

HEATHERWOOD TOWNHOMES' RULES, REGULATIONS, AND/OR POLICIES

The Heatherwood Covenants, Conditions, and Restrictions set forth rules, regulations, and/or policies that govern the Heatherwood Townhome community. In addition, the Covenants provide for the right of the Association to formulate, publish and enforce rules and regulations. While not an exhaustive list, the following rules and regulations govern the daily operations of the HOA. These rules and regulations pertain to homeowners, tenants, and guests. As such, it is the responsibility of the homeowner to ensure that these rules and regulations are followed. **Violations can result in violation notices and subsequently fine hearings.**

TRASH RECEPTACLES

1. **Storage:** Article X, Section 2(b) of the Covenants states in part, "All garbage receptacles, containers and enclosures shall be located at the rear of the townhome" The trash/recycling should not be placed in the front for pickup more than 24 hours prior to scheduled pickup and need to be returned to the back of the townhome within 24 hours after pickup. All garbage storage areas shall be kept orderly and clean. Spillage from cans and other trash is not permitted on the grounds. All garbage cans shall have lids and these lids shall be secured to the trash can. A violation of this regulation, whether caused by the homeowner or by others, is entirely the responsibility of the homeowner.
2. **Replacement of Trash Receptacles:** If your trash can is damaged and needs to be replaced, do not leave it on the side of the road with a note on it. Please contact the Town of Apex to request a new trash can through their online form by clicking [here](#) or you can call their customer service number at 919-362-8676.
3. **Assistance Moving Trash Receptacles:** If a homeowner needs assistance moving the trash receptacles, his/her doctor can fax a letter to the Town of Apex at 919-249-3329 requesting backdoor pickup. If you have any questions regarding this service, please contact the Town of Apex.
4. **Garbage/Recycling Collection Schedule:** You can sign up on the Town of Apex's website at <https://www.apexnc.org/277/Garbage-Recycling-Yard-Waste> to receive email notifications about weekly and holiday collection schedules.
5. **Pods/Trash bins:** You must obtain permission from the Association/management company to place a Pod or trash receptacle on your parking pad. We will work with each homeowner in this regard but need to maintain communication as to how long the Pod or trash bin will be on the parking pad. Except for significant renovations, such as a bathroom or kitchen, a pod should typically not remain on your parking pad longer than 7 days. The HOA will discuss project start and end dates with the homeowner prior to approving the pod. In the event of damage to parking pad or landscaping, the homeowner will be responsible for those repairs.

FRONT PORCHES/BACK DECKS/YARDS:

1. **Front porches:** It is not permitted to hang towels, etc. on the railings or stack or store items, such as brooms, shovels, recycling bins, etc. on the front porch.

2. **Decks:** It is not permitted to hang towels, etc. on the railings. In addition, no items can be stored under the deck unless the deck has lattice work to shield the items from view. In addition, you are not allowed to attach items to the deck boards. Any violation of this rule will require repair to any holes, which will be charged to the homeowner.
3. **Toys, games, bikes, kiddie pools, etc.** All items of this nature shall be stored behind the townhome when not in immediate use. In addition, none of these items can be stored in the common areas or under decks with no lattice work.
4. **Common Areas:** No personal items can be stored in the common areas.

PARKING

1. **Limit of 2 Spaces Per Townhome:** Article III, Section 4 states, “The owner or owners of each lot shall be entitled to the use of not more than two (2) automobile parking spaces....” Heatherwood does not have an overflow parking area. Visitor parking is very limited and cannot be used to park a resident’s third vehicle. Violators will be towed. If you have a third vehicle, please make arrangements for parking that vehicle somewhere other than on the street, such as working out an arrangement with a neighbor. Keeping permanent vehicle parking off the street gives emergency vehicles clear access, is aesthetically positive, and provides temporary visitor parking for other homeowners on the street.
2. **Parking creating safety issues:** Parking vehicles in a manner that obstructs the views of other car drivers and has the potential of causing a traffic accident or blocking emergency vehicle access is prohibited.
3. **Parking on the grass or common areas:** Parking on the grass or on any common area by the homeowner, resident or his/her guests is prohibited. The cost to repair any damage will be charged to the homeowner.
4. **Neighbor’s ingress/egress:** Blocking a neighbor’s ingress/egress from his/her parking pad is prohibited.
5. **Vehicles must have current license plates.** All vehicles parked within the Heatherwood Townhome Community must have a current license plate and be legally drivable on public streets.

RENTAL PROPERTY

1. **Lease/Occupant Agreements:** Your lease/occupant agreements must be in compliance with the Heatherwood Townhome Association Covenants (and amendments).
 - **Article X Section 2(a)** states in part: “Each townhome may not be subdivided and shall be used as a single-family residence and for no other purpose...” As such residents are prohibited from leasing out less than the entire townhome; i.e. one-room rental (see also Article XIII, Section 5).
 - **Article XIII, Section 5 (as amended)** states in part: “No townhome shall be leased for transient or hotel purposes, nor may any owner lease less than the entire unit, nor shall any lease be for any period of less than six (6) months.”

- **Article XIII, Section 5** states in part: “Any lease must be in writing and provide that the terms of the lease and the occupancy of the unit shall be subject in all respects to the provisions of the Declaration of Covenants, Conditions and Restrictions and Bylaws for Heatherwood Townhomes. Any failure by any lessee to comply with the terms of such documents shall be a default under the lease.”
2. **Annual guarantees:** Homeowners must provide annual guarantees to the management company that any occupant/lease agreements are in compliance. Forms will be mailed in the Annual Meeting packages and must be returned to the management company prior to the Annual Meeting, which is usually held toward the end of October. Further, at any time, upon request by the Board, owners shall submit documentation sufficient to demonstrate compliance with Article XIII, Section 5 of the Declaration, including without limitation, submission of lease agreements. Failure to submit such documentation shall constitute a violation and may result in fine hearing.
 3. **Homeowner responsibilities:** The homeowner is responsible for ensuring that the rental agency and renter are familiar with the association rules. Any damage to the unit as a result of either a homeowner or renter not following rules/requirements will be repaired at the expense of the homeowner.

ARCHITECTURAL REQUESTS

1. **Exterior of townhome and foundation area:** In order for a homeowner to make any exterior improvements or landscape changes, prior approval is required from the Board with respect to color, type, warranties, contractors, etc. Utilizing an Architectural Request (AR) form, the request must detail the planned change, including diagrams. The AR Form is available on the community management company’s website. Contact the community manager with questions.
2. **Plants:** When installing new foundation plants, a diagram with the name of each proposed plant is required when submitting the AR.
3. **Shutters and doors:** Color changes to shutters are not allowed. Front doors must match the color of the shutters or be wood stained. Only panel front doors are approved.
4. **Vinyl siding:** No items of any kind can be affixed or attached to any vinyl siding or trim. Should a homeowner affix items to the vinyl exterior of the townhome, the homeowner will be charged for the necessary repairs to the affected siding.

LANDSCAPE MANAGEMENT

1. The groundskeeper contractor prunes foundation plants four times per year. Additional prunings are the homeowner’s responsibility.
2. The homeowner is responsible for maintaining any ornamental grasses, ivy, etc. planted in his/her foundation. The groundskeeper is NOT under contract to do so.
3. The homeowner is responsible for the removal of any dead plants from the foundation.

PETS

1. **All Pets on Leashes:** Town, county and homeowner association rules/ordinances require that ALL pets be maintained on a leash when outside of the owner's home. This includes cats.
2. **Clean-up after your pet:** These ordinances also require that you always clean up after your pet, removing feces immediately.

OPERATING GUIDELINES

Additional information regarding the day-to-day operation of the HOA is contained in the Operating Guidelines of Exterior Maintenance – Adopted May 2002 and Revised June 2010. See attached document.

OUTDOOR LIGHTS – GUIDANCE

The Board prefers not to enact specific rules and/or regulations regarding outdoor lights with the preference that homeowners be considerate of their neighbors. The Board recommends that 1) deck and handrail lights be limited to one string of lights; 2) with the exception of porch lights, any additional lights used for parties, cookouts, etc. be extinguished by 10:00 p.m.; and 3) floodlights be directed so that they do not shine on others' property or in others' windows.

4893-3162-4832, v. 1