

Rules and Regulations Of New Kent Village Condominiums

This revised document was approved
By the Board of Directors
on February 2, 2011.

Welcome to the New Kent Village Condominium complex. The Board of Directors (BOD) of the New Kent Village Home Owners Association (HOA) wishes to make all homeowners/residents aware of current rules and regulations. Our condominium units are governed by State of North Carolina, Wake County and Town of Cary laws. The main body of regulations is contained in the condominium documents which include the Restrictive Covenants found in "Declaration of unit ownership" Book 3495 Page 11, Section IV starting Page 28 and filed with Wake County. The BOD of the HOA also makes regulations when necessary as authorized by the Restricted Covenants. The major considerations in all decisions are the safety of residents, reduction of damage to the buildings, and maintaining the best possible appearance of the complex to maintain and improve property values.

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1.0 GENERAL INFORMATION ABOUT REGULATIONS FOR OWNERS AND RESIDENTS

1.01 Renters and resident owners must abide equally by these Rules and Regulations. The Rules and Regulations are to be included with the lease and furnished to all renters by the unit owner. The Rules and Regulations contained herein are for the most part common sense to which all residents and unit owners are expected to adhere.

1.01.01 Unit owners are responsible to the HOA for the actions of their family, friends, guests, animals and/or renters, and unit owners will be held legally and financially responsible for violations of the Rules and Regulations.

1.01.01.01 A unit owner noted herein is the owner of the unit that is occupied by the unit owner (homeowner) or by a renter.

1.01.01.02 A resident (homeowner or renter) is responsible for discussing with a neighbor any infringements by the neighbor on the resident's privacy and enjoyment of the use of the unit in which they live.

1.01.01.03 A resident (homeowner or renter) is responsible to notify local authorities (police or our Management Company's security) in regard to activity by others on the premise of New Kent Village that violate the resident's privacy and enjoyment of the unit within which they live.

1.02 Occasionally, it becomes necessary for the BOD (Board of Directors) to take special action to enforce the rules and regulations. The BOD is empowered to suspend voting rights in the case of those who disregard the rules after a request for compliance has been made. As a final resort before the initiation of legal action, the BOD may **impose fines** (North Carolina Condominium Act Chapter 47C). The fines will range from twenty-five dollars (\$25.00) to one-hundred dollars (\$100.00), which may be repeated monthly (except vehicle and parking violations, which will be levied per day) if violations continue. For any imposed fine, the unit owner will be responsible for any service, collection, consulting, motor vehicle towing, legal or administrative fees that are associated with generating notices, accounting and collecting of the imposed fines. Unit owners are responsible for the actions of their dependents, guests, animals and tenants.

1.03. No portion of the properties shall be used except for **single-family residential purposes**. Single-family means and refers to a group related by blood, marriage, or adoption living together, which may include no more than two (2) unrelated persons, its servants and guests. No business activities shall be conducted on any portion of the condominium property, however, private offices may be maintained in a Unit so long as such use is incidental to the primary residential use of the Unit.

1.04 Units may be leased if done so in a manner that does not violate the governing documents of the HOA or the ordinances of the Town of Cary for areas zoned R-4. Each unit should be used for a single-family residence and for no other purpose. No owner may **lease** his/her unit for less than a thirty-day (30) day term or for purposes of occupancy by other than a single-family as defined above. **Renting** individual rooms or a portion of a residence as a utility apartment is not permitted, nor are more than two (2) unrelated individuals permitted to reside in a unit in accordance with local and state residency laws.

1.05 Insurance premiums are a common expense set by the Homeowners' Association master policy that covers the buildings, grounds and the interior as originally purchased from the builder. Personal property and upgrades obtained after purchase need to be insured by the homeowner through an individual condominium insurance HO6 policy. Unit owners should consult their insurance agent.

1.05.01 Damage to one or more units due to a neighbor's equipment failure should be reported immediately to each insurance company. The insurance companies involved will determine responsibility for damage and payment.

2.0 RULES GOVERNING BUILDINGS/INDIVIDUAL UNITS

2.01 No unit owner may make **structural alterations** or modifications to a unit or to any of the common areas without the written permission of the BOD.

2.02 **No signs** or other advertising devices shall be displayed, which are visible from the exterior, except one "For Sale" or "For Rent" sign displayed from within the unit.

2.03 All residents need to have a key for their unit readily available to the management company for quick **unit access** in case of an emergency situation. If there is an emergency and the resident is not at home, a locksmith will be called to gain entrance. All fees for the services of the locksmith will be charged to the owner of the unit. A key may be given to any member of the BOD who will transfer it to the management company. The BOD also recommends a key be left with a trusted neighbor for convenience and even quicker access.

2.04 The FCC through the Telecommunications Act of 1996 (Telecom Act), ruled that a condominium unit owner is allowed to install a satellite dish, less than one meter in diameter, in any area within his/her exclusive use and control, defined as "limited common area". Each unit owner's "limited common area" in his/her porch or balcony (including the railing and walls within the porch or balcony). The Telecom Act notes that pre-approved by a HOA before installation of a satellite dish within the limited common area is not required; however, your HOA Board of Directors does retain the right to require that a satellite dish be removed, relocated or adjusted should it not be installed and fully contained within the "limited common area" of your unit, as defined above. Although not required, sharing your plans with the HOA Board before installation is advised.

2.05 Unit owners are responsible for **monitoring the wiring** by their electric meters and air conditioning units yearly. There should be no loose or unprotected wires and all wires should be in good condition.

2.06 Residents will always keep their **decks/balconies and porches** neat and clean .

2.06.01 Do not store, hang, or drape flags, rugs, towels, laundry or other household items on the railings or other portions of those areas.

2.06.02 A United States of America and State of North Carolina flag may be flown if mounted on an appropriate pole that is attached to the building. To conform to the flag code established by the US Congress and North Carolina legislature, flags should never be draped over a railing.

2.06.03 Pictures or signs may not be hung on decks/balconies and porches.

2.06.04 Decorations, plants or furniture are not allowed on the floor by the front entrance of - any unit. Decorations are allowed on the wall next to the front door, but decorations should be kept to a minimum, maintained in a neat and orderly fashion as to not block the entrance to unit. Nothing can be stored on the breezeway floor or on the stairwell.

2.06.05 No more than two bicycles, a table and chairs and a grill may be stored on the decks/balconies; however grills are not permitted to be used on decks and must be used at a minimum of 15 feet from any unit or building.

2.06.06 Residents will respect the rights of others by exercising due care while sweeping dirt, trash, mopping fluids and other items to make sure that such does not fall onto the property or ground below, or in any way annoy occupants of other units.

2.07 Nothing may be stored in or under the stairwells exclusive of a garden type hose for use in washing cars and watering plants. Any object found in or under the stairwell other than a garden hose will be removed without notice.

2.08 NC building code regulations prohibit the use of portable grills within ten (10) feet of buildings and combustible materials at multi-family residential structures. Combustible materials are defined as pine straw, pine bark and other combustible landscape materials. This building code regulation applies to all portable charcoal and gas grills. In addition, portable electric grills that contain loose heat storage material such as lava rocks are also prohibited to be used within 10 feet of the structure.

2.09 Storage of gasoline, kerosene or propane tanks on balconies and in storage areas above the first floor at multi-family residential structures is strictly prohibited.

2.10 No decorative or holiday lights are allowed to be strung on the outside of units. Front door and deck/balcony lights are to be replaced by the homeowner and should be white. Yellow insect repellent or other colored lights are prohibited.

2.11 Bird feeders must be detached from the building and are not to be installed on the common areas without the prior approval of the BOD.

2.12 To preserve the architectural conformity of NKV the BOD approved a storm door model that can be purchased at Lowe's. The door must be a full glass storm door with optional screen insert, brown or black in color with either a black or brass handle.

2.13 Window boxes on the deck/balcony and porch railings must match the color of the railing. Unit owners are responsible for repair of damage to the railings caused by the window boxes.

2.14 The Cary Fire Department will inspect fireplaces and smoke detectors free of charge. Call 469-4056 to set up an appointment. Before operating your fireplace, you should ensure that the opening is covered with a sturdy metal screen or heat-tempered glass doors. Residents are responsible for ensuring that smoke detectors are installed and working properly at all times.

2.15 Chimneys should be cleaned by professional chimney sweeps after burning one cord of wood. Homeowners are responsible for having this done. The BOD recommends that only hardwoods be burned in the fireplaces because pine or other softwoods leave a high creosote residue, which is often combustible.

2.16 Ashes from fireplaces and grills should be removed and placed in a steel container until there are no embers left. Caution should be taken since embers can smolder under ash for some time. Cold ashes should be sealed in plastic bags and placed in the dumpster.

2.18 Firewood must be stored only on limited common property which is defined as:

2.18.01 Your deck/balcony in three-story and two-story buildings.

2.18.02 You cannot place firewood on the front porch of - any building because the Fire Marshal has stated it presents a fire escape hazard.

2.18.03 Firewood may NOT be stored:

2.18.03.01 Under or in the stairwell.

2.18.03.02 Across the upper balconies at the top of the stairs.

2.18.03.03 Against the front bedroom window.

2.18.03.04 Anywhere on the ground outside.

2.18.03.05 Wood may be stacked no higher than the patio/balcony or porch railing. Unused wood is be discarded at the end of each season, defined herein as no later than April 30th, as old wood will draw termites.

3.0 RULES GOVERNING GROUNDS/COMMON AREAS

3.01 The common area in the rear and sides of the buildings may be used for recreation as long as it does not destroy grass and plantings and is not so loud as to be a nuisance or annoyance to residents.

Bicycles, scooters, skate boards, rollerblades and other similar items should not be ridden on grass, natural areas, or sidewalks. All motor vehicles, except those belonging to the landscaping service, are prohibited from driving behind the units, on sidewalks, or on any non-paved areas. Damages to grass, trees, shrubs, fixtures, or buildings will be assessed to the unit owner of the offending parties.

3.02 One of the principal responsibilities of the NKV BOD is to maintain and improve the appearance of the grounds. The BOD contracts the services of a professional landscaper and lawn service. To maintain the desired uniformity of New Kent Village, a homeowner desiring to make any exterior landscaping change, except the **planting of flowers** at the front entrance of each building and/or next to individual first floor decks, must obtain prior written approval from the BOD. This rule applies to front, side and all common areas.

3.03 Unit owners and/or residents are **NOT to prune any shrubbery or cut down any trees**. If there is a problem, they should contact the management company. If unit owners or residents wish to do any planting, they must obtain approval from the BOD.

3.04 No animal shall be kept in or on the condominium property, except for **household pets**. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint as is necessary to prevent them from being or becoming obnoxious or offensive because of noise, odor, unsanitary conditions or other nuisance. No more than two household pets may be housed within a unit per Cary Ordinances. According with town leash laws, pets must not be allowed to run freely on common areas, nor may they be chained in these areas. This law applies to all pets, including cats. At no time should a pet owner allow their animals to relieve themselves on common areas, sidewalks, parking areas or on someone else's property. Should this happen, the pet owner is required to pick up the droppings or flood the urinated area with water immediately. The homeowner is also required to keep animal droppings off the grass so as not to be unpleasant for others or to interfere with the landscaper's mowing or maintaining the grass. Any unit owner who causes or permits any animal to be brought or kept upon the condominium property shall be responsible for any loss, damage or

liability that the animal inflicts upon the Association's property or to the personal property of other unit owners or residents.

3.05 There is no assigned **parking** in NKV but vehicles must be parked between the lined spaces. No vehicle is to be parked, or stored, on the roadway, or the adjoining landscape, leading to and from the units. Roadways, driveways and parking areas shall not be obstructed in any way.

3.05.01 Each unit shall be limited to **two (2) vehicles**.

3.05.02 No motor vehicle other than **registered private passenger vehicles** including private passenger handicap vehicles and motorcycles that are fully operational with a current valid registration and a current valid inspection shall be parked or stored in or upon the common areas.

3.05.02.01 A **fully operational motor vehicle** is a vehicle, which at any moment in time, can be started and driven away without assistance under the power of the vehicle engine.

3.05.03 Vehicles that cannot be parked or stored on the premises are trucks, boats, boat trailers, buses, mobile homes, motor homes, trailers, or any similar vehicles.

3.05.03.01 The **exception** is **trucks** that are fully operational with a current valid registration as a **private passenger vehicle**, a current valid inspection and a weight not exceeding 6,000 pounds.

3.05.04 Authorized vehicles parked between lined spaces are not to be parked overhanging the sidewalk.

3.06 **Bird feeders** must be approved by the BOD before being installed on common areas. They are prohibited from being attached to porches and decks/balconies.

3.07 **Dumpsters** are emptied weekly. Only **household trash** should be put in the dumpsters. Garbage should be wrapped in plastic trash bags before putting in the dumpster. No items should be left outside the dumpsters because the Town of Cary will not remove anything unless it is in the dumpster or recycle basket. Individuals will be billed for removal of any trash left outside the dumpster. This includes items such as cardboard boxes, furniture, appliances, Christmas trees and other large household, automotive or construction debris. With the exception of cardboard boxes residents are responsible for taking those items to the Wake County landfill. Cardboard boxes should be flattened and recycled.

3.08 **Recyclable materials** are picked up periodically. Recycling bins and carts should be grouped and placed at a convenient site along the main drive the evening before or the day of collection and retrieved by the end of the collection day. Corrugated cardboard boxes should be flattened and placed with the other recyclable materials. Containers for recyclable material or more information about recycling policies can be obtained by calling the Town of Cary at 469-4090. Additional information about the Town of Cary recycling program including scheduling and acceptable materials can be found at the Town of Cary website (townofcary.org).

4.0 GENERAL PROBLEM AREAS

4.01 You may be financially liable for damage caused by **Fire Hazards** such as:

4.01.01 Unattended fireplaces.

4.01.02 Collection of lint inside or behind the clothes dryer.

4.01.03 Discarding cigarettes and their ashes from decks/balconies and on sidewalks.

- 4.01.04 Improper disposal of fireplace ashes.
- 4.01.05 Improper installation of electrical modifications.

4.02 You may be financially liable for **Water Leaks** such as:

- 4.02.01 Water heater leaks. Water heaters should be frequently checked for potential leaks.
- 4.02.02 The hose on washing machines, which should be monitored regularly. A burst hose can cause thousands of dollars in damage. Replacing rubber hoses with metal ones is a simple and inexpensive solution.
- 4.02.03 Tubs and showers must be kept caulked around the base and around the shower head and faucets.
- 4.02.04 Flushing garbage, food or anything other than toilet paper down the toilet.
- 4.02.05 Pouring grease and fats into your kitchen sink drains. Place grease and fats in sealed containers and dispose with your trash.
- 4.02.06 Modifying plumbing and or the attachment to appliances.

4.03 Courtesy and **consideration of the neighbors** should be the general rule. It is the responsibility of each unit owner and each resident to respect the peace and tranquility of their neighbors and the neighborhood. Measures are to be taken by each resident and unit owner not to disturb their neighbors. This is especially important between the hours of 11:00PM and 8:00AM but also at other hours of the day and night.

- 4.03.01 Radios, stereos, TV's or pets should not be heard louder than normal conversational level in another unit with its doors and windows open.
- 4.03.02 Deck/balcony usage should be monitored so that noise is not above normal conversational level. Each resident should be mindful that discussion late at night on the deck/balcony can easily carry to the immediately adjoining units either above, below or adjacent.
- 4.03.03 Sound from the operation of appliances such as washing machines, dryers, dishwashers can carry through the structure of the building and operations of these machines should be avoided late at night.
- 4.03.04 Making loud noises that might disturb the neighbors should be avoided at all times, but especially late at night.
- 4.03.05 Excessive and disturbing noise should be reported to the Town of Cary Police Department after an attempt to contact the disturbing party has been ignored.

5.0 FISCAL POLICIES

5.01 The BOD has authorized that **annual due assessments** may be paid monthly and are due in full on the first of each calendar month. Checks payable to New Kent Village Association should be mailed with the monthly coupon to the management company in time to reach the management company by the monthly deadline. A homeowner may authorize direct debit from their bank account by contacting the management company and signing an authorization form.

5.02 The homeowners' documents call for the imposition of a \$20.00 **late charge** per month in addition to a 1.5% monthly rate of interest on each past-due monthly billing of the annual dues assessment.

- 5.02.01 At the beginning of each month, 1 ½% interest and a \$20.00 late fee (per amended North Carolina Condominium Act Chapter 47C) may be added to all accounts past due at the end of the previous month.

5.02.02 Once an account is twelve (12) days late, a late notice will be mailed to the owner.

5.02.03 Once an account is forty-two (42) days late, the management company will send a ten-day (10) demand letter, notifying the owner that they must pay in ten (10) days or the account will be turned over to an attorney for collection. The BOD may accelerate the annual assessment as immediately due and payable.

5.02.04 Once an account is seventy-two (72) days past due, the account will be turned over to the attorney for collection and the costs will be billed to the owner. If the attorney is unsuccessful in collecting after sending out the letter, he/she will automatically file a lien.

5.02.04.01 Once the account is one hundred twenty (120) days past due, the attorney may be advised by management to file in small claims court. If this action is unsuccessful, the attorney will be advised by management to start foreclosure proceedings.

5.02.04.02 Once the attorney has received the right to foreclose from the Clerk of Court, the BOD will decide whether to proceed with foreclosure.

5.02.04.03 All administrative, court, and legal fees will be the responsibility of the owner of a unit (homeowner or unit owner), and will be assessed as part of the total amount that is due to the New Kent Village Homeowner's Association.

5.03 The BOD reserves the right not to accept partial payments. All late charges, accrued interest charges and/or attorney's fees must be paid in full before the BOD will release the lien and/or consider the account current.

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