

# **ANDERSON POINTE PARK RULES AND REGULATIONS REV 08/01/2011**

## **ANDERSON POINTE PARK ASSOCIATION DECLARATION AND BYLAWS**

WHEREAS, the authority to adopt and enforce Rules and Regulations for Anderson Pointe Park Homeowners Association has been granted to the Board of Directors under Article VI, Section 1, paragraph b of the Bylaws as follows: "To adopt and publish rules and regulations governing the use of the Common Elements and facilities, and the personal conduct of the Owners and their Family Members of Occupants, and to establish penalties/fines for the infraction thereof as provided in the Declarations"; and

WHEREAS, all Owners and Occupants are required to abide Rules and Regulations adopted by the Anderson Pointe Park Homeowners Association Board of Directors under Article VII, Section 8 of the Declarations as follows: "All Owners and occupant of any Lot shall abide by all rules and regulations adopted by the Board from time to time."; and

WHEREAS, the authority to enforce the rules and regulations of the Anderson Pointe Park Homeowners Association has been granted to the Board of Directors under Article VII, Section 8 of the Declarations as follows: "The Board shall have the power to enforce compliance of said rules and regulations by all appropriate and equitable remedies, and an Owner determined to by judicial action to have violated said rules shall be liable to the Association and/or the Declarant..."

NOW, THEREFORE, The Board of Directors for Anderson Pointe Park Homeowners Association adopts this set of Rules and Regulations for the Community and these rules and Regulations shall become an extension of the Declaration for Anderson Pointe Park Homeowners 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 Declarations, Covenants, Bylaws and the Rules and Regulations for Anderson Pointe Park Homeowners Association.

These rules and regulations are in addition to the Declarations, Covenants and Bylaws. These rules and regulations in no way change or override the Declarations, Covenants 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 declarations, covenants and bylaws at the purchase of your home, you may request a copy from the management company. These documents may also be retrieved from the community's website, [www.andersonpointe.org](http://www.andersonpointe.org).

### **PURPOSE**

These Rules and Regulations are designed to make living in Anderson Pointe Park 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, awnings, porches, roof, exterior paint, gutters, electrical and phone boxes/panels and structural components of foundation. As a general rule, anything directly attached to a home falls under the responsibility of the homeowner.**

**The Association is responsible for maintaining or repairing all common areas. Please be aware that common area includes all grass and planting areas in the neighborhood, including all areas**

**up to the foundation of each home. The Associations responsibilities include (but are not limited to):**

- Common area plantings and mulching
- Grass cutting, edging, and weeding
- Lawn seeding and fertilizing
- Shrub and tree care
- Water and sewer lines (Each Homeowner is responsible for hose bibs, lines in the crawl space, lines at and/or within the foundation wall and lines installed within that Homeowners unit.)
- Sidewalks
- Street and community signs
- Private streets and parking areas
- Annual termite inspection
- Insurance covering common areas (Each Homeowner is encouraged to maintain a separate home insurance policy for that Homeowner's unit.)
- 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 encouraged to purchase homeowner's insurance to cover these costs.

**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, flags, HVAC, patio decorations and additions, borders and edging around planting areas, etc. A completed Architectural Review Request Form must be submitted to the Architectural Committee BEFORE any changes are made to the exterior of a Homeowners unit. Any work done to the exterior of a Homeowners unit before a form has been submitted, or after a submitted form has been rejected, will be in violation of this regulation, and action may be taken against that Homeowner by the Architectural Committee and/or the Board, up to and including monetary penalties.**

**Changes to the exterior of a Homeowners unit made before the ratification of these Rules and Regulations are specifically NOT EXEMPT from this regulation as the Bylaws of the Association clearly state that all exterior changes must be approved by the Board. Upon ratification of these rules and regulations, any Homeowner found to be in violation of this regulation will have sixty (60) days to become compliant. Any Homeowner who fails to do may have action taken against them by the Architectural Committee and/or the Board, up to and including monetary penalties.**

## **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 homes. Therefore, items may not be stored in these areas or on any common property, neither for storage nor decorative purposes.

**NOISE:** Being thoughtful of one's neighbors is especially important in a community such as Anderson Pointe Park. 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.

**CURTAINS AND WINDOW DRESSINGS:** In the interest of promoting a pleasing visual appearance throughout the Neighborhood, all curtains, blinds, shades, drapes and window dressings of any kind, visible from the outside of a unit, shall be maintained and in proper appearance at all times. A curtain, blind, shade, drape or window dressing that becomes damaged visibly from the outside of a unit shall be repaired in a reasonable period of time.

**PATIOS/DECKS/PORCHES/YARD AREAS:** 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/yard areas. No indoor furniture is to be placed in these areas.

Well maintained cooking grills (both gas and charcoal) may be kept on patios. Please use caution when operating these devices, and maintain at least ten (10) feet clearance from the side of all buildings. **BECAUSE OF THE CATASTROPHIC RISK OF FIRE, OPEN FLAME FIRE PITS, TURKEY FRYERS, SMOKERS AND LARGE PORT-A-PIT TYPE GRILLS ARE PROHIBITED THROUGHOUT THE COMMUNITY. PLEASE DO NOT JEOPARDIZE OUR COMMUNITY BY DISREGARDING THIS RULE.**

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.

No outdoor furniture is to be placed or stored in a location at the front of a home that is visible from the street with the exception of

two (2) chairs or a small dinette set that may be placed on patios/decks/porches/yard areas. No outdoor furniture may be placed on any sidewalk within Anderson Pointe Park. No indoor furniture is to be placed or stored in a location outside of the home. All furniture that is placed or stored outside of the home, porch & deck must be located in such a way that it does not impede landscape maintenance.

No ground lighting (i.e. sidewalk lights) shall be installed without an approved Architectural Review Form.

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 home, not on the patios/decks/porches.

No motorized vehicle can be stored on the patios/decks/porches. Additionally, no motorized vehicle is to be stored on the sidewalk or in the yard area of any home. A motorized vehicle is ANY vehicle designed for transport on a roadway and being propelled by any engine/motor. This includes scooters and mopeds. Motorized vehicles should be parked in designated parking areas in accordance with these Rules and Regulations.

**CLOTHESLINES:** No clotheslines may be erected on any portion of Anderson Pointe Park. 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/yard areas for no longer than 6 weeks as long as they are done in moderation. Christmas decorations may be displayed from Thanksgiving Day until January 7 of the following year. Any Homeowner who fails to follow the date guidelines for their holiday decorations shall be assessed a fine of \$25 per day until decorations are brought into compliance.

**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 home 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 Anderson Pointe Park, 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, and must follow the rules for FOR SALE or FOR RENT signs.

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. Homeowners who wish to host a yard sale are responsible for their customers, and must make sure that all of the Rules and Regulations of Anderson Pointe Park are followed by those customers.

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

**SOLICITING:** No soliciting is allowed within Anderson Pointe Park.

**ANTENNAS & SATELLITE DISHES:** No outside antennas of any type shall be allowed. All satellite dishes must be installed on the roof of the unit. **Satellite dishes installed before the ratification of these Rules and Regulations are specifically NOT EXEMPT from this regulation. Upon ratification of these rules and regulations, any Homeowner found to be in violation of this regulation will have sixty (60) days to become compliant. Any Homeowner who fails to do so may have action taken against them by the Architectural Committee and/or the Board.**

**FIREARMS AND FIREWORKS:** Discharge of any type of firearm within Anderson Pointe Park 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.

**DUE TO THE CATASTROPHIC RISK OF FIRE, FIREWORKS, ROMAN CANDLES, BOTTLE ROCKETS, FIRE CRACKERS AND ANY OTHER DEVICES CONSISTING OF A COMBINATION OF EXPLOSIVES AND COMBUSTIBLES, SET OFF TO GENERATE COLORED LIGHTS, SMOKE AND NOISE FOR AMUSEMENT ARE STRICTLY PROHIBITED WITHIN THE ANDERSON POINTE PARK GROUNDS.**

**TRASH/RECYCLE CONTAINERS:** Trash and recycling facilities are provided in Anderson Pointe Park to provide a safe and efficient manner for residents to dispose of their household refuse. It is imperative that all trash and recycling be disposed of properly. All residents should place trash and recycling completely within the appropriate container. **ALL RESIDENTS ARE RESPONSIBLE FOR ENSURING THAT THEIR CHILDREN AND GUESTS DISPOSE OF TRASH/RECYCLING IN THE APPROPRIATE MANNER. AT NO TIME SHOULD TRASH/RECYCLING BE PLACED ON THE GROUND, ON TOP OF ANY CONTAINER, OR IN A PLACE OTHER THAN THE DESIGNATED TRASH/RECYCLING AREA.**

The trash and recycling areas are for household refuse only. No resident shall dispose of, or allow others to dispose of, furniture, yard waste, building materials, paint, oil, gasoline or trash from areas other than Anderson Pointe Park or any hazardous material.

For sanitation and health reasons, no homeowner shall be allowed to keep trash cans or recycle bins outside of their unit. No homeowner shall be allowed to store trash or recycling outside of their unit for any length of time. Please dispose of your trash/recycling in a time sensitive manner.

Any resident found to be in violation of these regulations may be assessed a fine of up to \$100 per instance.

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: Anderson Pointe Park Homeowners Association does not provide general hazard or Homeowners' insurance for the residential home. 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 home and/or in the Common Area and/or facilities which would result in the cancellation of insurance on any home or any portion of the Common Area, or which would be in violation of any ordinance, statute or law.

**PLEASE BE AWARE THAT, IN THE CASE OF COMPLETE OR PARTIAL DESTRUCTION OF ANY INDIVIDUAL UNIT, THE ANDERSON POINTE PARK BYLAWS AND COVENANTS REQUIRE THAT THE HOME BE REBUILT BY THE OWNER. THE ASSOCIATION DOES NOT PROVIDE FINANCIAL ASSISTANCE FOR REBUILDING INDIVIDUAL UNITS.**

TERMITE PROTECTION: The Association will provide an annual termite inspection for all of the homes in Anderson Pointe Park. 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 home (including the porch and the deck/patio).

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 Anderson Pointe Park 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 restricted specifically to their units foundation footprint. 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, 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, unless that item is addressed specifically within this document.***

### **PARKING RULES AND REGULATIONS**

**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! Additional parking rules and regulations may be found in the Covenants.**

Parking up on a curb, on the sidewalk, or on any part of the Anderson Pointe Park grounds other than areas designated specifically 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.

Trailers, campers, boats and jet skis must fit within the parking space (including the invisible fourth line) to be in compliance. Mobile homes or vehicles exceeding fourteen (14) feet will not be allowed to park within any section of Anderson Pointe Park. The Board reserves the right to have removed, at vehicle owner's

expense, any vehicle it deems to be in violation of the above parameters.

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.

Commercial vehicles and tractor-trailers are not permitted within the Anderson Pointe Park parking areas.

There shall be no driving or parking of motor vehicles upon the Common Areas of Anderson Pointe Park that are not so designated for vehicular traffic and/or parking (the roads and the parking spaces). Under no circumstances shall motorized vehicles be driven or parked upon lawns or natural areas except those vehicles used to maintain the grounds. A motorized vehicle is ANY vehicle designed for transport on a roadway and being propelled by any engine/motor. This includes scooters and mopeds. 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 Anderson Pointe Park 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 ensure the safety of all.

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

### **PET RULES AND REGULATIONS**

All laws, statutes, ordinances, rules and regulations pertaining to pets and any other domesticated animals adopted by the City of Raleigh, the County of Wake and the State of North Carolina are adopted as rules and regulations for Anderson Pointe Park 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. Additionally, caged pets and animals should not be left outside of the unit for any length of time. This includes, but is not limited to, birds, hamsters, geckos, snakes, 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 Anderson Pointe Park.

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 specific unit in question.

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 Anderson Pointe Park Homeowners Association Declaration of Conditions, Covenants and Restrictions and/or the Anderson Pointe Park Homeowners Association Bylaws.

**Each Anderson Pointe Park Homeowner is responsible to make certain that all Residents and guests**

**of his/her home 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.**