

# AVERA PLACE HOME OWNERS ASSOCIATION RULES

3/14/16 Revised & Adopted by BOD

## Table of Contents

### Contents

#### [Table of Contents](#)

#### [Preamble](#)

[Action In Violation Of Laws](#)

[Amendment](#)

[Delegation Of Powers](#)

[Consent Revocable](#)

[Complaints](#)

[Enforcement Of Condominium Rules](#)

[1. Notice](#)

[2. Penalties](#)

[3. Fine Schedule](#)

[4. Appeals](#)

[Requirements of Unit Owners When Leasing Their Units](#)

[Availability of Copies Of Bylaws And Rules](#)

[Additions/Modifications To The Exterior Of Units](#)

[Hanging of clothes, etc.](#)

[Noise](#)

[General Maintenance](#)

[Littering](#)

[Trash, Refuse And Garbage](#)

[Outdoor Equipment](#)

[Maintenance/Landscaping Of Common Area](#)

[Improper Use Of Common Area](#)

[Outside Activities](#)

[Household Pets](#)

[Boats, trailers, etc.](#)

[Operating Vehicles In Avera Place Condominiums](#)

[Vehicle Registration](#)

[Children And Guests](#)

[Yard Sales And Other Activities](#)

Date of Adoption of This Revision:

## Preamble

As condominium owners and residents, we are able to enjoy the benefits of shared facilities. Living in a community that provides such shared facilities also carries a requirement for shared responsibility and respect for both our property and our neighbors. The rules that follow have been adopted to describe a framework of behavior that allows the Unit Owners and other residents of Avera Place to enjoy the Condominium in a peaceful, safe, clean and attractive environment and to provide an excellent place to live and bring up our families.

The rules are NOT designed to unduly restrict or burden the use of the property.

All Unit Owners and residents of Avera Place Condominium Association, as well as their guests, are expected to abide by these rules which are meant to supplement the provisions of the Declaration and Bylaws.

By following these rules, the value of each Owner's Unit will be enhanced.

We live in an adult community. As such, if your neighbor or any other resident is doing something which you find annoying, offensive, or even potentially dangerous in some way, particularly if you believe it to be a violation of these rules or the bylaws, please attempt to speak with that person and communicate your concern. You may find he/she had no idea that his/her actions were causing you a problem and correct the situation immediately.

Glossary of terms used in these rules (see the official Bylaws and Declarations for more definitive definitions, where applicable)

### *Unit Owner*

The owner of record of each of the 345 units which comprise Avera Place Condominium Association.

### *Condominium*

The property development known as Avera Place Condominiums.

### *Association*

The collective name for all Unit Owners.

### *Board*

The Board of Directors of the Condominium, properly elected by the Association or otherwise appointed in accordance with the bylaws.

### *Common Area*

All parts of the Condominium, excluding the 345 units.

### *Limited Common Area*

That portion of the Common Area reserved for the exclusive use of each of the Unit Owners. For example, the front and/or back patio of each villa unit.

## Association Rules

The following set of rules has been adopted pursuant to Section 4 of the By-laws.

### Action In Violation Of Laws

There shall be no use of or activity in any Unit or Common Area which is in violation of any applicable federal, state or local governmental law, ordinance, rule or regulation.

### Amendment

These Condominium Rules may be revised in any way, at any time by the Board as conditions warrant.

### Delegation Of Powers

The Board, at its discretion, may delegate its powers and duties with respect to the granting of consents, approvals and permissions under these Rules, to the Managing Agent or to a duly authorized committee of the board.

### Consent Revocable

Any consent or approval granted by the Board or its Managing Agent pursuant to these Rules may be revoked by the Board at any time.

### Complaints

If you believe a violation of the rules or bylaws has taken place and have attempted to address the situation with the violator but this has not resolved the issue, complaints concerning violations of these Rules and the bylaws of the Condominium must be made IN WRITING to the Managing Agent. If the Unit Owner or resident making the complaint does not receive satisfaction from the Managing Agent, they should put their complaint IN WRITING to the Board. If the Board feels that the complaint is justified, it will take appropriate action. The complainant will be notified in writing by the Board or the Managing Agent concerning what action is or will be taken to address the complaint.

## Enforcement Of Condominium Rules

The following violation and penalty policy has been adopted by the Board of Directors of the Association.

### 1. Notice

- a. One warning notice will be placed on the unit door with a copy mailed to the unit owner noting the violation and grace period, if any, for compliance to avoid penalties
- b. A site inspection will be performed after the grace period has expired. If the violation has been corrected the matter will be closed. A remaining violation will result in further compliance actions.

The Association reserves the right to extend the grace period or issue subsequent notices to better define the violation.

### 2. Penalties

- a. Penalties consist of fines and necessary contractor fees. If a contractor is required to correct the violation, any and all costs will be assessed to the unit owner.
- b. If the violation is not corrected by the unit owner, additional fines will be assessed on each subsequent site visit wherein the violation remains or occurs again.

### 3. Fine Schedule

<b><u>Trash</u></b>	\$50, plus \$10 per day trash remains after grace period had expired
<b><u>Pet feces</u></b>	\$50 1st occurrence, \$100 for each additional offense
<b><u>Parking</u></b>	\$50.00, plus cost to repair any damage to grounds, when applicable. Parking is permitted only in designated, striped parking spaces
<b><u>Parties</u></b>	\$50.00, plus trash fine, if applicable. Fine also covers failure to cooperate/comply with security. Includes any parties or disturbances at the pool.
<b><u>Other</u></b>	\$50.00

Included, but not limited, vandalism, removal of signs, disturbing the peace, fireworks, or any other action deemed by the Board to be dangerous activities.

Notice of the fine and any other related charges will be issued by letter to the unit owner. Any penalty not paid within ten (10) days from the date of noted will be added to the unit's account. The unpaid balance will accrue interest and will be pursued for collection which may result in a lien against the unit.

#### 4. Appeals

- a. Appeals for assessed penalties MUST be made in writing, addressed and delivered to the office of the Management Company. Any and all appeals MUST be performed by the unit owner only.
- b. Appeals will be reviewed by the Board at the next regularly scheduled Board meeting, with notice of the Board's ruling issued after the meeting.
- c. The Board reserves the right to invite the appealing unit owner to the meeting.
- d. Unit owners attending a meeting for appeals will not be heard without the prior written appeal and scheduling with the office of the Management Company.
- e. The finding of the Board is final. Additional appeals will not be considered.

## Requirements of Unit Owners When Leasing Their Units

All leases entered into must contain clauses that bind the lessee(s) to abide by the bylaws and rules of the Association. The Unit Owner will provide the lessee(s) with a copy of the bylaws and Rules of the Association within 14 days from the signing of said lease.

#### Availability of Copies Of Bylaws And Rules

Copies of bylaws are available from the Association's Managing Agent on request and at a cost covering reasonable time, materials and duplication charges, except that when bylaws or rules are amended as provided for in the bylaws, the Association will bear the costs in providing an updated copy of said documents to each Unit Owner and to any non-owner resident of a Unit in the Condominium.

#### Additions/Modifications To The Exterior Of Units

Changes affecting the appearance of the exterior of buildings, such as (but not limited to) decorations, awnings, television and radio antennas, signs, screens, porch and terrace sun shades and covers, air conditioning equipment, fans or similar changes may be made only with the consent of the Board.

Satellite dishes are permitted in one or two bedroom condos located in the multi-story buildings, on the back side of the building, furthest away from the street, and within the bush line. They may not block any windows or obstruct any views of the bottom level condos.

Satellite dishes are only permitted in the back of the Villa's, in the patio area. No dish may extend beyond the back privacy divider.

Satellite dishes cannot measure more than one meter (three feet, three inches) in diameter. They are NOT permitted on the sides of buildings, outside walls, window sills, roofs, railings or glass and may not hang outside of a window.

Cable wires/lines must be properly buried immediately upon installation. Cable wires/lines are not permitted in the common areas. Holes may not be drilled through the building siding and must not be seen on the outside of the condo/villa.

Satellite dishes must be removed when they are no longer in use or the property is vacated. Satellite Dishes that need to be removed by the HOA will be done so at the owner's expense.

Unit Owners may not alter the exterior color scheme of the Unit in any way without the prior consent of the board.

#### Hanging of clothes, etc.

No clothes, linens or other materials may be hung or shaken from windows, placed on windowsills or otherwise left or placed in such a way as to be exposed to the public view. Outdoor clothes lines or other outdoor clothes drying or airing facilities are not permitted.

#### Noise

Unit Owners, guests and lessees must reduce noise to a reasonable level between the hours of 10:00 p.m. and 7 a.m. so that other residents are not disturbed. At no time are musical instruments, radios, stereos, TVs, parties or any other noises to be so loud as to become a nuisance to other residents.

#### General Maintenance

Unit Owners and residents of Avera Place must keep all Limited Common Areas in a clean and sanitary condition. Unit Owners will be held responsible for any damage caused by them to said areas. Repair and maintenance of the Limited Common Area is the responsibility of the Association.

#### Littering

Littering is not allowed. Paper, cans, bottles, cigarette butts, food and other trash, are to be disposed of only in appropriate trash containers provided for the purpose and under no circumstances are such items to be dropped or left on Common or Limited Common Areas.

#### Trash, Refuse And Garbage

No one may place their household trash, garbage or other refuse in the Common Area, except in the receptacles provided by the Association.

#### Outdoor Equipment

Bicycles, canoes, sporting goods, cooking equipment, and any other personal articles or equipment, may not be stored outside on the Common Area, and when in use on the

Common Area shall be maintained and used in accordance with rules concerning use of Common Area.

#### Maintenance/Landscaping Of Common Area

Improvements, maintenance and landscaping of the Common area will be performed only by the Board, or its designee, except where permission of the Board has been obtained in advance. The planting of vegetable or fruit gardens is prohibited unless owner has received approval from the architectural review committee.

#### Improper Use Of Common Area

Any use of Common Area which causes damage to the Common Area or the plantings, equipment and buildings thereon, increases the maintenance thereof, or causes unreasonable disturbance or annoyance to other Unit Owners or residents in their enjoyment of the Condominium, is prohibited.

#### Outside Activities

There shall be no organized sports activities, picnicking or fires (other than barbecues), except as approved by the Board.

There shall be no fires, cooking devices or other devices which emit flames, smoke or dust allowed on any balcony.

Barbecues and grills may only be operated at least ten(10) feet from any villa.  
Barbecues and grills are not permitted at the multistory buildings.

#### Household Pets

Household pets will be allowed with the consent of the Board. However, if pets create noise, are allowed to run loose without proper supervision in the Common Area, or in any way create a disturbance or inconvenience to any Unit Owner or resident, the Board will be forced to withdraw its consent in which case the pet MUST be removed. Each Unit Owner will be responsible for and will hold the Board and the Association harmless against loss or liability for any actions of his or her pets within the Condominium.

All pets must be licensed according to the applicable laws, ordinances, and regulations of the City of Raleigh.

All dogs and cats, when outdoors, should be accompanied by their owner or a person designated by the owner and the dog or cat must be under physical restraint or obedient control of that person. Both dogs and cats are subject to the Raleigh leash laws.

No pets may be tied up unattended outdoors at any time.

Running leads are NOT allowed.

All pet owners are 100% responsible for cleaning up after their pets on the Avera Place property. This includes owners being responsible for any visitors they have and their

pets. The pet owner or responsible person attending the pet must immediately remove and properly dispose of all feces left by their pet by use of a pooper-scooper or other suitable method.

Pet owners must ensure their pets make no noise that might disturb any resident of the Condominium.

Avera Place HOA will fine any owners violating these rules.

### Boats, trailers, etc.

Trucks (other than pickup trucks or vans), mobile homes, boats, trailers, campers, snowmobiles, any and all commercial vehicles, or all-terrain vehicles shall not be parked outside overnight within the Condominium without prior permission of the Board.

### Operating Vehicles In Avera Place Condominiums

The speed limit for all vehicles (this includes club cars unless needed for specific maintenance of the property) within the Condominium Area is 20 mph at all times. Any Unit Owner or resident who observes a vehicle being driven in excess of this speed should make a note of the license plate and report same to the police or IN WRITING to the Association's Managing Agent.

Vehicles may not be driven on any surface other than the pavement of the roadways provided for that purpose. Specifically, vehicles must not be driven or parked on sidewalks, grassed areas or any of the emergency service access roads.

No vehicle repair or maintenance is to be performed on Avera Place Condominium Common Property.

All vehicles must be in proper working order. Inspections and registration must be current.

Residents and Tenants in multi-story buildings are assigned parking spaces by number.

Guests may park in "Visitor" marked spaces.

Guest parking is for guests or additional vehicles but are not to be used as storage of any vehicles. Any vehicle left over 24 hours is subject to towing at the expense of the owner.

Recreational vehicles are not permitted in any parking areas.

Improper parking will subject such vehicle to immediate towing. The Avera Place at Brier Creek Homeowner's Association has the right to tow vehicles at the owner's expense. The name and contact information for towing company is posted on site.



### Vehicle Registration

Any vehicle left outside of any Unit, including in the designated overflow parking areas, must have current registration and all required inspection credentials valid in the State of North Carolina. Any unregistered vehicle left unattended in such areas will be reported to the police and will be towed at the owner's expense.

### Children And Guests

Unit Owners will be held responsible for the actions of their children and guests and for the actions of their lessees and their lessees' children and guests, while in the Condominium. If the behavior of guests creates a nuisance to other Owners, the Managing Agent may require that the offending guests leave.

### Yard Sales And Other Activities

No yard sales, flea markets, or any commercial activity for profit, may be conducted at a Unit or on the Common Area, without the prior written approval of the Board.