

Gardens On Glenwood Rules and Regulations July 2021

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PREAMBLE

The following Rules and Regulations were adopted by the Executive Board (hereafter the "Board") and are intended to supplement provisions and directives contained in the Declaration of Condominium and By-Laws of The Gardens on Glenwood Condominium Association and also resolutions and decisions heretofore or hereafter adopted by the Board.

These Rules and Regulations shall apply to all unit owners, residents, occupants, tenants and their family members, guests, employees, service providers and pets and will be enforced by the Board. It is the responsibility of owners and residents to inform guests and other parties about these condominium Rules and Regulations and to ensure that these provisions are complied with at all times.

1. Security

Entrance, lobby, garage and stairwell door are to be securely closed and locked at all times. Unattended doors should never be left open. All occupants should note strange or suspicious persons, cars or activity observed on the premises and bring it to the attention of the Association Security Service, the Property Manager, a building representative, or member of the Board. Guests should only be admitted into secure areas of a building when authorized by an owner or resident.

2. Children

Children are not allowed to run or play in the common area of a building. Children under 12 years old are not allowed to roam free on the grounds without adult supervision at all times.

3. Waste Disposal

- Everything deposited in a trash chute must be placed in a plastic garbage bag securely fastened at the top. The bags deposited should contain household waste only and no recyclable items, cardboard or construction material.
- Cardboard boxes are to be broken down and deposited in cardboard dumpsters or other locations designated for that purpose.
- Recycling items are to be placed in bins provided for that purpose in each garage. Glass and plastic containers should be rinsed before being placed in the recycling bin. Liquid and solid products and fibrous vegetables that could clog drains should not be placed in sink disposals.
- Other small items of trash and debris should be deposited in portable garbage containers in each garage. Garbage and refuse room doors should be closed at all times to reduce odors.

NOTE: Large Items or Packing Materials - Should be taken to the Wake County Disposal Site. www.wakegov.com/departments-government/waste-recycling. Do

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NOT place these items in the Refuse Room as they will not be collected by our Waste Service.

4. Solicitation

Commercial, charitable, political or promotional notices and other solicitations of all kinds, including "For Sale" and "For Rent" signs, are prohibited in all common areas and from being displayed in unit windows and on porches.

Other postings are permitted only on the bulletin board in the garage of each building and must be dated, identify the person posting the message and be removed after five days. Non-conforming postings may be removed by any resident. This rule shall not apply to notices, messages or announcements from the Board or those approved by the Board.

5. Elevator Protection

Elevator pads must be hung on the walls every time the elevator is used to move large, heavy or multiple furnishings or appliances, and construction materials.

A fine of \$50.00 will be charged each and every time such items are transported without using elevator pads. Lobby furniture and elevator carpets should also be protected when using the elevator to move personal property. Unit owners are responsible for all damage that may be reasonably attributed to failure to comply with this rule.

NOTE: Your building representative will have the key to this closet which is located next to the elevator. Please give them as much notice as possible when you need this key.

6. Balconies and Windows

Movable objects, such as pots, plants and accessories that could cause injury or damage by falling, shall not be placed on unsecured open window ledges or porch railings. No rug, mop or fabric may be hung on or shaken from windows or balconies. Care must be used in sweeping or washing balcony floors, and watering plants so that neighbors and pedestrians below are not affected. Due to prior extensive damage caused by birds to building exteriors, bird baths, feeders and bird houses are not permitted on balconies, windows, or ledges. Residents shall provide access to balconies when needed for maintenance or repairs to the exterior of the building. For additional restrictions see ***Declaration of Condominium, Article VIII, Section 8.17.***

NOTE: The following resolutions are applicable - Resolution #7 - Solar Shades, Resolution #8 – Retractable Screens, Resolution #12 – Patio Awnings on Townhomes.

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7. Parking

Parking is not permitted at any time in the following places:

- a. "No Parking" areas;
- b. in front of handicap ramps and garage or driveway entrances;
- c. on sidewalks or grass;
- d. in fire or traffic lanes, and
- e. in front of fire hydrant.

Double parking is never permitted. Residents may park inside garages only in spaces assigned to their unit unless authorized by the owner of another space. Outside handicapped parking spaces are intended for use by "disabled non-resident drivers" for reasonable, but limited, periods of time while visiting a resident.

"Disabled "resident" drivers" should use their privately assigned parking space and not an outside handicapped parking space. Owners and residents should only use outside or garage handicapped parking space, to load or unload "disabled passengers" with permits who are in the car at the time, and the vehicle should then be removed to a privately assigned or unrestricted outside parking space. Parking overnight in a handicapped space is discouraged so the space will be available for others to use.

Because of the limited number of outside parking spaces available, owners and residents should -

- (i) Always use privately assigned parking spaces and avoid curbside parking whenever possible;
- (ii) Use curbside spaces only for occasional short term parking not exceeding 24 hours and never for long term parking;
- (iii) Never store a vehicle on the property; and
- (iv) Remove disabled vehicles within five days.

Vehicles and trailers that exceed the maximum posted clearance height are not allowed in garages. Bicycles should not be parked in front of building entrances. Vehicles parked in violation of these rules may be removed at the owner's expense. Neither the Association, Board or member of the Board, Property Manager, nor any employee or agent, acting pursuant to this Section, shall be responsible for damage to a vehicle that is removed. Fines and enforcement for violations of this Rule are set forth in the ***Declaration of Condominium, Article VIII Section 8.5.***

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8. Swimming and Fitness Facilities

- Only owners, residents and persons authorized by them may use the swimming pool and fitness center, but do so at their own risk. All users are required to obey all published and posted rules and must be properly attired.
- Opening and closing dates for the pool, and hours for its use will be established by the Board each season.
- Children under 14 years of age must be accompanied by an adult. Older children should be supervised by an adult.
- **Beverages in the pool area are allowed only in non-breakable containers.** All costs incurred to remove broken glass from the pool or pool area, including, but not limited to draining and refilling the pool, will be assessed to the responsible person or persons who violate this rule.
- All food, wrappers, containers, and other trash should be removed after using the pool area.
- The Raleigh Fire Department requires that pool gates may never be left open or unlocked.
- Users at private gatherings in the pool area should minimize noise level, so as not to interfere with the comfort and peaceful enjoyment of others.
- Non-resident Owners who lease their unit, relinquish their pool and fitness center privileges to the tenant during the term of the lease. Sunbathing in common areas is allowed only inside the pool area and never on lawns.

NOTE: Approved clarifications to the Swimming and Fitness Rule and Regulation

The following resolution is applicable – Resolution #4 – Pool Use Restrictions.

Resolution #4.1. All persons using the swimming pool or entering the fenced areas and bathrooms around the swimming pool must be an owner or resident of a unit and accompanied by an adult owner or resident of a unit.

Only owners, residents and persons authorized by them may use the swimming pool. Non-resident Owners who lease their unit, relinquish their pool and fitness center privileges to the tenant during the term of the lease.

If a condo is owned by multiple people, only the resident owner has pool and fitness center privileges.

9. Garden and Grill Areas

Use of the cutting garden, the adjacent grill garden and the grill area by the pool for social purposes is encouraged. Users should always turn off the gas at the tank for safety reasons and clean the grill as a courtesy to others when finished. All refuse should be removed after each use.

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10. Private and Social Functions

Private social functions and gatherings are allowed for owners, residents, guests and their families in common areas upon the conditions set forth below, but common areas may not be reserved or used exclusively for private functions.

A. Organized private functions attended by more than ten (10) persons

- (i) Require Board approval at least three (3) weeks in advance;
- (ii) Must be attended by the owners and/or residents hosting the event and at least one (1) adult for each attendee under twenty-one (21) years of age;
- (iii) May not exceed a total of twenty five (25) persons; and
- (iv) May not be sponsored by a person under twenty-one (21) years of age.

Prior to such events, the host must submit a written application to the Property Manager sufficiently in advance of the three (3) week deadline for approval setting forth details of the proposed social function including, but not limited to, the date, hours, expected number and age of guests, and sign a written agreement to indemnify and hold the Association, its officers, director, employees, agents and members, harmless from all responsibility, risks and liability that might be proximately attributed to or arise from the social function.

The Board may impose conditions deemed appropriate to ensure that other owners and residents are not unreasonably disturbed by a social activity. A security deposit may be required if deemed appropriate at the Board's discretion.

B. All social functions in common areas are limited to two (2) hours duration and must conclude by 8:30 PM in the months of May through September and by 7:30 PM in other months. All federal, state and local laws, regarding alcoholic beverages and controlled substances must be strictly observed at all social functions. Hosts are responsible for monitoring and enforcing orderliness, behavior, noise levels, compliance with all laws, these Rules & Regulations and conditions established by the Board.

Hosts are also responsible for any damage that can reasonably be attributed to attendees at a social function.

C. Section (A) of this rule shall not apply to social functions sponsored by the Association or informal, spontaneous gatherings consisting primarily of owners and residents.

Approved clarifications to the Private and Social Functions Rule and Regulation.

Only owners or residents may hold a Private or Social Function. Non-resident Owners who lease their unit, relinquish their privileges to the tenant during the term of the lease.

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11. Moving

When a unit is sold or rented, the owner(s) must notify the Property Manager no later than seven days prior to the move out and move in dates and provide the name and contact information for the new owner(s) or tenant. Each party moving out or into a unit must first pay a \$500.00 nonrefundable administrative fee and moving monitor fee payable to the Gardens on Glenwood HOA. Owners of any unit being moved out of or into are primarily responsible for payment of the administrative fee and all damage that may be reasonably attributed to the moving process. Lobby furniture and elevators should be protected as provided in Section 5 above. Moving is only allowed between the hours of 9:00 AM and 5:30 PM on Monday through Saturday. Unattended building doors should not be left open. The party moving in must properly dispose of all materials, boxes and packaging in accordance with Section 3 above. Owners are responsible for assuring that large trucks do not block streets, driveways, entrances or damage low hanging tree limbs.

NOTE: The following are approved clarifications to the Moving Rule and Regulation.

The following resolutions are applicable - Resolution #5b, Truck Length and Restrictions, Resolution # 6, Protection and Security Requirements During Moving Activities, Resolution #14: Clarification of Procedure.

Owners are required to submit the "Notice of Moving To Or From Unit" to CAS. The Owner(s) must notify the CAS Property Manager not less than seven business days prior to the move-in or move-out date and pay a \$500.00 non-refundable administrative and moving monitor fee made out to Gardens on Glenwood. If a move takes more than one day, an additional \$150.00 per day will be charged. This form is attached and available on Nabr website at <https://gardensonglenwood.nabrnetwork.com>

For your initial move-in, a building monitor will be assigned. This person will install elevator pads, the elevator floor cover and tarps on the hall floor up to your unit. They also will remove these items when the move is completed. During the move, they serve as a security monitor, since the entrance lobby doors will be kept open to facilitate the move.

Moving activities are allowed only between the hours of 9:00 am and 5:30 pm, Monday through Saturday. No vehicle longer than 26 feet, or two (2) axle vehicle weighing over 42,000 pounds or three (3) axle vehicle weighing more than 54,000 pounds, will be permitted to use a street or bridge at the Gardens.

All cardboard not removed by your mover should be to be broken down and placed in the brown cardboard receptacles located in the garage. It is your responsibility to have all trash and boxes removed from the common areas within 24 hours.

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12. Renovation

- All renovations expected to take as long as two weeks to complete or to cost greater than \$10,000.00 are considered major.
- The Property Manager shall be notified of any expected major renovation, repair or construction activity in a residential unit at least seven (7) days before the work commences.
- The Board of Directors may require payment of a security damage deposit for all major renovations.
- All renovation, repair and construction activities, whether major or minor, are limited to the hours of 8:00 AM until 5:30 PM on Monday through Friday, however, loud and noisy activities such as sawing, drilling and hammering are not allowed until after 9:00 AM. Noise levels shall always be minimized insofar as possible.
- Work on Saturdays may be allowed by the Property Manager or the Board on the condition that residents are not disturbed by loud and noisy activities at any time that day.
- Construction activities, building: materials and equipment are not allowed in common hallways, garages, streets or sidewalks. Construction activities on a balcony shall be monitored to avoid disturbing other residents.
- Temporary drapes may be hung on balconies during daylight hours while work is in progress if needed to protect other units from dust.
- Unit owners are responsible for all damage that may be reasonably attributed to workmen and building materials associated with the renovation.
- Carpets in the hallways and elevator shall be protected during work activities, vacuumed each day after work is finished and professionally cleaned at the owner's expense when the renovations are completed.
- The Property Manager shall notify building residents of the dates and times of expected renovation activities.
- Trash and materials associated with the renovation shall be removed from common areas daily and disposed of off site.
- Construction waste and materials shall not be placed in trash chutes or other receptacles in common areas of the garage or building.
- Private dumpsters may not be used on the premises in connection with renovation or construction activities.
- Trucks, trailers and other vehicles involved with renovation activities and delivery of materials shall not block entrances, use No Parking spaces or entry garages and must be removed from the premises daily.

NOTE: Approved clarifications to the Renovation Rule and Regulation.

The following resolutions are applicable - Resolution #2 - Installation of Venting for Kitchen Stoves Through Roof or Outside Wall, Resolution #9 - Written Application to Renovate Required Prior to All Major or Minor Renovation are applicable.

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All renovations require **prior** approval of the Board. Notice of Renovation Form must be completed and signed by Owner(s) and their Contractor(s) before any renovations begin. This form is attached and available on the CAS website.

13. Leased Units. See **5th Amendment Article VIII Section 8.6 of the Declaration of Condominium** that extended the minimum lease from 6 months to 1 year.

- Units may not be leased for a term of less than 1 (one) year as specified in **Article VIII, Section 8.6 of the Declaration of Condominium**.
- Unit owners shall notify the Property Manager in writing within five (5) days after signing a lease for any unit and pay the move-in fee required under Section 11 before the tenant moves into the unit.
- The Notice shall be signed by the owner(s) and tenant(s) and include the name, address and contact information for all persons who will have permission to occupy the unit during the lease term.
- The Notice shall certify that the lease contains language that (a) incorporates by referendum the Rules and Regulations, By Laws and Declaration of Condominium; (b) requires the tenant(s) to strictly comply with those documents, (c) states that the tenants' failure to comply with those documents will constitute a breach of the lease, and (d) that the tenant(s) have received and reviewed those documents.
- The unit owner shall bear full responsibility for enforcing all terms and conditions of the condominium documents and all existing and subsequent policies and decisions adopted by the Board. Unit Owners are responsible for all damage that may be reasonably attributed to their tenant.

14. Emergency Access

Board members, the Property Manager, its employees and other persons authorized by them shall have the immediate right to enter any unit and its limited common areas, whether or not the unit owner or resident is present, to investigate and make emergency repairs needed to remediate or abate a condition suspected of originating therein and threatening any unit, common area, or limited common area. Persons acting pursuant to this Rule shall incur no liability in the proper execution of their duties. **Owners or residents who deny entrance pursuant to the Section shall be subject to a fine of up to \$1,000.00.** Residents are strongly urged to leave a key to their unit with the a neighbor or Property Manager to avoid forced entry in case of emergency for which the Owner would be financially responsible.

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15. Maintenance and Repair

Unit owners shall promptly perform at their expense all known and reasonably anticipated maintenance and repair work within their unit which, if omitted or neglected, could or might adversely affect or result in damage to any unit, common area or limited common area in a condominium or townhome building. Due to the potential for large-scale damage to owners and their vertical and/or adjacent neighbors from water leaks, each unit owner is required to have the water heater inspected annually by a licensed plumber, beginning July 1, 2010, and to install and maintain in good operating condition a leak detector warning device in the water heater drip pan.

Smoke detectors should also be inspected annually and maintained in good working order at all times (Raleigh City Ordinance Sec. 2041). Waterbeds are forbidden in any unit. If deemed necessary at the discretion of the Board, units may be entered pursuant to Section 14 above to perform needed maintenance and repair if an owner fails or neglects to do so.

Persons acting pursuant to this role shall incur no liability in the proper execution of their duties. Owners who knew, or reasonably should have known, about the need for such maintenance and repair but fail to take corrective action, may be held responsible for resulting damage, liability, expenses and higher insurance premiums. Except in case of emergency, vehicles may not be serviced, repaired or washed anywhere on the premises. See also ***Declaration of Condominium, Article VIII, Section 8.14.***

NOTE: Approved clarifications to the Maintenance and Repair Rule and Regulation

The following resolutions are applicable:

Resolution #1 - To Maintain Repair and Protect Units, Common Elements and Limited Common Elements and Resolution , #3 - Replacement of All Water Hoses and Smoke Detectors and Safety Notification, Resolution #19 - Water Leak Detection System Installation and Use.

Gardens on Glenwood Resolution #19, Water Leak Detection System Installation and Use, requires every home to be equipped with an automatic water leak detection system. Your home will have one of the three identified systems (FloLogic, Flo by Moen or Hydrocom (no longer available but still in use)). Please ensure that your system is turned off in accordance with the respective instructions prior to leaving your home. Descriptions of the systems are found on the Nabr website at <https://gardensonglenwood.nabrnetwork.com>.

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An Annual Required Inspection and general plumbing review must be conducted include the following and be conducted by a licensed plumber:

- Refrigerator/Ice Maker
- Sinks
- Dishwasher
- Washing Machine
- Tub(s)
- Toilet(s)
- Water Heater
- Water Shut-Off Valve
- Water Leak Detection System and Battery

This form is available on the Nabr website at <https://gardensonglenwood.nabrnetwork.com>

16. Safety Inspection

The Board may from time to time recommend and/or mandate that Owners conduct safety inspection, and implement additional safety precautions and measures not specifically mentioned elsewhere in these Rules and Regulations, if it deems such actions necessary or appropriate for safety or security reasons or to protect the property of Owners and/or the Association.

17. Visual Standards

No object or objects shall be displayed from a unit that tends to attract conspicuous or distinct attention to the unit. Nothing shall be displayed or placed outside a unit that is noticeably visible from common areas or limited common areas other than the following; (a) a door knocker, door bell or name plate at the entrance of a unit; (b) outdoor furniture, plants, accessories and code compliant cooking grills on condominium balconies and townhome patios; (c) discreet seasonal decorations temporarily displayed on entrance door, balconies and in windows to commemorate a national holiday; such decorations are prohibited at other times; (d) bicycles and grocery carts placed in assigned parking spaces in garages; and (e) other objects approved by the Board.

Signs, symbols, written material, drawings, paintings, photographs, mementos, accessories, personal belongings and like items are prohibited in all common areas unless otherwise permitted by these Rules or approved by the Board. The Board may expand, restrict or withdraw any of these exceptions periodically if deemed necessary or appropriate in response to changed circumstances or individual situations that may arise. Additional restrictions set forth in **Article VIII of the Declaration of Condominium** are incorporated here by reference.

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NOTE: Approved clarifications to the Visual Standard Rule and Regulation.

The following resolutions are applicable - Resolution #7 - Solar Shades, Resolution #8 – Retractable Screens, Resolution #12 – Patio Awnings on Townhomes.

18. Nuisance Behavior

Behavior, conditions or practices that constitute a nuisance to other residents, or which interfere with the comfortable, peaceful and healthful enjoyment of their property, is not permitted. All units shall be kept clean, sanitary and free of pests, vermin and unpleasant odors. Noise level, should be reduced between 10:00 PM and 8:00 AM. When not being used for ingress or egress, entrance doors to units shall remain closed to eliminate or mitigate sounds and odors from migrating into the common areas or other units. If noises or odors, including particularly sound devices and tobacco smoke, are determined by the Board to be offensive to others, the responsible unit owner(s) shall implement and utilize all reasonable means, devices and equipment necessary to eliminate the offending condition as required by the Board at the owner's expense.

19. Smoking

Smoking tobacco or any other product intended for human inhalation anywhere inside a building is a public nuisance "per se". This prohibition extends to all residential units, common areas, limited common areas, elevators, hallways, stairwells, lobbies, utility service and garbage areas, storage closets, fitness center, bathhouses and garages. Smoking is allowed on the grounds with the exception that it is prohibited within twenty (20) feet of any lobby, garage or stairwell entrance, inside fenced areas at or near the pool and in all common park and garden areas. Smoking is conditionally allowed on balcony porches, provided it does not cause undue annoyance to neighbors as determined in the judgment of the Board of Directors. Cigars and cigarettes constitute a fire hazard and must be properly extinguished, disposed of and never left on sidewalks, streets, grounds or other common areas; nor should they be placed in community trash containers to avoid unpleasant odor. (Amended January 17, 2012).

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20. Pets

All pets must be restrained on a hand leash in common areas. **Raleigh City Ordinance Sec. 12-3011** and the Rules & Regulations require unit owners, residents and guests to promptly clean and remove waste deposited by pets in common areas. Pets shall not be allowed to behave in a manner annoying or offensive to others, or to damage landscapes, planting, or structures. Pet and unit owners are responsible for restoring any physical damage to the grounds and plants caused by their pets. Pets are not allowed inside the fitness center or the fenced pool, grill and bathhouse areas.

To protect planting and maintain a clean and sanitary environment, the owners and residents should not allow pets to use the cutting garden or the adjacent grill garden as a toilet facility. Spotting that results from a pet accident inside the common area of a building shall be immediately cleaned and restored to good condition by the owner of the pet or unit. Exotic pets are not allowed on the premises. Failure to comply with this Rule shall subject the unit owner to a fine of \$50.00 for each violation.

Attention is called to **Declaration of Condominium, Article VIII, Section 8.8** which provides, among other things, that "no owner may have more than two (2) pets at any time (excluding fish)" and that if an owner is found to be in violation more than twice within 12 months, the Association shall have the right to remove a pet permanently from the property." In the alternative, additional fines and penalties may be imposed in the discretion of the Board for violations of **Section 8.8**.

21. Storage Closets

Gasoline, kerosene, turpentine and similar combustible or accelerant products shall not be kept in storage closets. Wine, paint and similar noncombustible products are not prohibited by this rule. Light fixtures in storage closets are not grounded or rated for appliances and may not be used as an electrical source for appliances and other devices or equipment that require grounding.

22. Payment Policy

Monthly dues are payable on the first (1) day of each month and are considered late if not received on or before the fifteenth (15) day of the month when due. Assessments and fines are considered late if not received on or before the date established for payment.

- In the event of late payment or nonpayment, it is compulsory that the Board of Directors "take prompt action" to collect dues that remain unpaid for more than thirty (30) days and to notify the holder of the Mortgage on the delinquent unit of the Owner's default (**Declaration of Condominium and**

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By Laws Section 8.3). Interest, fees and penalties will be assessed as provided in the ***Declaration of Condominium and By-Laws***, to wit:

Section 8.4. An Owner in default must pay interest from the due date at the rate of eighteen percent (18%) per annum and all collection expenses incurred by the Board, including reasonable attorney fees.

- The Board may impose uniform late payment charges for delinquent dues and levy a four percent (4%) late fee on assessments that are more than fifteen (15) days past due.
- If an assessment remains due and unpaid for more than sixty (60) days, the Board may declare all Association payments for the remainder of the current fiscal year immediately due and payable for that unit.
- Other provisions of the ***By-Laws and Declaration of Condominium*** relating to the collection and enforcement of amounts due are incorporated in these Rules & Regulations by reference. An Owner whose payments are remitted late six (6) or more times during a calendar year will thereafter incur an additional administrative late fee of \$150.00 per month for the remainder of the calendar year.

23.Fines and penalties

Violations of the Rules and Regulations, By-Laws, Declaration of Condominium and other Resolutions and Directives adopted by the Board will be called to the attention of the violating owner or resident and, in the discretion of the Board, a warning shall be issued directing compliance within a specified time. If the violation continues after the time specified, the Board may assess a fine up to \$150.00 for each violation. The fine may be assessed daily in the discretion of the Board if the violation continues for more than five days after the specified compliance period expires. All violations and fines may be published in the minutes of Board of Director meetings.

24.Enforcement

Violations that are not remediated within thirty (30) day, after notice from the Board to do so, may be enforced in court using all available legal and equitable remedies, including restraining orders, injunctions, liens, foreclosure and actions for damages, The defaulting party shall be responsible for all expenses of enforcement, including reasonable attorney fees and court costs.

25.Waiver Request of Rules and Regulations

Any request for waiver of a Rule and Regulation shall be made to the Board which shall consider such request and act as it sees fit in its sole discretion. Any waiver granted by the Board may be withdrawn if circumstances later warrant a change.