

# APPLECROSS ASSOCIATION RULES AND REGULATIONS

## REV 09/08/2010

### APPLECROSS ASSOCIATION DECLARATION AND BYLAWS

WHEREAS, the authority to adopt and enforce Rules and Regulations for Applecross Association has been granted to the Board of Directors under Article X, Section 1. of the Declaration as follows: **“The Board of Directors of the Association shall have the power to formulate, publish, and enforce reasonable rules and regulations concerning the use and enjoyment of the front and rear yard space, if any, of each lot and the common area.”**;

NOW, THEREFORE, The Board of Directors for Applecross Association adopts this set of Rules and Regulations for the Community and these rules and Regulations shall become an extension of the Declaration for Applecross Association and all Homeowners, Residents and Guests are henceforth required by the Declaration to adhere to and comply with these Rules and Regulations.

### TO BE AN INFORMED RESIDENT

To be an informed resident you should have, or have access to, the Declaration and Bylaws and the Rules and Regulations for Applecross Association.

These rules and regulations are in addition to the Declaration and Bylaws. These rules and regulations in no way change or override the Declaration and Bylaws. These rules and regulations are subject to change and may be updated from time to time.

If you failed to receive a copy of the declaration and bylaws at the purchase of your townhome, you may request a copy from the management company. These documents may also be retrieved from the community's website, [www.applecrosshoa.org](http://www.applecrosshoa.org).

### PURPOSE

These Rules and Regulations are designed to make living in Applecross Association pleasant and comfortable for each member of the Association. **The cooperation of each and every Homeowner, Resident and Guest is ESSENTIAL AND VITAL.**

## **ASSESSMENTS**

The term assessment will be used in regard to the monthly Association Dues assessments, and any special assessments.

- Monthly assessment payments are due on the 1st (first) day of the month. Any monthly assessment payment not received by the 20<sup>th</sup> day following the due date shall bear a late fee in the amount of \$10.00.
- Owners who fall behind in their assessment payments will be subject to having their account turned over to an attorney for collection. If an attorney has to be used for collection purposes, his/her fees and associated charges will be charged to the delinquent owner.

## **EXTERIOR MAINTENANCE**

**Homeowner is responsible for doors and door frames, windows and screens, light fixtures, electrical outlets, water faucets, crawl space and structural components of foundation.**

**The Association is responsible for maintaining or repairing the following:**

Townhouse Exteriors

Building surfaces  
Gutters and down spouts  
Roof repair and replacement  
Painting of all exterior painted surfaces typically at the time of regular painting cycle  
Decks and deck fences  
Porches

The Grounds

Common area plantings and mulching  
Grass cutting, edging, and weeding  
Lawn seeding and fertilizing  
Shrub and tree care  
Water and sewer lines located within the Common Areas (Each individual homeowner is responsible for his/her household water and sewer lines. This includes, but is not limited to: hose bibs, lines in the crawl space, lines at and/or within the foundation wall, etc.)  
Sidewalks  
Street and community signs  
Private streets and parking areas

Annual termite inspection  
Insurance covering common areas  
Common area structures

NOTE: Exterior repairs required as a result of acts of nature, fire, willful acts of negligence by the owner(s), tenant(s), or their guest(s), or from damage resulting from "home" repairs (i.e.: those performed by the homeowner, tenant, or contractor hired by the homeowner/tenant) are the responsibility of the homeowner. Homeowners are required to purchase homeowner's insurance to cover these costs.

Any Homeowner who fences or encloses any portion of his/her lawn area (said fence or enclosure must receive approval from the Architectural Committee prior to work beginning) shall be responsible for maintenance of the fencing and all areas within the fencing. However, no such maintenance by a Homeowner shall reduce the assessment due and payable by him/her to the Association. If, in the opinion of the Association, as represented by the Board of Directors, any Homeowner fails to maintain the fenced-in area as described above; a violation letter may be sent to said Homeowner. If within a reasonable time period the Homeowner has still not resumed the required maintenance, the Board of Directors may schedule a due process hearing regarding this alleged violation. Said hearing may result in fines being assessed against the Homeowner's account in an amount up to \$100.00 per day.

### **ARCHITECTURAL CONTROL**

**ALL** exterior changes must be approved by the Architectural Committee. This includes, but is not limited to, **buildings, fences, walls, statues, ornamental displays, plantings, landscaping, borders, flags, HVAC, etc.**

### **GENERAL RULES**

LOT USE: Each lot shall be used for residential purposes only.

SIDEWALKS: The sidewalks and stairways shall not be obstructed by the residents nor used by them for any other purpose than for ingress or egress to and from their respective townhomes. Therefore, items may not be stored in these areas or on any common property.

NOISE: Being thoughtful of one's neighbors is especially important in a community such as Applecross Association. Residents should not have parties or gatherings that are loud and offensive. The Police should be contacted by Residents immediately in event of excessive noise and citations may be issued by the Police Department. The management office should be contacted the following business day regarding the disturbance.

**FIREWOOD:** Firewood is to be stacked neatly in the rear of the units in a natural area away from the structure, at the edge of the tree line so as not to impede landscape maintenance. No lumber, firewood, paper or cardboard is to be stacked against the house, in the crawlspace, on the decks, porches or under the decks, as this is conducive to attracting termites and other insects. Firewood should be positioned on a non- wood product or surface to avoid contact with the earth for the same reason.

**PATIOS/DECKS/PORCHES:** These areas must be kept and maintained in a clean, neat, orderly and attractive manner. Patio type furniture that is maintained in good condition, bicycles, and flowerpots are the only items to be placed on the patios/decks/porches. No indoor furniture is to be placed in these areas. Well maintained cooking grills may be kept on back decks. No alteration of any kind (including attaching fencing, gates, etc.) can be added to the patio/deck without having first obtained approval from the Architectural Committee.

Toys, bikes, and small children's play equipment may be stored on the patio/deck/porches provided they are stored in a neat and attractive manner. Large play equipment, exercise equipment, gardening equipment, tools, etc. must be stored inside of the storage rooms or inside of the townhouses, not on the patios/decks/porches.

No motorized vehicle can be stored on the patios/decks/porches.

**CLOTHESLINES:** No clotheslines may be erected on any portion of Applecross Association and clothing, towels, bath mats, rugs etc. shall not be hung out on porches, decks, or railings.

**HOLIDAY DECORATIONS:** Holiday decorations are permitted only on patios/decks/porches for no longer than 6 weeks as long as they are done in moderation.

**SIGNS:** Only one FOR SALE or FOR RENT sign can be placed on a property and must be placed as close to the front of the individual townhouse as possible or at the edge of the lawn where it meets the parking spaces for that particular home. No signs are allowed to be placed at the entrance to Applecross Association or in any of the other common areas on the property (except as described above regarding FOR SALE or FOR RENT signs) except those placed there by instruction from the Board of Directors. Management will remove and dispose of any signs placed in the common areas in violation of this rule. Political signs may be placed one (1) month prior to an election and must be removed within two (2) days following the election.

Yard sale signs are allowed one day prior to sale and must be removed immediately following the end of sale. Yard sales may be held on Saturdays or Sundays from 7am until 5 pm only. Neighbors are to be notified due to parking

and traffic inconveniences.

Any signs other than what has been described above must be restricted to the windows of the townhome and must not exceed one (1) sign per home.

**SOLICITING:** No soliciting is allowed within Applecross Association.

**ANTENNAS & SATELLITE DISHES:** No outside antennas of any type shall be allowed. All satellite dishes must be approved by the Architectural Committee prior to installation. These dishes should be installed in the rear of the homes.

**FIREARMS:** Discharge of any type of firearm within Applecross Association is strictly prohibited. Firearms would include, but are not limited to: Pellet Guns, Bows & Arrows, BB Guns, Air Rifles, All other Rifles & Pistols, Fireworks, etc.

**OUTDOOR FURNITURE:** No outdoor furniture is to be placed or stored in a location at the front of a townhome that is visible from the street with the exception of two (2) chairs that may be placed on the front porch. No outdoor furniture may be placed on any sidewalk within Applecross Association. No indoor furniture is to be placed or stored in a location outside of the townhome. All furniture that is placed or stored outside of the townhome, porch & deck must be located in such a way that it does not impede landscape maintenance.

**TRASH/RECYCLE CONTAINERS:** Trash/Recycle Containers must be stored behind the townhome or in a suitable alternate location that is not visible from the street. These containers must be put out no earlier than the day before collection and must be returned to their appropriate storage location not later than the day of collection. These containers must not be placed in a location that impedes landscape maintenance.

All trash placed in trash cans must be contained in sturdy plastic bags before being placed inside of your trash can(s). Kitty litter should be double bagged before being placed inside of the trash can(s).

**FENCES & FENCED IN BACKYARDS:** All fences must receive approval from the Architectural Committee prior to installation. Backyard fence maintenance is the responsibility of the individual Homeowner. Also, maintenance of the area within the fenced-in backyard is the responsibility of the individual Homeowner. No plantings or structures contained within a fence may encroach upon or into an adjoining property of the Applecross Association's non-fenced Common Area.

**DECK FENCES:** All deck fences must be approved by the Architectural Committee. Single-sided privacy fences will be constructed by the Association within one (1) year of the Homeowner's request.

**FLAGS:** There shall be a limit of one (1) flag per home. The Board of Directors

reserves the right to ask a Homeowner to remove a flag that might be considered to be offensive. The location of the one (1) flag per home must be approved by the Architectural Committee, but the preferred location is on a suitable and attractive flagpole that is affixed properly to a front porch rail.

**HOSES:** All hoses, when not in use, must be stored in an approved Hose Container, on an approved Hose Reel, or rolled up neatly directly below the faucet.

**INSURANCE:** Applecross Association does not provide general hazard or Homeowners' insurance for the residential townhome. It is recommended that each Homeowner purchase a policy specifically designed for townhome Owners.

No Homeowner shall permit anything to be done or kept in his townhome and/or in the Common Area and/or facilities which would result in the cancellation of insurance on any townhome or any portion of the Common Area or which would be in violation of any ordinance, statute or law.

**TERMITE PROTECTION:** The Association will provide an annual termite inspection for all of the townhomes in Applecross Association. The cost of this annual inspection will be included in and paid from the Association dues. No lumber, paper, cardboard, or any other wood product shall be stacked against any portion of the townhome (including the porch and the deck/patio), nor shall any such material be stacked, stored or placed under the deck or in the crawl space.

**COMMON AREA:** This area is to be protected. It is not to be abused by litter. No activity is to be carried out in the Common Area which will restrict the enjoyment of all Applecross Association Homeowners, Residents and Guests. Nothing shall be altered, constructed on, removed from or added to the Common Area without having first obtained approval from the Architectural Committee.

Please note that each Homeowner's property line is very close to or exactly in line with the front and sides of each townhome. As such, what you probably consider your front yard (and for end townhomes, your side yard) is actually a portion of the Common Area. You must obtain approval from the Architectural Committee to alter, construct on, remove from or add to any portion of the area that you consider your yard. These changes that require said approval would include, but not be limited to the following:

***Signs, Wishing Wells, Flags, Bird Feeders, Fences, Stepping Stones, Pavers, Decorative Borders, Hose Containers, Hose Reels, Plantings, Flower Boxes, Window Boxes, Cooking Grills, Sculptures, Swimming Pools (including small children's wading pools), Outdoor Furniture, Planters, Flower Pots, Etc.***

## **PARKING RULES AND REGULATIONS**

Article III, Section 4 of the Declaration states: "The owner or owners of each lot shall be entitled to the use of not more than two automobile parking spaces (one of which may be designated for the use of the owner by the Association) and the parking spaces shall be as near and convenient to said lot as reasonably possible".

**Any vehicle in violation of these parking rules, as set forth below is subject to a warning and fine and/or being towed at the vehicle owner's expense including any storage charge(s). This set of Rules & Regulations shall serve as adequate warning that towing is enforced. As such, vehicles may be towed without any additional warning being issued!**

Guests are required to park either in visitor parking or at their host's home assigned space if there is a place.

Homeowners and Residents are **not** allowed to park in the visitor spaces.

Parking up on a curb, on the sidewalk, or on any part of the Applecross Association grounds other than areas designated for parking is strictly prohibited. This will also cause the Association to charge any and all costs for damages that result from this activity to the responsible party.

Any vehicle not having a current license plate and inspection is a violation of these parking rules.

Any vehicle not being in operable condition (flat tires, more than minor damage, etc.) is a violation of these parking rules.

No trailers, campers, boats, jet skis, mobile homes or vehicles exceeding fourteen (14) feet will be allowed to park within any section of Applecross Association.

Any vehicle not kept in good repair, such as those having excessive oil leaks, missing hub caps, excessive rust or graffiti will not be allowed to park on the premises. Any vehicle that excessively drips oil, gasoline, or other fluids must be immediately repaired or removed from the property. The owner will be charged for any damage to the parking lot and/or grounds.

There shall be no driving or parking of motor vehicles upon the Common Areas of Applecross Association that are not so designated for vehicular traffic and/or parking (the roads and the parking spaces). Under no circumstances shall motor vehicles be driven or parked upon lawns or natural areas except those vehicles used to maintain the grounds (riding lawnmowers, etc.). Violators will be held

responsible for any and all damage to the property including lawns, trees shrubbery, underground utilities, etc.

The speed limit on any and all streets within Applecross Association shall be fifteen (15) miles per hour. Special attention and precaution should be exercised by all Homeowners, Residents and Guests when driving within the community to insure the safety of all.

Protective pads are to be used on all motorized two wheel vehicle kickstands

You are strongly encouraged to read Article III, Section 4 of the Applecross Association Declaration.

### **PET RULES AND REGULATIONS**

All laws, statutes, ordinances, rules and regulations pertaining to pets and any other domesticated animals adopted by the Town of Cary, the County of Wake and the State of North Carolina are adopted as rules and regulations for Applecross Association and are incorporated herein. In particular:

All pets must be leashed and not allowed to roam freely.

No pet is to be left unattended leashed or not.

No pet may be tied outside whether the owner is present or not, not to railings, porches, decks, trees, shrubs, etc.

Pets should be walked in the natural areas well away from buildings, mailboxes, sidewalks, playground, and flowerbeds. Accidents in one of these areas are to be cleaned up by the animal's owner. **Solid pet excrement must be removed by the pet owner and/or pet attendant immediately!**

Pens and doghouses may not be erected on decks, under decks, porches or any other area of Applecross Association.

Violations of the city animal control codes may be reported to the City's Animal Control Officer. All Homeowners, Residents, and Guests are encouraged to report any and all violations to this agency.

### **ENFORCEMENT**

These rules and regulations shall be enforced by the Board of Directors, and its management agent, in the manner set forth in the Declaration and Bylaws, including but not limited to suit or other legal proceeding to enforce compliance,

and/or by the assessment against the liable homeowner, following a due process hearing, of a reasonable penalty in an amount no less than \$25.00 per day and no more than \$100.00 per day, to be imposed so long as such offense(s) continue(s) unabated, and to be added to and become a part of the monthly assessment imposed on the account of the Homeowner of the townhome.

The liable Homeowner will be notified by the Management Company of the violation, and a hearing will be scheduled in order for the affected owner to present reason, if any, why the fine should not be assessed against his/her account. If the Homeowner fails to comply prior to the hearing date, and fails to appear at the hearing, fines will be imposed daily until there is compliance. If the Homeowner appears for the hearing, a final decision of the outcome will be mailed to the Homeowner by the Management Company.

These Rules and Regulations are pursuant to, in addition to, and are in no way a replacement for the Applecross Association Declaration of Conditions, Covenants and Restrictions and/or the Applecross Association Bylaws.

**Each Applecross Homeowner is responsible to make certain that all Residents and guests of his/her townhome adhere to the Rules and regulations presented above and shall be held responsible for any violation by his/her Residents and guests!**

**THESE RULES AND REGULATIONS ARE SUBJECT TO CHANGE. NEW EDITIONS OF THE RULES AND REGULATIONS WILL BE PUBLISHED AND DISTRIBUTED FROM TIME TO TIME.**

**THANK YOU FOR YOUR UNDERSTANDING AND COOPERATION.**