturb or annoy the occupants of the buildings or permit anything to be done therein which will interfere with the rights, comfort, or convenience of other Owners. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS. EXCESSIVE NOISE FROM PARTIES, STEREOS, TV's, ETC. CAN FRUSTRATE NEIGHBORS. SPECIAL CARE SHOULD BE GIVEN TO NOISE AND DISTURBANCES EMANATING FROM PRIVATE COURTYARD AREAS, PORCHES AND BALCONIES.
2. No discharge of firearms or fireworks shall be permitted,
3. No excessive idling of vehicles shall be permitted.
4. Owners shall ensure that alarm systems associated with their homes and automobiles are in good working order and repair to avoid unwarranted disturbances to neighbors.

5. All motorized vehicles operating within the Property must be properly muffled to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the Property.

FITNESS CENTER AND CLUBHOUSE RULES

1. The fitness center is open daily from 5 am to 9 pm. The fitness center is for use only by Salem Village residents and their guests. Admittance to the clubhouse and fitness center is by FOB access only, No person may open a door or gate for anyone other than members of their household or household guests. Anyone using this facility without authorization is subject to arrest for trespassing.
2. Residents must accompany their guests; only two guests are allowed in the Fitness Center.
3. No one under 16 years of age is allowed to use the fitness center.
4. No food allowed in the Fitness Center; NO SMOKING OR VAPING IN THE CLUBHOUSE
5. Please turn off all machines when you leave. Lights and fans are controlled by occupancy sensors.
6. Horseplay is prohibited in the fitness center.
7. Slamming/dropping weights is prohibited.
8. In addition, users of the fitness center shall abide by any rules posted in these facilities.
9. Users of the common areas (e.g., clubhouse, pool, grassy areas, planted areas, forested areas) must pay to correct any damage to those areas/facilities caused by their activities.
10. Renting the clubhouse gathering space for a private event is subject to fees and rental rules adopted by the Board of Directors from time-to-time. Renters must sign or otherwise acknowledge the rules and fees when they make a deposit for use of the facility. Rental of the room does not include Fitness Center use or access to the pool deck.

GARAGE SALES

No garage sales or similar activities shall be permitted on any Lot or within the common Areas, except as approved in writing by the Board.

GARBAGE AND UTILITIES

1. All garbage and refuse from homes shall be deposited with care in containers provided for such purposes, shall be transported by each Owner for collection to such location as is required by the garbage service, and shall be retrieved by each Owner and appropriately screened from the view of any private rights-of-way or adjoining Lots within twelve (12) hours after garbage collection. All waste should be bagged and tied before depositing in receptacles.

2. No Owner shall interfere in any manner with any portion of the common lighting apparatus in or about the buildings. No Owner shall install exterior lighting on the Property, except as approved in writing by the Board.
3. No Owner shall dispose of any paint, oil or other similar materials in storm drains or other portions of the Common Areas.

PARKING AND STORAGE

1. These rules are in addition to any restrictions contained in the Declarations.
2. No vehicles of any type shall be parked on the sidewalk, nor shall vehicles of any type be parked or stored on any part of a Lot not improved for that purpose (i.e., a garage, driveway or parking pad). The Developer intended for Owner vehicles to be parked/stored in the garage and driveway with at least two vehicles parked in the garage and not more than four vehicles may be parked on the driveway/parking pads. Owners are prohibited from parking overnight on the street, except for occasional parking for guests. It is important to note that Owner parking is restricted for overnight street parking primarily for safety and aesthetic purposes.
3. The parking lot by the clubhouse and swimming pool is strictly for Owners use while using such facilities. Owner's vehicles parked in the parking lot when not using the facilities are subject to towing at Owner's expense.
4. No bicycles, motorcycles, mini-bikes or similar vehicles or other personal articles shall be stored in the Common Areas or on porches except as approved in writing by the Association.
5. No vehicles belonging to any Owner or to a member of the family or guest, or tenant of an Owner shall be parked in such manner to impede or prevent ready access to the remaining parking areas within the community. Owners, visitors, licensees and the Owners' families will obey the posted parking regulations, and any other traffic regulations published in the future for the safety, comfort and convenience of the Owners.
6. No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored or left on any portion of the Property. The term "commercial vehicle" shall generally exclude government-issued vehicles or automobiles of a type commonly used for family transportation notwithstanding that they may have commercial lettering or logos on their exteriors, provided (i) no objects, signs, tools, tool racks, or other forms of commercial advertising are attached or affixed to the vehicle; and (ii) the Board shall have the authority in its sole discretion to make final determinations as to whether a vehicle is a commercial vehicle on a case by case basis.
7. No inoperable or wrecked vehicles of any type are allowed on the Salem Village Lots, either temporarily or permanently. No repairs to any vehicles or other personal property shall be made in parking spaces or driveways, except in the case of emergency.
8. No vehicles of any type shall be parked or stored on any sidewalk in the Property or on any part of a Lot other than in those areas improved for that purpose (i.e., driveway or parking pad), and all parking and storage shall otherwise comply with all governmental and private rules and regulations, including regulations regarding nuisance and on and off-street parking.

9. No garage sales or similar activities shall be permitted on any Lot or within the Common Areas, except as approved in writing by the Board.
10. All motorized vehicles operating within the Salem Village neighborhood must be properly muffled to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the Property.

NOISE/NUISANCE

1. A nuisance is described as any noxious or offensive activity carried on, in, or upon any part of the Community or anything which may be or become an unreasonable annoyance or inconvenience to the residents. This includes unreasonably interfering with the quiet enjoyment of residents.
2. Owners shall not allow their dogs to be a nuisance by barking.
3. Please refer to the Apex Noise Ordinance, which can be found at the following link: <http://library.municode.com/index.aspx?clientId=13893>.

PETS

1. No animals, livestock or poultry of any kind shall be kept or maintained on any portion of the Property or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Association may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interference with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Association, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.
2. Owners shall clean-up after their pets, including without limitation on all properties within the Salem Village.
3. If on the property of the Owner or possessor, animals shall be restrained/controlled by a) a leash, chain, or other like device, b) a secure enclosure, or c) being in the dwelling house of the Owner or possessor. If off the property of the Owner or possessor, animals shall be controlled by a) a leash not greater than ten feet in length or b) by being in secure vehicle that is parked or being driven.
4. No animal, including domesticated cats, shall roam free within the Common Areas and otherwise shall be kept on an overnight basis within homes. This requirement supersedes any other language contained in the DCCR. Owners may request the Property Management Company to notify pet owners of noise and clean-up issues. Owners may also notify Wake County's Animal Control regarding a nuisance by animals

being at large or barking, contact Apex Animal Control at: (919) 212-7387. Apex follows Wake County's Animal Control policies, which regulates that all animals remain physically restrained at all times, whether by leash or fence. It is not necessary to register your animal in Apex, but your pet should always have their rabies tags displayed.

RECIPROCAL EASEMENTS FOR FENCE AND LANDSCAPE MAINTENANCE

Declarations § 4.05 provides, inter alia, Reciprocal Easements. There shall be reciprocal appurtenant easements between each Lot and such portion or portions of the Common Area as may be adjacent thereto and between adjacent Lots for the flow of rainwater from gutters and downspouts, the repair of fences and similar improvements, lawn maintenance and trash removal (including the transport of sanitary containers for pick up by the applicable disposal service); provided, however, that no such easement shall unreasonably interfere with the use and enjoyment of the Common Area or any adjacent Lot. Thus, Owners of adjacent lots have easements for lawn and fence maintenance, among other things, and Owners must accept entry onto their property by an adjacent Owner or Owner's agent to perform these functions.

SAFETY

1. It is recommended that each Owner maintain in a prominent place within its home a general-purpose fire extinguisher.
2. No uncontained outdoor fires shall be permitted other than grilles, firepits, fireplaces, and fire bowls, located within Lots or within the Common Areas specifically designated for such use by the Board.
3. Owners shall exercise reasonable care in the enjoyment of fireplaces located within their homes.
4. Each Owner shall secure access to their home.

SWIMMING POOL RULES

1. **Pool Hours**
 - a. **First Saturday in May through August 31: 6 am to 9 pm**
 - b. **September 1 through the last weekend in September: 7 am to 8 pm**
 - c. ***THIS POOL IS NOT RATED FOR NIGHT SWIMMING, thus no one may swim in the dark even though the pool area is open.***
2. This is a private pool **with admittance by FOB access** only. It is only for the use of Salem Village residents and their guests. No person may open a door or gate for anyone other than members of their household or household guests. Anyone using this facility without authorization is subject to arrest for trespassing.
3. **No lifeguard** is on duty at this pool. Users of this pool do so at their own risk. Salem Village Owners Association, Inc. will not be responsible for any accidents or injury in or around the pool. Use of the pool indicates acceptance of these conditions.
4. The pool is for private recreational use: members and guests only. Limit of 4 guests per household. Residents must accompany guests.

5. No running, boisterous or rough play.
6. No diving allowed.
7. CHILDREN UNDER THE AGE OF 14 MAY NOT USE THE SWIMMING POOL WITHOUT ADULT SUPERVISION.
8. NO ONE SHOULD SWIM ALONE.
9. No persons under the influence of alcohol or drugs shall use the pool.
10. No person with a skin, eye, ear or nasal infection is allowed in pool.
11. Babies and toddlers who are not toilet trained must wear a disposable swim diaper plus a reusable swim diaper over the disposable. Owners whose children who are not wearing this diaper combination and who have a fecal leak requiring pool shutdown and disinfection will be charged the cost of disinfection.
12. No animals or pets are allowed in the pool or on the pool deck.
13. NO GLASS ALLOWED IN THE POOL OR ANYWHERE INSIDE THE POOL FENCE. This endangers swimmers. Broken glass in the pool requires that the pool be drained and refilled at great cost to the owners.
14. NO SMOKING OR VAPING IS ALLOWED INSIDE POOL FENCE.
15. First Aid Kit and AED are located in the clubhouse hallway.
16. Umbrellas must be closed after use. If they are open and a storm occurs, they may be irreparably damaged.
17. EMERGENCY PHONE LOCATED ON THE NORTH SIDE OF THE CLUBHOUSE INSIDE THE POOL FENCE.
18. Users of the pool shall abide by any rules posted in these facilities.
19. Users of the common areas (e.g., clubhouse, pool, grassy areas, planted areas, forested areas) must pay to correct any damage to those areas/facilities caused by their activities.
20. Renting the clubhouse gathering space for a private event is subject to fees and rental rules adopted by the Board of Directors from time-to-time. Renters must sign or otherwise acknowledge the rules and fees when they make a deposit for use of the facility. Rental of the room does not include access to the pool deck.

USE OF COMMON AREAS

In addition to any restrictions contained in the Declaration:

1. No climbing or horseplay on or near retaining walls located within the Common Areas shall be permitted.
2. No disturbance of any creeks, storm water detention areas or landscaping areas located within the Common Areas (except by the Declarant or the Association) shall be permitted,
3. No decorations of any kind shall be installed in the Common Areas except for decorations approved in writing by the Board.
4. No garage sales or similar activities within the Common Areas shall be permitted, except with the prior written consent of the Board for each occasion that any such activity takes place.

5. The Association shall require Owners to repair any damage to Common Areas or RCAs or, in its sole discretion, may repair with all costs borne by the Owner causing the damage.