ELIZABETH SPRINGS POA
&
ELIZABETH SPRINGS TOWNHOMES

Architectural Guidelines
&
Maintenance Standards

Revised 9/1/2022

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

Note: Sections of these Guidelines with specifications/prohibitions unique to Townhome Lots are noted in bold type with the header "TH:"

INTRODUCTION

Purpose of Architectural Guidelines

Elizabeth Springs is a master association containing single family homes and townhomes. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The Declarant Board or an Architectural Review Board appointed by the Declarant reviews all pre-construction and post-construction architectural requests until a Homeowner Architectural Review Board (ARB) is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Elizabeth Springs POA and Townhomes. The Elizabeth Springs POA and Townhomes By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications.

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

Government Permits

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

Review Structure

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

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications
The review of the proposed modifications shall require the submission of an application to the ARB. An application form can be obtained on the Charleston Management website at www.charlestonmanagement.com or by calling Client Services at 919-847-3003. Depending on the scope of the modification, the ARB may require the submission of all or some of the plans and specifications listed below. In the alternative, the ARB may require a less detailed description of the proposed modification.

Application Process
The ARB will require a set of modification plans in addition to the submission of an application. The preferred method of receipt is via email to: info@charlestonmanagement.com. If the e-mail option is not viable, the application and plans should be submitted to the following address: Charleston Management, P.O. Box 97243, Raleigh NC 27624. FAX: 919-848-1548. Do not fax if the ARB needs to review colors.

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

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

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

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

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

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

Review Period
Each application and plan submittal shall be approved or disapproved within 60 days of receipt of all materials required by the ARB. **The ARB's decision shall be based upon a majority vote of the ARB and shall be rendered in one of the following forms:**

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

2, "Approved with Conditions" - The application is not approved as submitted, but the ARB's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.

3. "Disapproved" - The entire application as submitted is rejected in total. The ARB shall specify the particular grounds upon which denial of such application is based.

4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the sixty (60) day time period for further ARB response shall only commence upon receipt of the requested additional information. .

If the ARB fails to respond within 60 days of receipt of a complete application, approval shall be deemed granted, if it is a request that meets the guidelines.

As a condition of approval under this section, each Owner and all successors- in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

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

Appeal
Any Owner who submits Plans to the ARB and disagrees with the finding of the ARB may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ARB or its representative. At such meeting the ARB or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ARB. The decision of the ARB shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 60 days.

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

Implementation of Approved Plans
All work must conform to approved plans. If it is determined by the ARB that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ARB or Board, the ARB shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

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

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

Changes After Approval
All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ARB prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ARB will ensure that changes are approved within 30 days.

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

Enforcement, Due Process Hearings, Fines & Fees
Any construction, alteration, or other work done in violation of these Guidelines or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ARB, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work

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

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

2. Should the owner fail to act upon the recommendations for corrections, the ARB shall submit the matter to the Board.

3. The homeowner shall be invited to hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.

4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.

5. Fines will be levied on a daily basis, up to $100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to $100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

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

ARCHITECTURAL DESIGN STANDARDS

The following specific site criteria shall apply to all proposed modifications within the community unless the ARB or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Air Conditioning Equipment
Unless other-wise permitted by the ARB, no window-air-conditioning unit shall be installed.

Antennae and Satellite Dishes

Prior approval of the ARB is <u>not</u> required for satellite dish installaton as long as the satellite dish meets the following requirements: a) be no more than one (1) meter (39.37 inches) in diameter, b) have a hidden cable, and c) is placed on the rear roof line of the home. ***If the only viable location to obtain a signal is in the front of a home, the Owner <u>must</u> submit a letter from the installation company provides a letter confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on a free standing pole in the yard.***

The installation of an antennae or antennae mast shall be permitted on a Lot if accomplished in strict compliance with the limitations and conditions imposed by the Telecommunications Act of 1996, as amended from time to time, but no antenna which is in any dimension larger than prescribed by the Telecommunications Act of 1996 or which is not installed in accordance with the advance notice requirements and location guidelines of the Telecommunications Act of 1996 may be installed or maintained on any Lot except with prior written approval of the ARB. Please refer to Article VII, Section 2(i) of the DCCR for further information regarding antennae installation specifications.

Awnings
The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation are on a case-by-case basis for approval by the ARB. All awnings must be maintained in excellent condition, free of mildew and discoloration, fraying or tears.

Basketball Goals
Basketball goals, whether in-ground or portable require prior approval of the ARB. Any approved installation must be placed in the rear third of the driveway (closest to the garage). Portable goals may never be placed at the street and must always remain in the upright position. No bricks or other types of weights may be placed on the bases of portable goals. All basketball goals must remain in good repair. If basketballs from a goal are deemed to be a nuisance by going into the adjacent lots, the Lot Owner could be subsequently required to install approved netting to stop the balls from entering the adjacent property. No goals may be affixed to the exterior of any structure.

TH: Basketball goals are not permitted at Townhome properties.

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

Curtains and Window Coverings
No Owner shall place on or about any window any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels, bed sheets or any other material not intended as a window covering in any window. All window treatments must be in keeping with the overall scheme and aesthetic of the Proeprty and shall be earthtone or neutral in color (e.g. white, tan, brown). Any window treatement not deemed in keeping with the overall scheme and aesthetic of the Proeprty shall be removed by the Owner at the discretion and direction of the Association.

Dog Runs/Dog Houses
Dog Runs and dog houses are not permitted on any Lot.

Exterior Lighting
Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ARB. The ARB may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Holiday lights may be erected one (1) month prior to a holiday and must be removed no later than one (1) month after the holiday.

TH: landscape lighting may not be placed in the grass of any Lot.

Fences and Shrubbery
Chain link fencing is expressly prohibited. No hedge, shrubbery, or other planting, nor other plant screening shall be in stalled on any Lot except with prior written permission of the Architectural Control Committee. ***Approved fencing materials and specifications are listed Exhibit A.***

Firearms
Hunting and trapping of wild animals, fowl and game and the discharge of firearms and/or bows and arrows or other weapons on any Lot or anywhere within the Community is prohibited. Firearms, including pellet guns and bb guns, are prohibited in the common areas of the community.

Fireplaces, Firepits, Firebowls, Contained Fires
Outdoor fires located within an enclosed outdoor fireplace or other similar device specifically designed to hold and contain a fire, shall be permitted along with grills, if located in the rear yard of a home and if utilized in a safe manner. No fires may be left unattended at any time and all such installations must comply with municipal and State Fire Codes. Barrels may not be used to contain a fire. No burning of leaves or other types of waste is permitted anywhere within the community.

TH: Fireplaces, fire pits, fire bowls or contained fires are not permitted on Townhome Unit Lots due to Lot size limitations and landscape maintenance issues.

Flags
Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed 4' X 6'. A US flag and NC flag may be flown from the bracketed pole, in accordance with §47F-3-121 North Carolina Planned Community Act. Decorative flags which celebrate a weather season, a valid and registered sports team or a specific, recognized holiday may also be flown one (1) month before a holiday and must be removed within seven (7) days after a holiday.

Outdoor Furniture
Only furniture specifically designed for exterior use may be placed on the front porch of a single family unit or in the rear yard of a single family unit.

TH: Furniture specifically designed for exterior use may be placed on the front porch, patio or balcony of a unit only. No furniture, planters, landscape lighting or objects of any kind may be placed on the grass of a Lot as it will impede landscape mainteannce.

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

TH: Garden beds or containers are not permitted on Townhome Lots due to the size of Lots and landscape maintenance issues.

Garage Sales
The only garage sales permitted will be community yard sales once annually which will be organized and advertised by the Association on a particular date.

Grills, gas or charcoal
The preferred placement of a grill is at the rear of a home on a patio.. Owners who choose to store their grill in their garage and place the grill on the driveway for operation must adhere to the following requirements: 1) the propane line must be disconnected from the grill whenever stored in the garage; 2) when in use, the grill must be placed on the rear portion of the driveway, at least 10 feet away from the building and any combustible materials; 3) the grill must be returned to the garage within 4 hours of use.
TH and SF: Grills may not be placed on decks as this is a violation of the NC Fire Code.

Home Businesses
Lots are to be used for residential purposes. Home Businesses. An Owner may maintain an office or home business on such Owner's Dwelling or other improvement in the Properties only if: (i) such office or home business is operated by the Owner or a member of the Owner's household residing in the Dwelling; (ii) there are no displays or signs indicating that the Dwelling or improvement or portion of the Properties on which it is located is being used other than as a residence; (iii) such office or business does not generate significant traffic or parking usage by the business itself or by clients, customers or other Persons, it being in the discretion of the Board to determine compliance with this requirement; (iv) no vehicles, equipment or other items related to the office or business are stored, parked or otherwise kept on the streets in the Subdivision or on the portion of the Properties on which such Dwelling is located outside of the Dwelling or other enclosure approved by the Architectural Review Committee; (v) such Owner has obtained from the applicable Governmental Authority, and maintains in effect, all required approvals for such use; (vi) the activity is consistent with the residential nature of the Properties and complies with all Legal Requirements and other provisions of this Declaration; (vii) no person is employed in such office or home business except for the Owner or the members of the Owner's household residing in the Dwelling or the Owner's tenant residing in the Dwelling; and (viii) the Owner has obtained prior written approval from the Board before commencing such business or office useand thereafter registers annually with the Association and obtains annual re-approval of such business or office use by the Board as long as the operation of the home business continues. As a condition to such use, the Association may require the Owner to pay any increase in the rate of insurance, trash removal, utilities or other costs for the Association or other Owners which result or reasonably may he anticipated to result from such use.

Hot Tubs and Saunas
The approval of the ARB is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Landscaping, Maintenance of
Grass, hedges, shrubs, vines and mass plantings of any type on a Single Family Lot shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Single Family Home and Townhome owner’s responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed from Single Family Lots. No leaves, trash, garbage or other similar debris shall be burned except as permitted by the appropriate governmental authority on any Lot.

Mulch and/or pinestraw must be refreshed at least annually at all Single Family home Lots.

TH-Landscape Maintenance is provided at Townhome Lots and the Townhome Association is responsible for plant replacement and annual refreshment of mulch. Townhome Lot Owners are responsible for watering their plantings and turf as necessary.

Landscaping Modifications
A comprehensive landscape plan must be included with architectural applications for landscaping redesigns. The plan shall show the scheme for decorative plantings, planned site improvements and modifications, including, but not limited to, major topographic changes and plans for revegetation and stabilization thereof, the specifications for all terraces, walkways, driveways, paths, fences, bulkheading, walls, pools, outdoor lighting and other fixtures and structures to be constructed as part of the Landscape Plan.

Noise/Nuisance
No noxious or offensive activity shall be carried on in or upon any part of the Property nor shall anything be done thereon which may be or become an unreasonable annoyance, inconvenience or nuisance to the residents of the Property or unreasonable interfere with the quiet enjoyment of occupants of Lots. No Owner shall permit anything to be done or kept on his or her Lot which would result in the cancellation of insurance on said Lot or any other residence or any part of the Common Area or which would be in violation of any law. ***Please also see Exhibit B, Rolesville Noise Ordinance***.

Outbuildings, Gazebo, Trampolines, Awnings, Freestanding Flagpoles and Pools.
No Owner shall construct, install, erect or maintain upon any Lot any outbuilding, storage shed (unless erected by Declarant), gazebo, trampoline or awning without prior approval of ARB.

In no event shall any outbuilding,storage shed, gazebo, trampoline or play equipment be placed on any lot in the front or side yards as determined by the building lines applicable to theLot.

TH: Storage sheds, trampolines, pools gazebos and plays structures are not permitted on Townhome Lots due to Lot size limitations and landscape maintenance concerns.

No above –ground pools (except for wading pools, no deeper than 2 ft. tall and no wider than 10 ft. in diameter which shall be regulated by the ARB) shall be allowed on any Lot. Wading pools shall only be allowed in appropriate weather and must be emptied and stored when not in use.

Parking- TH and SF Homes
Each Lot owner shall provide space for parking of all automobiles owned by those household members off the public street in the designated garage and driveway for that Lot. Street parking is permitted only for short term guest parking, ie. for 6 hours or less. No vehicle may be parked in such manner to impede or prevent ready access to driveways within the community. No vehicle may be parked within 8 feet of an intersection in the community. No vehicle shall be parked or stored on or across any sidewalk or any part of a Lot other than in areaas improved for that purpose.

Overnight guest parking at the amenity facility will be permitted only with prior written approval of the Board of Directors.

No boat, trailer, recreational vehicle, camper, camper truck, utility trailer, other water crafts or commercial vehicles may be parked or stored anywhere on the Property, except in a closed garage.

Parking of Commercial Vehicles. The term "commercial vehicles" as used herein, shall include, without limitation, any vehicle used primarily for commercial services and activities, including, but not limited to, vehicles fitted with exterior pipes, ladders, ladder racks, tool boxes which project from sides of vehicle, box trucks, truck cabs with flat beds, all as determined by the Board in its sole discretion. Vehicles displaying signage of a commercial or business nature that are used primarily for transportation of passengers only would not be considered commercial vehicles, even if one ton in towing capacity. Commercial vehicles shall not be permitted in the Property, except if kept in an enclosed garage;

provided however, construction, service, and delivery vehicles shall be exempt from this provision for such period of time as may be reasonably necessary to provide service to or make a delivery within the Property.

Patios/Decks/Screened Porches
The approval of the ARB is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house. Samples (color photos) of any new products to be introduced in the design must be submitted with the ARB application.

TH-patios/decks/screened porches may not be permitted on some TH models due to lot size/building design.

Pets
No animals of any kind (including livestock, reptiles or poultry) shall be kept on any portion of the Properties or in any Dwelling except for a total not to exceed an overall total of three (3) dogs, cats or other domestic household pets (or a combination thereof) which are not used for breeding or other commercial purposes, and provided that they do not create a nuisance (in the judgment of the Board). The animals may not create a nuisance to the Community through noise, odor, damage or destruction of property, animal waste, or any other reason. All pet owners must be comply with the Rolesville Animal Control Ordinances, Wake County Animal Control Ordinances, and the Association's Regulations regarding Pets.

No chickens, goats, pigs or other animals typically deemed as livestock are permitted to be kept as pets, even if municipal ordinances permit.

Animals must be kept on a leash, under the control of a competent individual, whenever they are anywhere in the community, other than in a fenced yard.

Owner is responsible for immediately picking up after their pet on their own Lot or in common area of community and properly disposing of feces. Owners are not to permit pets to urinate or defecate on the property of other Lot owners.

Each Owner who keeps any animal on any portion of the Properties shall be deemed to have indemnified and agreed to hold harmless the Association, Declarant and all other Owners, from and against any loss, claim for damages to person or property, cause of action, or liability of any kind, including all costs of defending against same (including reasonable attorneys' fees), arising out of or resulting from such animal, including any actions of the animal. An easement over and upon the Properties hereby is reserved for the applicable Governmental Authority to exercise and enforce Legal Requirements relating to animal control.

Refer to Exhibit D for Town of Rolesville Animal Control Ordinance.

Play Equipment/Trampolines
No owner shall erect a trampoline or play equipment without prior approval of the ARB. In no event shall trampoline or play equipment be constructed on any Lot in the front or side yards, as determined by the building lines applicable to the Lot.

TH- permanent play equipment and trampolines are not permitted on Townhome Lots.

Pools
In ground pools are permitted with prior approval of the ARB. No above ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the ARB) shall be allowed or approved on any lot. Wading pools shall only be allowed during appropriate weather and must be emptied and stored when not in use.

TH- in ground pools are not permitted on Townhome Lots.

Rentals/Leasing
Rental agreements must be for a minimum of twelve (12) months. Owner may only rent entire house and must require that occupants be members of a single housekeeping unit. Rooms may not be rented out individually. No short term rentals, Air BnB, VRBO or any type of vacation rentals are permitted at any Lot in the Community.

Owner must ensure that tenants do not have more vehicles than parking spaces available on Lot.

Owner is responsible for the actions of tenants and their guests. Owners are responsible for providing a copy of this document to all tenants and requiring tenants to comply with all provisions in this document. The Association reserves the right to require Owner to terminate lease and evict tenants for on-going violations of this document.

Owners who lease their units must, upon request of the Association, provide a copy of the lease, the name and contact of the Rental Agent, and a valid email address and telephone number for the individual who is responsible for receiving all mail and correspondence related to the unit and the actions of the tenants residing in the unit.

Rooftop Equipment/Solar Panels
The approval of the ARB is required for all rooftop equipment and accessories, unless specifically accepted in this section. Any installed solar energy equipment may be considered on the rear roof line and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Shed, Playhouse or Tree House
Storage shed, playhouse or tree house plans must be in approved in advance before construction can begin. Approved storage sheds and play houses must be no larger in size than eight (8) feet by twelve (12) feet and be constructed of wood and finished with the same siding material with which the home is constructed and must be painted the same color as the home.

The shed/playhouse must have a suitably-constructed flooring system or foundation. (A masonry foundation or slab is permitted, provided that it is completely enclosed by brick or siding to grade level.) The roof must have a six (6) inch overhangs, and be constructed of architectural shingles that match the color of the home. Additional landscaping or screening plants may be required by the ARB, depending upon location of shed. Sheds and playhouses may not be located in a sewer, landscape or drainage easement. Lastly, owner must obtain all necessary permits and approvals from municipality.

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

TH-Sheds, playhouses and tree houses are not permitted on Townhome Lots.

Signs
Except as otherwise required by the Town, no sign of any kind shall be displayed to the public on any Lot other than one sign of not more than nine (9) square feet advertising a Lot for sale and one (1) sign of not more than nine (9) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such election and shall be removed within seven (7) days after such election.

For Rent signs are not permitted on any Lot or in the window of any dwelling on the Property.

Solar Panels & Other "Green Energy" Improvements
The installation of solar panels or other "green energy" improvements to the roof or exterior of a dwelling located on a Lot shall be permitted in accordance with NCGS §22B-20 after approval by the ARB.

Storm Doors
Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met: 1) door must have full view, single pane of glass with no etchings or tint; 2) frame of door must be the same color as the existing door trim; and 3) the hardware metal on the storm door must match the hardware on the existing door.

Screen doors are not permitted, except on approved screened porches.

Temporary Structures
No temporary structures shall be placed upon any portion of the Property at any time. Tents (except tents as used temporarily for recreation for no more than 48 hours), recreational vehicles, trailers of any kind may not, at any time, be used as a temporary or permanent residence or be permitted to remain on any portion of the Property.

Trash, Garbage, Rubbish, Waste
No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of the street or adjoining lots.

Examples of approved trash screens may be found in Exhibit C. Other designs may be submitted and will be reviewed on a case-by-case basis.

Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twelve (12) hours after collection.

TH: not all screens listed are approved for Townhome lots due to lot limitations.

Trees and Foliage
No trees measuring 4 inches in diameter at a point two (2) feet above ground may be removed from a lot without prior approval of the ARB. No flowering trees or shrubs above four (4) feet in height may be removed without prior approval of the ARB. In the event of a diseased or dead tree, the application will be expedited for the benefit of the owner. Owners should submit a photograph of the yard area, marking the tree to be removed and submit this with the application.

Utilities
Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Vehicles, including Recreation Vehicles
All motorized vehicles operating within the Properties, including automobiles, motorcycles, trucks, lawn mowers, and golf carts, must have proper and adequate mufflers.

Each Owner shall provide for adequate parking space on such Owner's Lot for all of the following "vehicles" that are regularly used in connection with the Lot by any Person or are used or kept on the Lot by any Person: motorized vehicles; bicycles; and other apparatus moved by use of wheels or otherwise designed or used for movement over and upon streets or highways (whether motorized

or whether or not self-propelled), including trailers and carts. Trailers and carts must be stored in the garage with the doors closed.

Vehicle repairs may not be performed in driveways or on the streets of the Property, except for emergency repairs completed within 24 hours.

No tractors, inoperable or wrecked motor vehicles, campers, RVs, ATVs, trailers, boats or similar recreational equipment may be stored anywhere on the Property except for inside a closed garage.

No vehicles of any kind shall be parked or left in the Common Elements and commercial trucks shall not be permitted to park overnight on the streets, driveways or otherwise within the Properties. Provided, however, and notwithstanding the foregoing, and subject to Legal Requirements, vehicles may be parked temporarily on streets and driveways within the Properties as reasonably necessary in connection with construction, installation, or maintenance of improvements within the Properties.

Yard Art, Statuary, Exterior Decorations
Statuary such as such as sun dials, globes, sculptures, wreaths, decorative flags, fountains, bird houses, bird feeders and other yard art, are restricted to the front porch and rear yard of a Lot.

TH: None of the items described above may be placed in the turf /grass areas of any Lot as it will interfere with the landscape maintenance of Lot.

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

Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned.
Changes to the existing landscaping plan of the home require prior approval of the ARB. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may requested by ARB.

TH: Not all landscape modifications will be permissible on TH lots due to landscape maintenance and lot size restrictions.

Drainage
Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the ARB. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARB.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

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

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

CONSTRUCTION GUIDELINES

Construction and Completion Timeliness
When construction of any Lot, structure, improvement or addition has begun, work shall commence diligently and continuously through completion. Any structures must be "dried-in" with exterior finishes installed within 120 days of commencement of construction and all phases of work, including all landscaping must be complete within six (6) months of the date of ARB approval.

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

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

Construction Damages
Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

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

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

NOTICE: THE PROVISIONS OF THIS DOCUMENT SHALL IN NO WAY BE CONSTRUED AS A GUARANTEE THAT THE VIEW, PRIVACY, SUNLIGHT OR BREEZE AVAILABLE TO A BUILDING OR STRUCTURE ON A GIVEN PROPERTY SHALL NOT BE AFFECTED BY THE LOCATION OF A BUILDING OR STRUCTURE ON AN ADJACENT PROPERTY.

LIMITATION OF LIABILITY

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

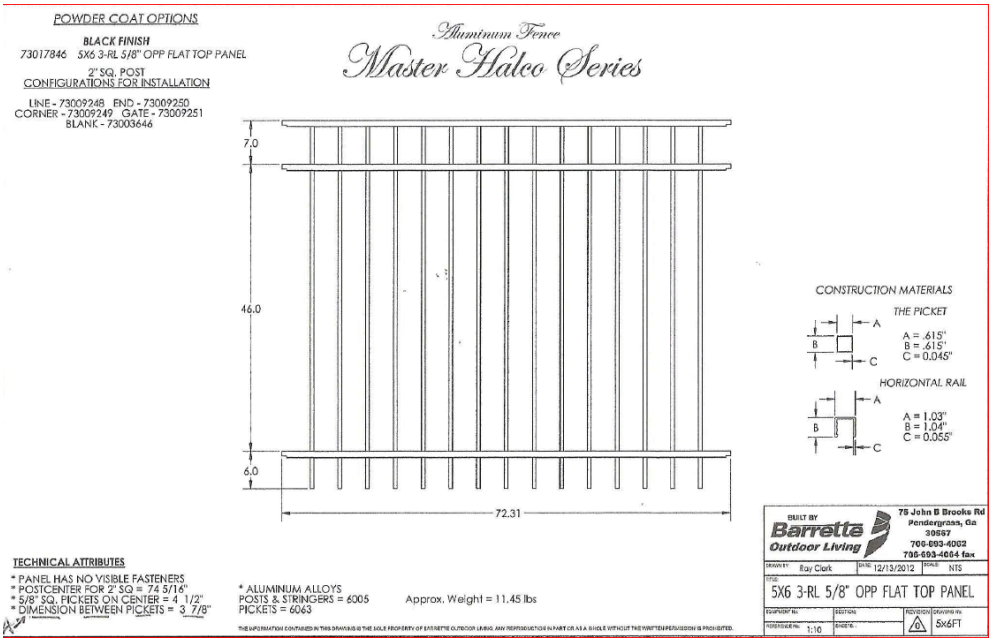
will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages

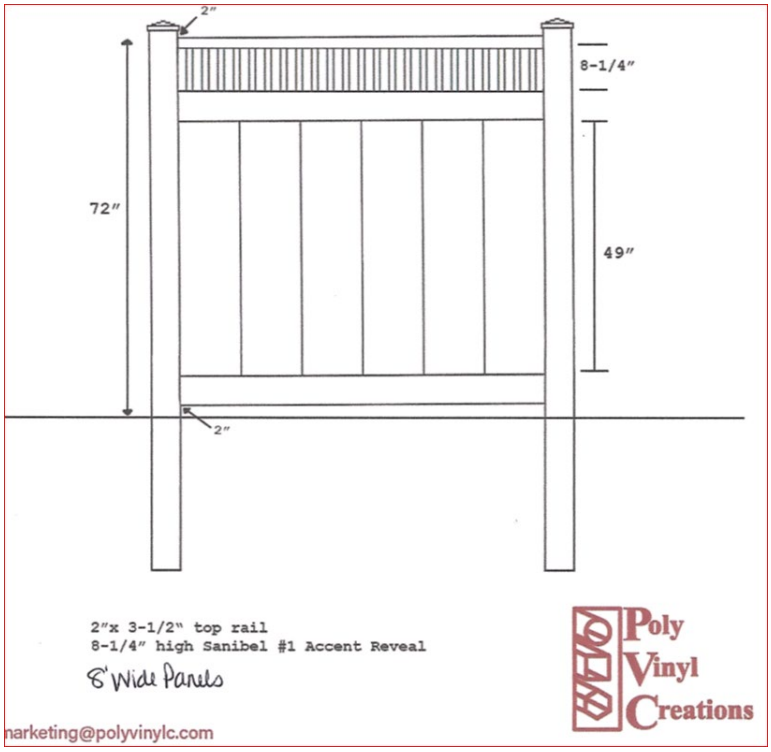
SEE EXHIBIT E FOR TOWNHOME MAINTENANCE RESPONSIBILITY CHART

EXHIBIT A

FENCING REQUIREMENTS

There are two fencing types/styles approved for Elizabeth Springs. A five (5) foot black aluminum fence and a six (6) foot white vinyl privacy fence (3 options shown). Examples of the approved fence designs are shown below and are available through multiple fence suppliers.









Six foot white vinyl with 5 foot privacy panel and one foot lattice panel.

FENCING REQUIREMENTS, CONTINUED.

Townhome Requirements: All fence installations have the following requirements on townhome lots:

- Fencing must start off the rear corner of the units for end units.

- Every enclosed rear yard must include a four (4) foot gate on both sides of the enclosed yard to enable the landscape maintenance personnel access.
- Yard maintenance will not be completed in yard if the gates are 1) locked; 2) if pets are in the yard; 3) if there is feces in the yard; 4) and owner is responsible for ensuring that gates are properly shut after yard mainteanance is completed and before allowing pets into rear yard again.
- Dog runs or dog house/structures not permitted in yard.
- Resident is required to pick up after dog daily so that no feces remains in yard for extended periods.
- If complaints are received regarding noise nuisance by dogs in yard, dogs will no longer be permitted to remain in yard without owner present.

Single Family Requirements: All fence installations have the following requirements on single family lots:

- Fences may not be placed any further forward than 15 feet from rear corners of home.
- Dog runs or dog house/structures not permitted in yard.
- If complaints are received regarding noise nuisance by dogs in yard, dogs will no longer be permitted to remain in yard without owner present.
- Resident is required to pick up after dog daily so that no feces remains in yard for extended periods.

REQUIREMENTS FOR ALL LOTS AND APPLICATIONS:

- No fence may cross or obstruct any type of easement without prior approval of the ARB or relevant municipality.
- All fence applications must include a copy of the plat plan with proposed location of the fence marked on plat plan.
- Any fence that will be adjoining or attached to the fence of an adjacent lot owner must be accompanied by a letter from that Lot owner granting permission for adjoinment.
- All fences must be located within the property lines of the owner submitting request.
- If an owner wishes to join to another adjacent fence, it will most likely create an encroachment onto the adjacent lot owner's property. Therefore, a letter from the adjacent owner agreeing to the connection must accompany the architectural request.
- If there is any doubt as to the locations of property lines, a surveyor must be hired to locate property lines.
- Owners are responsible for relocation of any fencing which is installed and subsequently found to be encroaching onto adjacent lots or common areas.
- Lot owners are responsible for correction of any drainage issues created on adjacent lots or common area by the installation of fencing.

EXHIBIT B

ROLESVILLE NOISE ORDINANCE

§ 130.04 - Unnecessary noise.

(A) It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of any unreasonable loud, disturbing, and unnecessary noise in the Town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device including compression release engine or transmission braking system or any device on any automobile, truck, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are applied and deceleration of the vehicle is intended; the creation by means of such device of any unreasonable loud or harsh sound; or the sounding of such a device for an unnecessary and unreasonable period of time;

(2) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(3) The use or operation after 11:00 p.m. and before 7:00 a.m. on any day of any piano, manual or automatic phonograph, stereo system, radio, loudspeaker, or any other instrument or sound amplifying devices, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; however, on application to the Mayor, a permit may be granted to responsible organizations to produce programs in music, speeches, or general entertainment;

(4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The erection (including excavating), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues;

(10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of that institution, provided conspicuous signs are displayed in that street indicating that the same is a school, court, or hospital street;

(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same are church streets;

(12) The creation of loud and excessive noise in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates, and containers;

(13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(15) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise;

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners; and

(17) The conducting, operating, or maintaining of any garage or filling station in any residential district, so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

Exhibit C

TRASH & RECYCLE BIN PLACEMENT

The screening options below are permitted for installation without prior approval of the ARB, subject to proper installation in accordance with directives below.

Trash and recycle bins must be stored in the garage of the home, stored directly behind the home, against the rear exterior wall of the home or may be stored as follows if screened:

- Screens/Panels are to be installed perpendicular to the front corner on either side of a ***single family home or end unit townhome*** with a front load garage.
- Screens listed below have stakes that are driven into the ground for stability. The trash and recycle bins may then be stored against the exterior of the home behind the screen so that they are not visible when facing the home from the street.
- Owners may choose to purchase additional screens to place at a right angle to the first so that the bins are screened from the side, as shown in picture below.

Listed below are several options from which owners may choose. **Not all options are available for townhome unit owners and it will be noted according.** All options may not be available at all times from the source listed. Note that these screens may be available from other sources at varying prices, based upon your internet search. Other screen options will be considered, but must be submitted for prior approval.





https://www.wayfair.com/outdoor/pdp/suncast-4-ft-h-x-35-ft-w-privacy-screen-xa1624.html

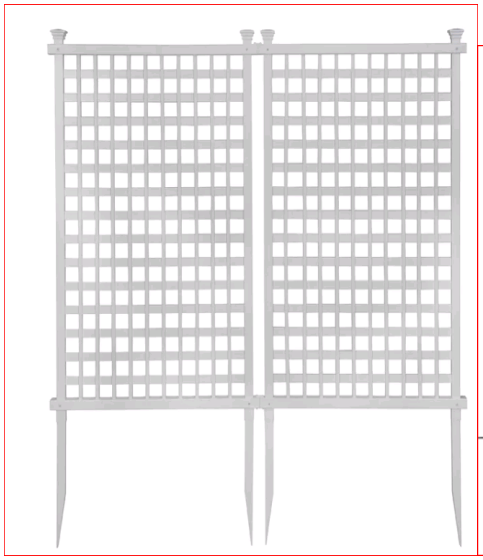
Permitted for SF and TH end units or or against rear wall of on interior TH units(interior units require 2 sets of screens)

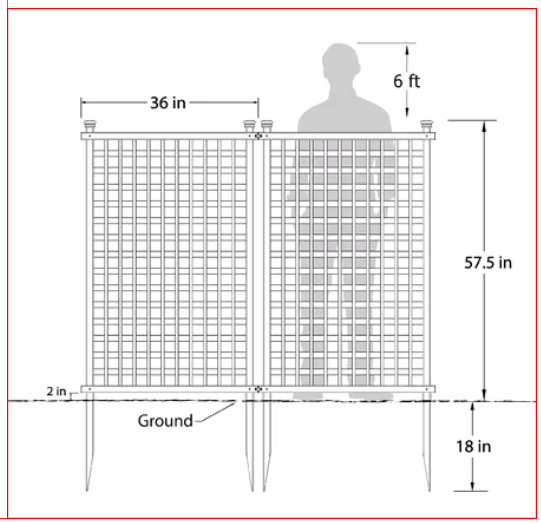




https://www.homedepot.com/p/Zippity-Outdoor-Products-4-ft-x-4-ft-Premium-White-Vinyl-Privacy-Fence-Panel-Screen-Enclosure-ZP19014/207103109?source=shoppingads&locale=en-US&mtc=Shopping-B-F_Brand-G-Multi-NA-Multi-NA-Feed-PLA-NA-NA-Catchall_PLA&cm_mmc=Shopping-B-F_Brand-G-Multi-NA-Multi-NA-Feed-PLA-NA-NA-Catchall_PLA-71700000014585962-58700001236285396-92700010802552517&gclid=CjwKCAjwgOGCBhAlEiwA7FUXktCiP03qHs7zQUufnvUTqI7BJ7paZPmdJPoGx3QTaYUoJ_NyERGApxoC3mcQAvD_BwE&gclsrc=aw.ds

Permitted for SF and TH end units or against rear wall of on interior TH units (interior units require 2 sets of screens)





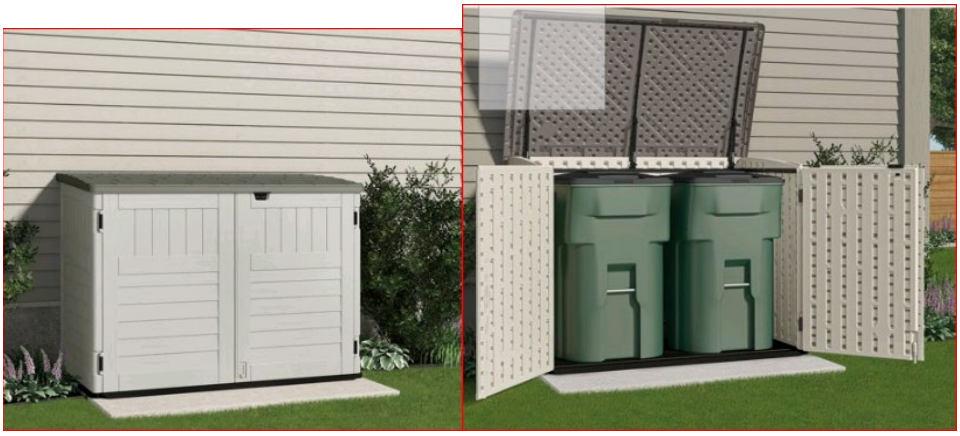
https://www.wayfair.com/outdoor/pdp/zippity-outdoor-products-45-ft-h-x-3-ft-w-highland-vinyl-privacy-screen-zpor1037.html?piid=

Permitted for SF and TH end units only or or against rear wall of on interior TH units (interior units require 2 sets of screens)



https://www.amazon.com/Outdoor-Garbage-Enclosures-Concealer-Conditioner/dp/B07QWYS9LK/ref=asc_df_B07QWYS9LK/?tag=hyprod-20&linkCode=df0&hvadid=343220021881&hvpos=&hvnetw=g&hvrand=9931668975503503507&hvpone=&hvptwo=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9009740&hvtargid=pla-737102411986&psc=1&tag=&ref=&adgrpid=71762479111&hvpone=&hvptwo=&hvadid=343220021881&hvpos=&hvnetw=g&hvrand=9931668975503503507&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9009740&hvtargid=pla-737102411986

Permitted for SF and TH end units or against rear wall of on interior TH units (interior units require 2 sets of screens)



https://www.walmart.com/ip/Suncast-70-cu-ft-Stow-Away-Horizontal-Trash-Can-Shed-BMS4700/27653122?wmlspartner=wlpa&&adid=22222222227022673262&wl0=&wl1=g&wl2=c&wl3=40471249232&wl4=pla-608204134446&wl5=9009740&wl6=&wl7=&wl8=&wl9=pla&wl10=8175035&wl11=online&wl12=27653122&veh=sem&gclid=CjwKCAjwgOGCBhAlEiwA7FUXkkCIdfhEo4lRAZKrIHVGtiIAUKPBLWBtVLd4z-ywyLNZyz3sJPffEBoChwgQAvD_BwE&gclsrc=aw.ds

Permitted for SF homes and may be placed on the patio of Townhome units only or on the side of end unit Townhomes.

Exhibit D

Rolesville Animal Control Ordinance
Excerpts of Relevant Sections

CHAPTER 92. - ANIMALS
§ 92.01 - [Section of Wake County ordinance.]

Section 92.01 remains unchanged as the Wake County Animal Control Ordinance to be enforced by Wake County Animal Control officers.

§ 92.02 - Declaration of purpose.

The presence of animals at-large, stray animals, nuisance animals, vicious animals, and diseased animals within the corporate limits of the Town of Rolesville is hereby declared to be a public nuisance. These animals are a threat to the health of the community and to the safety of persons and property alike.

§ 92.04 - Definitions.

For purposes of this chapter, certain words and terms are defined as herein include:

(A) *Adequate shelter:* An enclosure of at least three sides or a circular enclosure, a roof, and a ground surface. The enclosure shall be ventilated and have sufficient room for the animals(s) to move about freely and lie comfortably.

(B) *Animal:* Any non-human, vertebrate species, domestic or non-domestic, excluding fish.

(C) *Animal at large:* Any animal off the premises of its owner and not under sufficient physical restraint, such as a leash, cage, bridle, or similarly effective device to allow the animal to be controlled.

(D) *Animal under restraint:* Any animal confined within a vehicle, confined within the real property limits of its owner, or secured by a leash or lead.

(E) *Domestic animal:* Any animal that is accustomed to live in or about the habitation of humans, including but not limited to cats, dogs, cows, fowl, horses and domesticated wild animals.

(F) *Exotic animal:* Any wild animal not customarily confined or cultivated by humans for domestic or commercial purposes.

(G) *Exotic animal, dangerous:* Any exotic animal, which demonstrates actions that would constitute a danger to any person, domestic livestock, other domestic animals, or property. Characteristics used to determine the dangerous nature of an exotic animal include:

(1) Disposition.

(2) Physical or inherent characteristics.

(3) Size.

(4) Behavior.

(5) Propensity to act without provocation.

(H) *Livestock:* Rabbits, cattle, swine, sheep, goats, and members of the equidae family of mammals such as horses, mules, and donkeys.

(I) *Nuisance animal:* Any animal or group of animals which:

(1) Is repeatedly found at-large.

(2) Damages the property of anyone other than its owner.

(3) Is vicious.

(4) Causes the fouling of the air by odors.

(5) Causes unsanitary condition of enclosures or surroundings.

(6) By virtue of the number of type is offensive or dangerous to the public health, safety of welfare.

(7) Excessively makes disturbing noises.

(8) Is diseased and dangerous to the public health

(J) *Owner:* Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring, possessing, or taking care of any animal for more than five days.

(K) *Owner's real property:* Any real property owned or leased by the owner of the animal(s). This property does not include any public right-of-way or a common area of condominium, apartment complex, or townhouse development.

(L) *Pet:* Animals kept inside the primary or accessory dwelling unit entirely for pleasure rather than utility.

(M) *Supervision:* Supervision means under the observation or under the direction of the owner or his/her designee.

(N) *Tether:* Tether means tying out or fastening an animal outdoors on a rope, chain, or other line for restraining the animal. The term does not mean the restraint of the animal on an attended leash.

(O) *Vicious animal:* Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

§ 92.05 - Animals at large.

(A) No animal shall be left at large. Animals shall be under restraint at all times.

(B) It shall be unlawful for any owner to permit an animal to be at large.

§ 92.06 - Nuisance or vicious animals prohibited.

(A) It shall be unlawful for any person to keep, maintain, posses, harbor or have under his control within the Town any Nuisance Animal or any Vicious Animal.

(B) Upon receipt of a written detailed and signed complaint being made to the Town, Police Chief or Wake County Animal Control by an resident or residents that any person is maintaining a nuisance animal or a vicious animal, as defined in § 92.04 above, the Chief of Police or Wake County Animal Control shall cause the owner of the animal or animals in questions to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.

(C) If the written findings of the Chief of Police or Wake County Animal Control indicate that the complaint is justified, then the Chief of Police or Wake County Animal Control shall cause the owner or keeper of the animal or animals to be notified in writing by registered mail, return receipt requested, ordered to abate such nuisance within seven days after notification, and issued a citation for the violation. In the event the owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be published with a local newspaper.

(D) If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police or Wake County Animal Control within the specified time, the Police chief or Wake County Animal Control may cause the animal or animals in question to be apprehended and impounded.

(E) Within the seven-day period mentioned in subsection (c) above, the owner of the nuisance animal may appeal the finding of the Chief of Police or Wake County Animal Control to the Town Manager by giving written notice of appeal to Chief of Police, the appeal to stay the abatement of the nuisance until a final determination by the Board of Commissioners.

(F) If the owner shall so request, the animal or animals may be redeemed upon condition that the owner execute a written agreement to comply with the abatement order within 30 days of impoundment of the animal or animals. 92.12 - Penalties for violation.

§ **92.13 - Tethering of animals is restricted.**

No person shall at any time, tether any animals or cause such animal to be fastened, chained, or tied while such animal is on property owned or leased by the owner except that a animal may be tethered to allow for the cleaning of the animal's enclosure or while the animal is under the supervision of the owner. In addition to being a misdemeanor, a violation of this section is subject to a civil penalty pursuant to § 92.12 above.

Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed $200.00 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense. (A) Any person who violates any provision of this chapter may be fined a civil penalty of $200.00. If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties shall be made within ten days. Civil penalties may be assessed by citation, hand delivered to the owner or by certified mail and recovered by the Town of Rolesville in a civil action in the nature of a debt. (B) Violations of this chapter may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this chapter, violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. (C) Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this chapter. (D) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.