

 <p>P.O. Box 6215 Hendersonville, NC 28739-6215</p>	<p><i>Board Rules & Regulations</i></p>
	<p>Adopted: 19 December 2018 Effective: 1 February 2019</p>

**Somersby Park Homeowners Association
Rules & Regulations**

1. Application and Authority

- 1.1. *Purpose.* These rules and regulations (“Rules”) have been established to foster the enjoyment of the neighborhood by all residents, protect the investment of all home- and lot-owners, and make the neighborhood, as a whole, a place where owners take pride in the property.
- 1.2. *Authority.* These Rules have been approved by the Board of Directors (“Board”) in accordance with the North Carolina Planned Community Act and the Association’s Declaration of Covenants, Conditions and Restrictions (“CCR’s”), and are subject to change with written notice to all owners and residents.
- 1.3. *Inclusion.* These Rules are intended to supplement the Association’s CCR’s. The contents of the CCR’s are incorporated herein by reference.
- 1.4. *Publication.* A copy of these Rules shall be available on the Association’s website and sent to all owners via email, or by US mail upon request. Owners are responsible for providing a copy to their tenants.
- 1.5. *Universal Application.* All owners, tenants, guests and pets are subject to these Rules. It is the responsibility of the owners to notify their tenants and guests of these rules, and the owner shall be held responsible by the Board for actions of residents and/or guests in violation of these Rules.
- 1.6. *Conflicts.* If anything in these Rules conflicts with the CCR’s, the CCR’s shall prevail.

2. General Rules

- 2.1. *Holiday Lights & Decorations.*
 - a) Winter holiday lighting and decorations may be displayed from the Saturday before Thanksgiving through the 2nd Saturday in January.

- b) Lighting and decorations for other major nationally recognized holidays may be displayed from one week before to one week after the holiday itself. These holidays are: Easter, Memorial Day, Independence Day, Labor Day and Halloween.
- c) Except for the night before and the night of the holiday, no exterior holiday lighting should remain lit after midnight.
- d) Exceptions to these rules for special occasions or events require prior approval of the Board.

2.2. *String Lights*

- a) String lights must not be excessive nor be visible from the street or neighboring homes.

2.3. *Trash Receptacles*

- a) Outside trash receptacles must be covered, secure from animals, and stored in a location on the property out of sight.
- b) Trash receptacles must not be put out on the street prior to the morning of pickup day. They must be removed from the street on that same day.

3. Landscape and Yard Maintenance

3.1. *Yard Items*

- a) Toys, tools, ladders and other utility items should be stored out of sight when not in use.
- b) Trash and yard debris must be cleaned up in a timely manner.

4. Vehicles

4.1. *Parking*

- a) Vehicles should be parked in garages, driveways and designated parking areas.
- b) Vehicles should not be parked on the street overnight or as a general rule. When short-term overflow parking is required (such as for visitors or events), vehicles may be parked on the right-of-way off the pavement as much as possible. Vehicles must not be driven on landscaped areas or over curbs without owner's permission.

4.2. *Boats and Campers*

- a) Storage of boats and campers, including RVs, in yards or driveways is prohibited. These must be stored out of sight in garages or below houses.
- b) Trailers of any type and boats on trailers must be kept inside an enclosed structure.

4.3. *Speed Limit*

- a) The 25 mph posted speed limit on all Somersby Park roads must be observed at all times by residents, lot owners, guests and visitors.

- b) It is the owners' responsibility to advise their guests and visitors of the speed limit.

5. Pets

5.1. *Pets*

- a) Pets must be under control at all times. When walked in the neighborhood, they must be on leash.
- b) Owners should be mindful of barking, noises and other behaviors that may disturb neighbors.
- c) Owners should clean up and discard pet waste properly, never in any of Somersby Park's ponds, creeks and streams, or in Somersby Park common areas, rights of way or in any other owner's lot.

6. Signs

6.1. *Signs*

- a) No signs are allowed unless approved by the Board, except one sign on a property that is for sale or for rent.
- b) All signs must be of an ARC-approved design.

7. Unsightly Objects and Nuisances

7.1. *Unsightly Objects and Conditions.*

- a) No unsightly objects are permitted on any lot.
- b) In particular, refuse piles are not permitted.

7.2. *Nuisances.* Any behavior that is an annoyance or nuisance to other residents may be prohibited.

7.3. *Determination.*

- a) An instance alleged to be unsightly or a nuisance shall be submitted in writing to the Board for a determination.
- b) If the Board deems the instance a violation, it shall give notice to the resident or owner and specify a reasonable period of time to correct the situation.
- c) If the situation is not corrected, the Board reserves the right to pursue further remedies.

8. Common Areas

8.1. *Common Areas (Elements)*

NC General Statute 47F-3-107(b). Upkeep of planned community; responsibility and assessments for damages:

If a lot owner is legally responsible for damage inflicted on any common element or limited common element, the association may direct such lot owner to repair such damage, or the association may itself cause the repairs to be made and recover damages from the responsible lot owner.

According to GS 47F-3-107(d), the Board or an adjudicatory panel may assess liability against the lot owner charged for each damage incident but not to exceed the jurisdictional amount (\$10,000) established for small claims. Liability will be assessed depending on the circumstances and extent of the violation. The provisions of Somersby Park's Article IX, By-Laws apply when there is a failure of compliance.

Unauthorized Common Area activity includes, but is not limited to, the following:

- a) Cutting, topping, trimming or removal of trees or other vegetation.
- b) Planting of trees or other vegetation.
- c) Encroachment of any object or structure.
- d) Littering or dumping of yard waste or other debris.
- e) Dumping or discharging any substance into ponds or streams.

9. Enforcement

9.1. *Complaints*

- a) *Self-Help First.* Anyone disturbed by the actions of other residents may choose to contact the offending party to make them aware of the situation—a friendly reminder often resolves the issue.
- b) *Written Complaints.* An owner or resident who feels one or more Association Rules has been violated may submit a written complaint to the Board. Complaints must be dated, identify the specific rule(s) alleged to be violated, and be signed by the complainant. Complaints may be hand-delivered to a Board member, or mailed to the Association at P.O. Box 6215, Hendersonville, NC 28793-6215.
- c) *Board Response.* The Board will consider the complaint and determine whether rules have been violated and if further action is needed to stop the violation. The Board will inform the complainant of its decision within 45 days.

9.2. *Fines.* Rule violations may result in the imposition of fines. The Board will determine which behaviors (or time intervals for chronic conditions) constitute separate violations.

- a) *General Fine Schedule.* Unless a more specific fine has been published elsewhere for a particular violation, fines may be imposed at the sole discretion of the Board

as follows:

<i>Violation Notice</i>	<i>Fine/Penalty</i>
First	Warning only
Second	\$50
Third	\$100
Further	To be determined*

* The Board may determine that each day during which the violation continues is a separate offense, subject to a separate fine not to exceed \$100 per offense.

- b) *Opportunity for Hearing.* When a fine is imposed, the Board will notify the owner and residents of the property in writing of the reason for and amount of the fine. The resident or owner shall have 15 days, or longer period if specified by the Board, to request a hearing before the Board to have the matter reviewed. Procedures for the hearing and further appeals are specified in Article IX of the By-Laws in the CCR’s.
- c) *Payment of Fines.* Fines are payable by 30 days from the date that notice is sent to the concerned party. Unpaid fines will accrue interest at the rate of 18% per annum until paid in full. The Association has the right to pursue property liens for collection of amounts due.

9.3. *Alternative Remedies.* Nothing in this section shall be construed as a limitation on the right of the Board to pursue other means to enforce the provisions of Association documents, including but not limited to legal action for damages or injunctive relief.

9.4. *Enforcement Provisions.* Refer to Article IX in the Association By-Laws for further specifics regarding enforcement. Attached as an appendix is an outline of the provisions of this article.

10. Adoption

10.1. The Somersby Park Homeowners Association Board of Directors, at a regular meeting of the Board on 19 December 2018, adopted these Rules and Regulations pursuant to the authority granted by the By-Laws in Article XI, Section 11.1.