BATTLE RIDGE HOMEOWNERS ASSOCIATION

ARCHITECHTURAL CONTROLS, GUIDELINES, STANDARDS AND PROCEDURES, RULES AND REGULATIONS

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GENERAL INFORMATION

INTRODUCTION
ALL residents benefit from the planning and design that has been an important part of the development of BATTLE RIDGE SUBDIVISION. The intent of the SUMMARY OF PROCEDURE AND DESIGN REQUIREMENTS is to assure the residents that the standards of design and quality will be maintained. This protects the property values and enhances the overall environment of BATTLE RIDGE SUBDIVISION.

An essential element of Architectural Control is the recognition by all homeowners of the importance of maintaining the ambiance of the Community. Design Requirements should be viewed as a benefit and not as burden to the Community.

PURPOSE
The Master Declaration of Covenants, Conditions and Restrictions (Declaration) establishes and describes the BATTLE RIDGE Homeowners Association Inc. (Association) and assures each Owner that the quality of BATTLE RIDGE design will be maintained. The Association is responsible for administering these Covenants and providing administrative support to the Architectural Control Committee (ACC). However, the developer retains the absolute right at all times to approve new home construction on unbuilt lots or until such time he gives up that right in writing.

The ACC ensures that exterior alterations in BATTLE RDGE SUBDIVISION comply with the guidelines as shown in ARTICLE V through X of the Declaration. ALL requests for exterior alterations MUST be submitted to the ACC and its approval received BEFORE they may be undertaken.

The purpose of this Manual is to inform the homeowners of the Design Requirements for BATTLE RIDGE SUBDIVISION and the procedures to be followed when requesting an exterior modification to their property. Each application received by the ACC will evaluated on its own merits with reasonable flexibility for architectural function and creativity.

AUTHORITY
The authority for the ACC is set forth in ARTICLE VII (7) of the Declaration of the Association, which should have been received by all homeowners when they purchased their homes. The Declaration encumbers all of the homes within BATTLE RIDGE SUBDIVISION.

The Declaration is a contract between homeowners and the Association, wherein; per ARTICLE VII (7), the homeowners agree to refrain from making any modifications to the exterior of the homes and property without first receiving approval from the ACC.

The ACC is responsible to the Board of Directors of the Association. The Board is the ultimate authority for the BATTLE RIDGE Homeowners Association, Inc.

MEMBERS
The Architectural Control Committee shall consist of three (3) members. The Board of Directors shall have the right, power, authority and obligation to select members of the ACC. However, the Developer retains the absolute right at all times to approve new home construction on unbuilt lots or until such time as Declarant wave the right in writing. Prior to relinquishment of authority of the ACC by the Developer, the powers, rights and the authority of the ACC may be exercised by the Declarant or its designee.

MEETINGS
The ACC shall meet as necessary to review applications received and present their findings within thirty (30) days of receipt.

RESPONSIBILITIES
On behalf of the Association, the ACC is empowered to adopt, promulgate, amend, revoke and enforce Design Requirements for the purpose of:

1. Governing the form and content of plans and specifications to be submitted to the ACC for approval or Disapproval

2. Governing the procedure for submission of plans and specifications; and

3. Establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping and all other matters that require approval by the ACC.

LIMITATIONS OF RESPONSIBILITIES
The ACC approval is based only on the aesthetic features of the approved modification. The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to their expertise regarding either the structural adequacy, capacity or safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume the responsibility for the performance or quality of work of any contractor. All work must be within the city or county regulations. Homeowner is required to secure proper permits.

ARCHITECTURAL CONTROL COMMITTEE (ACC) POLICIES
The ACC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of BATTLE RIDGE SUBDIVISION and to foster thoughtful design so there is harmony between neighboring residences. The ACC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design. The approval of the ACC of plans or specifications submitted for approval shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent plans and specification submitted for approval for use on other units.

APPROVAL NECESSARY
No building, outbuilding, garage, fence, wall, retaining wall, landscaping, spa, porch, or other structure or improvement of any kind shall be erected, constructed, placed or maintained on any properties, nor after construction of a dwelling or other exterior improvements upon a Unit shall any landscaping, dwelling or other improvements on each Unit or color scheme thereof, be altered, changed, repaired or modified unless the same shall be approved in writing by the Architectural Control Committee. The foregoing prior approval is intended to specifically apply to the painting of the exterior of a dwelling, the installation of a spa, or any other maintenance, repair or modification which changes the exterior appearance of a dwelling or other improvements on a Unit or a Lot.

TIME LIMITATIONS
After approval by the ACC, all improvements shall be completed within ninety (90) days from commencement of the improvement. Projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the Community. The ACC may establish a more specific time for completion as a condition of its approval. In the event the ACC fails to approve or disapprove plans and specifications within thirty (30) days after they were received in writing to the ACC in acceptable form, including all information necessary for their consideration and review, approval by the ACC shall be deemed to have been granted. The ACC shall have the right to request additional information if in its opinion, the information submitted is incomplete or insufficient.

INSPECTIONS
Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved plans and specifications and provisions of the Declaration. The ACC or any such agent of the ACC shall not be deemed to have committed a trespass or other wrongful act by reason of such inspection.

JOB SITE CONDITIONS

1. All job sites shall be kept in a neat and orderly condition, and in a suitable state of repair.

2. Construction hours are subject to rules and regulations as established by the ACC and/or the Association from time to time, or the local ordinances, whichever is more restrictive.

3. All construction operations must be performed in accordance with local governmental ordinances.

4. All construction dirt, mud, garbage, or other debris shall be kept from public streets, sidewalks, or other homes and properties.

APPROVAL
Upon approval by the ACC, a copy of the applicant's plans and specifications bearing such written approval shall be returned to the applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance to all conditions of approval. If the request for approval is disapproved by the ACC due to aspects of the request that can be remedied by the applicant, the recommended changes can be made to the request and returned to the ACC for approval.

VIOLATIONS
If any alteration or modification is made without the required prior written consent of the ACC, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

The ACC is empowered to enforce its policies, as set forth in the Declaration and this Manual, by means specified in the Declaration, including an action in a court of law, to insure compliance. The Association also has the right to levy a fine on Owners for modifications made without the written request and approval from the ACC.

VIOLATION NOTICES, HEARINGS, AND FINES
If a homeowner is found to be in violation of, or non-compliant with any of the Declarations, Covenants, Rules and Regulations set forth by the BATTLE RIDGE SUBDIVISION, the homeowner will:

1. Be sent 1 (one) Letter of Violation Notice, informing the homeowner of the violation. It will be sent via the United States Postal Service. The letter will include information such as the violation, location of the violation (if applicable) and how to bring the property into compliance.

2. It is truly and completely the responsibility of the homeowner to have the violation rectified by having qualified workers complete the required work, within the time limit allowed, following all professional guidelines (including permits as required), and paying those same for the work done.

3. If the violation is not rectified, a hearing will be scheduled for the homeowner to appear before the BATTLE RIDGE HOA Board of Directors. The **Notice of Hearing** letter will be sent via United States Postal Service in the form of a **Regular Mail.**

4. If the homeowner does not appear before the Board at the scheduled date/time; or if the homeowner continues to be non-compliant, the Board of Directors has the duty to levy fines and late fees.

HOA DUES COLLECTION POLICY
Dues are payable quarterly. Dues are considered late after the first thirty (30) days of the 1st month of the quarter, and a $20.00 late fee will be charged after that. A late letter will be sent the first month that dues are not paid.

ENFORCEMENT OF FINES AND DUES COLLECTION
Enforcement of these Covenants, Rules and Regulations shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant or rule herein and enforcement shall be to either restrain violation and /or to recover damages resulting there from.

1. Charges incurred by the Association as a result of violations by the homeowner shall be charged to the homeowner for reimbursement to the Association.

2. At the end of two quarters, if dues and/or fines have not been paid, the account (of the homeowner) will be sent to the Association's attorney for collection. A lien will automatically be filed against the property. The homeowner will be sent monthly letters notifying them of amounts owed.

3. If payment still has not been received, the next step in the legal process for collecting dues/fines could be Small Claims Court or District Court for a judgment or proceed directly to foreclosure. Delinquent owners are responsible for paying late payments charges, costs and attorney's fees of any such action or foreclosure.

4. No owner may waive or otherwise escape liability for the payment of any assessment by nonuse of common areas or by abandonment of his Lot.

5. Owners delinquent in their assessments will not be able to vote in any election or business of the Association, nor serve on the Board of Directors, until their account is brought up-to-date, all fines and HOA dues paid in full, and all violations resolved.

FINES
If a homeowner receives a **Due Process Hearing** (see page 6), and does not attend that hearing or bring the property into compliance, fines will be assessed. Fines are established, but not limited to the stated fines. Fines will be **$100.00 per inspection**. An inspection is done twice a month. If a violation is not rectified, a fine of **$100.00** will be added after each inspection. **Fines are subject to change at any time per the HOA**.

Fines are not limited to the violations stated above, nor limited to the fine amounts or times as stated above.

KEY ARCHITECTURAL GUIDELINES

The ACC evaluates all submissions based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the individual site and lot size, since what may be an acceptable design on an exterior in one instance may not be for another.

The following criterion is general in nature and applies to all of the dwelling units in BATTLE RIDGE SUBDIVISION .

Relation to BATTLE RIDGE SUBDIVISION Open Space

Factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may also adversely affect BATTLE RIDGE SUBDIVISION open common space.

Conformance with Covenants

All applications are reviewed to conform that the request is in conformance to all applicable Covenants and Restrictions affecting BATTLE RIDGE SUBDIVISION as recorded in the records of Wake County.

Validity of Concept

The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.

Design Compatibility

The proposed alteration must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, colors and construction details.

Location and Impact on Neighbors

The proposed alteration should relate favorable to the landscape, the existing structures and the neighborhood. The primary concerns are access, view, sunlight and drainage. Fences or landscaping may not obstruct views, or access to neighboring properties, decks or larger additions may not infringe on a neighbor's privacy.

Scale

The size of the proposed alteration should relate well to the adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

Color

Color may be used to soften or intensify visual impact. Parts of an addition that are similar to the existing house, such as roofs and trim, should be matching in color. No permission or approval is required to repaint in accordance with the originally approved color scheme.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house. For instance, an addition with vinyl siding may not be compatible with a stucco house.

Workmanship

Workmanship is another standard which applies to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others.

ARCHITECTURAL CONTROL APPLICATION PROCEDURE

STEP 1. Prior to any alteration, addition or improvement the property owner (not contractors or other parties) requests an Architectural Control Application from the Management Company.

STEP 2. The Management Company sends an application to the property owner.

STEP 3. The application is completed with all supporting documents and returned to:

RealManage
P.O. Box 803555
Dallas, TX 75380
866-473-2573

STEP 4. The management company dates the application upon receipt, thus starting the 30-day approval/disapproval time frame, copies and distributes dated application to the Architectural Review Committee or Board members, as appropriate. Note: If the applicant is non-compliant with any of the Battle Ridge rules (i.e. dues, violations of the Covenants or guidelines), the application will be returned to the sender. The application will be returned along with an explanation why the applicant is non-compliant . It will state that the application will not be accepted until the non-compliance is corrected and documented by the Management Company or the ACC.

STEP 5. Committee or Board members receive copies of the dated application, review and approve or disapprove within thirty (30) days from the date of receipt and return signed applications to the Management Company.

STEP 6. The Management Company receives approved/disapproved decision from the Committee or Board members and sends the owner an email stating if the application was "Approved" or "Disapproved" within the thirty (30) day time limit from the original day of receipt. In the case of "Disapproval", the reasons and/or requirements will be listed in the response. Should the property owner want to resubmit another application, or forward additional information required, the thirty (30) day process starts again with each submittal. The Architectural Review Committee or Board members names will not appear on the original application, but will become part of the Association's permanent records by attachment to the original application.

STEP 7. Property owner receives authorization and starts project within ten (10) days from the approval date, or receives Disapproval and either submits additional information or appeals for reconsideration, thus starting the thirty (30) day approval process once again, or abandons the project.

STEP 8. In the case an application is not satisfactorily agreed upon by the Committee and the applicant, the applicant may appeal to the Board of Directors for reconsideration within thirty (30) days for final approval or disapproval.

SUMMARY OF PROCEDURES

HOW TO PREPARE AN APPLICATION TO THE ARCHITECTURAL CONTROL COMMITTEE

A sample application form is attached.

1. SITE PLAN

A site plan or property survey should be included with the application showing the location of the existing structures and the boundaries of the property. Proposed changes or additions should be indicated, including dimensions and distances from the home and adjacent properties. Please include one (1) copy of each of these documents.

2. MATERIALS AND COLOR

Samples of the materials and colors to be used and an indication of existing colors and materials should be provided. In most cases, a statement that the proposed wall, for example, is to be painted to match the existing house trim or house color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

3. DRAWINGS AND PHOTOGRAPHS / ELEVATION

A graphic description of the request should be provided. This may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. The elevation or "head on" view drawing should show height, width, distance above finished grade and details.

4. WAKE COUNTY / CITY OF RALEIGH

After receiving approval from the ACC, a permit may be required from Wake County, the City of Raleigh or other governmental authorities. The Applicant must determine whether this requirement applies to the requested modification.

5. THIRD PARTY COMMENTS

Written comments from neighbors and other residents concerning proposed changes may be furnished to the ACC. These comments will be considered during the review process. The ACC however, must still make its decisions based on standards set forth in the Declaration and further described in this Manual, which may be updated from time to time.

THE APPEAL PROCESS

The following process will be followed for appeals from decisions of the Architectural Control Committee.

1. NOTICE OF DENIAL

Upon receipt from the ACC of a final decision denying their request, the ACC will forward to the applicant a notice of denial of their request. The notice shall provide the applicant thirty (30) days to file an appeal of a final ACC decision in writing. Administrative denials pending more information or for other reasons are not final decisions and are not appealable.

2. RECONSIDERATION

Administrative denials will be reconsidered by the ACC and not the Board of Directors. Once a final decision has been reached, then the time for the appeal begins to run.

3. NOTICE OF APPEAL

Notice of Appeal to the Board of Directors must be filed in writing by mailing it to the ACC within thirty (30) days of the notice of denial being mailed from the ACC to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.

4. TRANSMITTAL TO BOARD

Upon receipt by the ACC, the original of the Notice of Appeal and all supporting paperwork shall be filed and copies sent to the President of the Board of Directors and the Chairperson of the Architectural Control Committee.

5. HEARING

The President shall schedule a hearing on the appeal, normally in conjunction with a normal Board meeting, or within thirty (30) days of receipt of the Notice of Appeal. The ACC shall notify the applicant and the Chairperson of the ACC of the hearing date and time. The hearing shall begin with the ACC Chairperson explaining the position of the ACC and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.

6. DECISION OF BOARD

No decision shall be rendered at the hearing. Within fifteen (15) days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The ACC shall forward copies of the decision to the applicant.

DISCLAIMER

The Association, Declarant, Architectural Control Committee, or any officer, employee, agent, director, or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that is will not bring any action or suit against the Association, Declarant, or Architectural Control Committee to recover any such damages.

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. The Architectural Standards are not all-inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason; or shall be held by any court of competent jurisdiction to be illegal, null or void; the remaining paragraphs, sections, clauses and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Master Covenants, Conditions and Restrictions for Battle Ridge Subdivision, the By-Laws of the Battle Ridge Homeowners Association, Inc. and these Standards, the Declaration and By-Laws shall control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board of Directors.

HOME MAINTENANCE

It is the whole and total responsibility of the homeowner to assure that their home and property are maintained on a regular basis. This includes, but is not limited to, power washing the exterior of the home and driveway/sidewalk if necessary; regular grass cutting and/or weeding; painting; repairs to gutters, shutters, roofs, windows, mailboxes; and all matters as described in the "**SUPPLEMENT TO THE DECLARATION OF THE RESTRICTIONS AND COVENANTS"** that begin on page 13.

BATTLE RIDGE HOMEOWNERS ASSOCIATION, INC. ARCHITECTRUAL STANDARDS, CRITERIA & DESIGN REQUIREMENTS, RULES & REGULATIONS

SUPPLEMENT TO THE DECLARATION OF RESTRICTIONS AND COVENANTS

The following are ACC approved standards that are not specifically outlined in the BATTLE RIDGE HOMEOWNERS ASSOCIATION Declaration. No assumptions should be made that the restrictions included in the Declaration and not listed here have been waived by the Association.

1. WINDOWS, DOORS, SCREENED ENCLOSURES

a. Screen/exterior metal doors must be the same color. They may be black, white, or matching the color of the shutters. Only black or white aluminum metal windows, window screens, louvers, exterior trim or structural members shall be permitted. The use of black or white anodized aluminum to match the original trim is the preferred material. White vinyl windows/trim are also acceptable.

b. Screened enclosures (attached and detached) shall not be permitted on the front or sides of dwelling units without approval of the ACC.

c. The use of reflective tinting or mirror finishes on windows is prohibited.

d. Security bars on windows or doors are prohibited.

e. All screen enclosures must have a hip, gable or mansard roof.

2. SOLAR PANELS

Solar water heating panels shall be reviewed on an individual basis, and if approved by the ACC, must be installed so as not to present the least obtrusive condition.

3. EXTERIOR WALL FINISHES, POWER WASHING

a. The use of the following materials is appropriate:
   1. Stucco
   2. Vinyl Siding
   3. Stone (natural or synthetic)
   4. Brick

b. The use of the following materials is inappropriate:
   1. Rough Sawn Siding
   2. T-111 Siding
   3. Aluminum Siding

c. Exterior colors that, in the opinion of the ACC would be inharmonious, discordant and /or incongruous to the BATTLE RIDGE Community shall not be permitted. In general, colors should be muted. Most paint manufacturers have “traditional” or “Williamsburg” color charts from which selections should be made. Prior approval for exterior painting is required from the ACC. All exterior colors and materials must also be approved by the ACC.

d. Home exteriors must be kept clean and in good repair. Power washing is required if mold, mildew and/or dirt adheres anywhere on the home’s exterior and is clearly and easily visible from the street or sidewalk.

4. ROOFS

a. No change in color of existing roofing material shall be permitted without the approval of the ACC. Roofing material must be either asphalt or fiberglass shingles, with a minimum 25 year warranty.

b. Flat roofs are not permitted except as described in paragraph "c" below. All roof pitches shall be a minimum of 5:12 ratio.

c. Flat deck first floor patio roofs, which also serve as second floor balconies, may be approved by the ACC. The second story balcony must be accessible from a second story door and must have a continuous railing at its perimeter. The first floor roof structure/second story floor must match as close as possible the existing house roof in materials and design.

5. GARAGES, DRIVEWAYS, WALKWAYS AND EXTERIOR LIGHTING

a. Any change from the existing garage door must be approved by the ACC. If the garage door faces the street, they must contain a window in the upper panel.

b. No curbside parking areas are to be created by altering existing curb or street paving.

c. All proposed exterior lighting should be detailed on the request for architectural modification. No exterior lighting shall be permitted which, in the opinion of the ACC, would create a nuisance to the adjoining property owners. Solar panels must be approved by the ACC.

d. Driveway and walkways shall be constructed of concrete and have a concrete pipe and graveled surface installed prior to the digging and pouring of the footings. No asphalt drives or walkways will be permitted.

e. Driveway aprons must be concrete and may not be widened without the approval of the ACC.

f. Any proposed walkway must be approved by the ACC prior to installation. This includes concrete walkways, stepping-stones or paver bricks.

6. AWNINGS AND SHUTTERS

a. Metal fold-down awnings and canopies do not meet the standards of the community with respect to conformity and harmony of external design and shall not be permitted or affixed to the exterior of any residence. Roll-out deck canopies must have prior approval by the ACC.

b. Permanent fixed and operational shutters are permitted. Design and color of shutters must be coordinated with the house and approved by the ACC. Shutter color should match/coordinate with the color of the exterior doors.

7. LANDSCAPING

a. Owners shall maintain grounds and improvements on their Lot, including plantings, landscaping, and lawns in a neat and attractive manner. This includes having grass, weeds, shrubs and vegetation cut as often as necessary; removing/replacing dead trees, shrubs and plants.

b. All major improvements of landscaping must first be submitted to the ACC with a survey prior to installation. Proposed landscaping must be shown on a lot survey, which includes the house, all impervious surfaces and existing landscaping. Example: hedge row or trees, decorative items such as birdbaths and benches, changes that impact drainage of the yard (terraces/grading).

c. Landscape of a minor nature such as naturalizing an area of the yard or adding low growing shrubs bedding flowers need not be submitted for approval, provided they do not encroach upon neighboring properties.

d. Removal of any existing landscaping must be approved by the ACC. Replacement of like kind and size will be required.

e. Except in the case of an emergency situation that does not permit delay, no tree larger than 6" (six inches) in diameter at a point measured 3' (three feet) off the ground shall be removed from any Lot without approval of the Board of Directors or ACC.

f. One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material is allowed, but painted stones or other materials painted or stained will require prior approval. Multi-level edging will require prior approval by the ACC.

8. **EASEMENTS**

a. No private landscaping may be planted within any utility easement or within the designated slope easements. The HOA reserves the right to landscape within the slope easements.

b. No decking, screening or landscaping may be installed on any portion of any utility easement.

c. No fencing shall be installed in any utility easements without prior written consent of the utility company.

d. Homeowner is responsible for maintaining/mowing easements on/within their property.

9. **FENCES: WOODEN**

a. All boards for privacy fences shall run vertical to the posts. The vertical boards are nailed to horizontal support boards.

b. Fences cannot exceed six (6) feet in height.

c. Fences must be within your property line and not "on or over" the property line. This is a City of Raleigh ordinance and if a fence is on or over the property line, the City will be called.

d. The preferred method of installing a fence is to have the bottom of the fence follow the flow of the land.

e. The Step Method of installation is acceptable.

1. The top sections of each section of fence must be parallel to preceding section within a few inches.
2. The bottom of the fence must be filled in to give a good appearance (no gaps between the bottom of the fence and the ground).

f. Chain link, hog wire, chicken wire, wooden split rail and wooden post and rail fences are prohibited.

g. Picket fences are permitted.

h. No fencing shall be installed in any utility easements without the prior written consent of the utility.

i. Fencing is not allowed on a lot forward of the front corners of the house on that lot.

j. No tinting or staining of wood fences allowed unless stained a natural color as approved by the ACC. Painted fences other than white are strictly prohibited.

10. **FENCES: VINYL**

a. White is the only permitted color.

b. No Post and Rail, Pool Type or Full Lattice styles are permitted.

c. Same general requirements regarding property line, size and installation (step and ground flow)apply.

11. **FENCES: ALUMINUM**

a. Black is the only color allowed.

b. Any style is allowed.

c. Same general requirements regarding property line, size and installation (step and ground flow) apply.

12 **SHEDS**

a. Storage sheds are permitted and shall be placed to the rear of the property only with approval of the ACC. The structure must be built on cinder blocks or a permanent foundation. No lot shall be permitted to have more than one detached shed.

b. Paint must match the dominant color of the house, or be of a neutral color approved by the ACC.

c. All sheds must meet City of Raleigh codes, must be at least three (3) feet inside property line.

d. Wood, metal, or preformed vinyl sheds are allowed.

e. Sheds must be behind the house so it is not visible from the road.

f. Barn style and "A" roof lines are allowed. Roof line cannot extend onto/over neighbor's property.

g. Sheds on blocks must have the bottom trimmed with lattice. Lattice must be painted.

h. Flat angled roof lines are not allowed.

i. Sheds that are 12' x 12' must have a building permit.

j. Homeowner is responsible for regular maintenance and upkeep.

13. **BASKETBALL HOOPS**

a. Basketball hoops will be considered. Portable goals are allowed. Permanent goals mounted on the house or in the yard must be approved by the ACC. Approval will be considered on how the placement and use would impact neighboring homes.

b. Lights for night basketball play will not be permitted. Use shall be restricted to daylight hours.

c. Permanent and portable goals are not allowed along the street right of way at any time, nor block a driveway or sidewalk.

14. **SWIMMING POOLS**

a. In ground or above ground swimming pools shall not be permitted, other that toddler pools, which should be located in the back yard.

b. Spas or hot tubs will be permitted only when their placement does not interfere with the neighboring homes and will not create a nuisance. They do need ACC approval. Any spa or hot tub that is permitted must also conform to all local (City, County and/or State) zoning ordinances regarding this type of installation.

15. **AIR CONDITIONERS**

Window and/or wall air conditioning units may be placed only in the back of a home, not visible from the street, and shall not be permitted without prior approval of the ACC.

16. **GARBAGE/TRASH AND RECYCLE CONTAINERS**

a. All garbage/trash and recycle containers shall be located in the back yard, or along the side of the house or garage. No containers may be placed in the front of the house or garage, except on pick-up days.

b. Any garbage enclosures built must have ACC approval.

c. All containers will be kept clean and intact, **with lids closed**. It will be the responsibility of the homeowner to replace any broken containers as per guidelines set forth by the City of Raleigh Solid Waste Services.

d. No open storage of refuse/recycling is allowed under any circumstances, except for pre-arranged special bulk or charitable pick-ups.

e. It is the responsibility of the homeowner to obtain and follow all guidelines set forth by the City of Raleigh Solid Waste Services regarding days and times for pick-up. Any violation of these rules or regulations subject the homeowner to violation fines from <u>both</u> the City of Raleigh and the Battle Ridge HOA.

f. Trash/recycle containers can be put at curbside the night before pick-up per Solid Waste Services regulations. All containers must be removed from the curb /street by 7PM on the day after pick-up.

17. **ANTENNAS, FLAGPOLES, SIGNS AND MAILBOXES**

a. No exterior television or radio masts, towers, antennas or aerials may be erected. Satellite dishes are permitted, but shall be screened so that they are not visible from the street. Receivers should be located on the side of the house away from the street and cannot be larger than two (2) feet in diameter. Placement and landscape buffering requirements must be determined by the ACC as a condition of approval for satellite dishes. A flagpole for display will be permitted with prior approval from the ACC. Flagpoles shall not be used as antennas.

b. A 4’ x 4’ American Flag, or State of NC is permitted. Seasonal flags will only be permitted during specified seasons.

c. One “For Sale” or “For Rent” sign shall be allowed to be erected or displayed on a Lot without written permission of the ACC. The ACC shall determine form, size, color, content, time of placement and location of any other sign. No sign shall be nailed or attached to a tree, light pole within the neighborhood. Political signs may be permitted not more that 45 days prior or 7 days after an election. Each Lot is limited to one (1) sign no larger than 24” x 24”.

d. Mailboxes have been designed and installed for the Neighborhood by the Builder and HOA. If said mailbox is damaged, the homeowner must replace the mailbox and post at the owner's expense with an identical mailbox and post. Owners are responsible for the painting and upkeep of their mailboxes. Model numbers of the mailbox and post can be obtained from Major Management. **No type of décor or newspaper boxes may be nailed/bolted/attached to the mailbox or post.**

18. **ACCESSORY STRUCTURES, PLAY EQUIPMENT, DECORATIVE OBJECTS AND HOLIDAY DÉCOR**

a. All playground equipment or playhouses shall be placed to the rear of the property and only with the approval of the ACC. Location on the Lot and screening requirements may be a condition of ACC approval.

b. No large decorative objects such as sculptures, birdbaths, fountains and the like shall be placed or installed on the street side of any Lot without the approval of the ACC.

c. No clotheslines or similar structures shall be permitted on any portion of a Unit Owner's property.

d. Appropriate holiday decorations may be put up no sooner that 30 days before a holiday, and must be removed no longer than 30 days after the holiday.

e. Metal or wood swing sets are allowed with ACC approval. Sets must stand upright as designed, be kept rust free, have no broken or missing parts.

19. **PERMANENT BARBEQUES**

a. Permanent barbecues may be permitted in rear yards, but should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the surrounding area. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available.

b. No permanent barbecue shall be installed until approved by the ACC.

c. Non-permanent barbecues will be stored in the back of the house when not in use.

d. Above-ground and sub-surface fuel tanks (i.e. gasoline, diesel, propane, etc.) are prohibited. Propane tanks located above ground, such as for BBQ grills, are acceptable.

20. **PETS, PET HOUSES AND PENS**

a. No poultry, fowl, horse, cow, sheep, goat, pig or animal other than household pets shall be kept, harbored or bred on any said lots or within any home situated thereon. Household pets are herein described to be cats, dogs, parakeets and other small domestic animals with the exception of pigs. Household pets may not be kept, bred or maintained for any commercial purpose. All dogs shall be contained in an enclosed rear fence or decorative privacy fence. Invisible fences may only be located in the rear yard. Chain link fences are not permitted. Any pet houses or pens must be enclosed within a fence. Dogs are not allowed to be tied outside by any means including, but not limited to, chains, ropes, tethers, etc.

b. Pet owners will comply with the City of Raleigh Animal Control Ordinances, Pet Leash Law, and Pet Clean Up Law. All dogs shall be kept on a hand leash. All pet owners must pick up dog waste.

c. Animals that become a nuisance to the neighborhood will be reported to Animal Control. A nuisance animal disturbs the peace of, rights of, threatens the safety of, or causes damage to private or personal property.

21. **VENTILATORS, SKYLIGHTS, GUTTERS, AND DOWNSPOUTS**

a. Attic ventilators or other apparatus requiring penetration of the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located generally on the least visible side of the roof and not extend above the ridgeline. Approval of any ventilators must be obtained from the ACC prior to installation.

b. Gutters and downspouts must match the trim on the house and be as inconspicuous as possible. Run-off must not adversely affect the drainage on adjacent properties. Gutters must be cleaned as needed and not be allowed to fall or detach from the home.

22. **PATIO, PATIO ENCLOSURES, DECKS AND STEPS**

a. Patio enclosures are an extension of the home and have a significant impact on its appearance. All enclosures should be designed to conform to the contours of the house color and materials should be compatible with the existing home and surrounding homes. All patio enclosures must have ACC approval prior to the commencement of construction.

b. The roof of the patio enclosure should conform to the roof on the home as closely as possible. Insulated aluminum roofs will not be permitted.

c. All patios, patio slabs and courtyards must be approved by the ACC prior to installation.

d. All decks shall be constructed on the rear or side of the house. Material shall be pressure-treated lumber of grade 2 or better.

e. All steps on fronts and sides of homes are to be constructed of brick and no other materials.

23. **MAJOR EXTERIOR ALTERATIONS**

a. The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses.

b. The location of major alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.

c. Roof pitch should match the type used in the applicant's house.

d. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior openings in the existing house.

e. If changes in grade or other conditions, which will affect drainage, are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

24. **PROHIBITED PARKING & VEHICLES**

a. Vehicles may be parked or stored only in garages, driveways, carports or parking pads. NO PARKING ON LAWNS OR SIDEWALKS IS PERMITTED AT ANY TIME.

b. No type of vehicle may be allowed to park in such a manner that may block access to driveways or mailboxes. Neither shall such vehicle block the view of oncoming traffic of persons entering or backing out of driveways.

c. No vehicle of any type which is inoperable or abandoned (no current tags/plates, flat tires, broken windows) shall be stored or kept on any Lot in such manner as to be seen from any other Lot, any street within the subdivision, or the common areas, and no automobiles or mechanical equipment may be dismantled or allowed to accumulate on any Lot for more than 1 (one) day.

d. Only 1 (one) of the following: boat, boat trailer and all other types of trailers, camper, recreational vehicle, utility vehicle or truck (1 (one) ton maximum) is allowed on each Lot if it is screened from all streets, common areas and all adjacent lots. Screen may be a fence or plantings and must comply with the zoning ordinances and the ACC. Any and all others of the above must be kept enclosed in a garage.

e. No tractor trailers, trucks or truck cabs, towing trucks, buses, container trucks or commercial vehicles weighing more than 1(one) ton and/or having more than 2 axles will be permitted within the Battle Ridge community for personal parking use. Vehicles violating this regulation will be towed at Owner's expense.

f. No vehicle shall be parked on any driveway, street or Lot with any materials to cover/hide said vehicle. Such materials may include bed sheets, blankets, bedspreads, plastic sheeting, tarps, tenting materials. Only factory made, fitted vehicle covers will be allowed.

g. Mobile house trailers, on or off wheels are not permitted to park on any lot or any street within the Battle Ridge Subdivision.

h. All terrain vehicles (ATVs), three-wheelers, four-wheelers or dirt bikes shall not be operated with the Battle Ridge Subdivision.

25. **RENTAL OF HOMES**

a. All rental houses of Battle Ridge homeowners shall have a written lease which shall not be for an initial period of less than 30 (thirty) days.

b. The written lease shall have a provision requiring the lessee to comply with all Battle Ridge Rules and Regulation, By-Laws and Covenants.

c. The homeowner shall provide the lessee with a copy of the Battle Ridge HOA Rules and Regulations. Only the most current edition can be used.

26. **SUBDIVISION OF LOTS**

No Lot shall be subdivided by sale or otherwise so as to reduce the total Lot area shown on the recorded map or plat, except by and with the written consent of the Declarant or Board.

THIS DOCUMENT MAY BE REVISED FROM TIME TO TIME AS NECESSARY