

## Weatherly Subdivision Covenants Clarifications

The following are the clarifications decided upon by the HOA Board of Directors on February 20, 2017.

### Section 8. MAINTENANCE.

#### 8.1. Maintenance Responsibility.

8.1.1. **Appearance.** For the protection of all homeowners and to maintain property values, all Residential Units must be maintained in a manner that is similar to other Residential Units in the Community. Maintenance may consist of, but not be limited to:

8.1.1.1. **Exteriors.** All exterior finishes must be inspected by the Owner annually and repaired within a timely manner. Exteriors of all Residential Units must be free of mold, mildew, or other unsightly stains.

8.1.1.2. **Mailboxes.** Mailboxes are not limited to a particular style, material, or color, but shall be or working order and maintained appropriately without rust, mold, or peeling paint.

8.1.1.3. **Yards.** Grass and flowerbeds shall be maintained in a neat and orderly manner to appear as the grass has been mowed on a bi-weekly basis and the weeds in the flowerbeds removed on a bi-weekly basis. Missing or dead grass patches and areas of erosion must be addressed in a timely manner. Fallen trees/limbs should be removed.

### Section 11. LAND USE REGULATIONS.

11.3. **Animals.** No animals, livestock, or poultry of any kind shall be raised, bred, or kept in the Lots, except that a maximum of three (3) domesticated, household dogs and/or cats may be kept in any one Lot, provided that in no event shall any pet be maintained for commercial purposes and only such permitted pets do not constitute a nuisance in the Lot.

11.3.1. **Pets.** In order to provide a harmonious neighborhood, residents should recognize the need to properly restrict pets. All laws, ordinances, rules, and regulations pertaining to dogs, cats, and other domesticated animals adopted by local officials are hereby adopted as rules and regulations of the Weatherly Homeowners Association.

11.3.1.1. **Leashes.** All animals must be on leashes or similarly restrained at all times when on Common Elements. Animals are not to be left unattended on the Common Elements. This includes the chaining of animals to posts, doors, electrical boxes, etc. Unattended animals often create a disturbance or are threatening to those passing by.

11.3.1.2. **Defecation.** Do not let your pet defecate on the lawn areas outside of your Lot, including the other Lots within the community and the Common Elements. If they do, **you must remove the feces** immediately.

11.3.1.3. **Nuisance.** Pets can be considered a nuisance when any act or acts of the animal or its owner annoys or disturbs rights and privileges common to the public or the enjoyment of private property including, but not limited to the following:

When a pet...

- a) barks, howls, or whines in an excessive, continuous manner, one or more times per minute, each minute during a ten-minute period, or barks, howls, or whines in an untimely manner;
- b) is a large animal off of the premises of the owner without restraint;
- c) chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, or other domestic animals;
- d) gets into or turns over garbage containers;
- e) damages gardens or other foliage or other real or personal property;
- f) is dangerous,
- g) is maintained in an unsanitary condition as to be offensive to sight or smell;
- h) is diseased and dangerous to the health of the public;
- i) is estrus (in heat) and not confined to a building or secure enclosure.

11.6. **Drapes, Blinds, Etc.** Window treatments shall consist of drapery, blinds, shutters, decorative panels, or other tasteful window covering, of the type customarily found in single family homes, and no newspaper, aluminum foil, sheets, or other temporary window treatments are permitted. The side of all window treatments which is visible from the exterior of a Residential Unit shall be a color of the owner's discretion.

11.8. **Business/Obnoxious Activity.** This section to remain unchanged except for the additions of 11.8.1. and 11.8.2., which have been taken directly from the Ordinances of Franklinton – General Regulations, Chapter 95: NOISE CONTROL, Sections 95.01 and 95.02, as of February 27, 2017.

11.8.1. **LOUD, DISTURBING OR UNNECESSARY NOISE PROHIBITED.** It shall be unlawful for any person to create or assist in creating, permit, continue or permit, the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town. (Section 95.01)

11.8.2. **PARTICULAR SOUNDS PROHIBITED.** Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others are declared to produce loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive namely:

- (A) The sounding of any horn, signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of such signal device of any unreasonably loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable period of time;
- (B) The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle;
- (C) The use of any manual or automatic piano, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof, or in such a manner as to render the same a public nuisance; between the hours of 10:00 p.m. and 7:00 a.m.;
- (D) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;
- (E) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noises;

- (F) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;
- (G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
- (H) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced; Franklinton – General Regulations Page 3
- (I) Performing construction work, operating construction machinery, lawnmowers and other motor-driven domestic tools out-of-doors, except between the hours of 7:00 am and 9:00 pm on any day.
- (J) The creation of excessive noise on any street adjacent to any school, institution of learning, church or court while they are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of the institution; provided, conspicuous signs are displayed in the streets indicating that the same is a school, court or hospital street;
- (K) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;
- (L) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause the loud or offensive noises to be emitted thereof between the hours of 10:00 p.m. and 7:00 a.m.;
- (M) The firing or discharging of any kind of gun, squibs, firecrackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit @ public events which shall be approved by the Board of Commissioners. (Ord. passed 9-17-91; Am. Ord. passed 1-18-05)

11.9. **Vehicles.** No boats, recreational vehicles, campers, motorcycles, tractors, trucks, or trailers (the “Vehicles”) of any Occupant shall be parked within the Common Elements, or, except as permitted by Law, within the right-of-way of any street in or adjacent to the Planned Community. All Vehicles shall be stored within the Owner’s garage, the rear of the Lot, or other facilities not located on the streets in the Planned Community. Also see 11.12. Parking.

11.12. **Parking.** Adequate off-street parking shall be provided by the Owner of each Lot for the parking of automobiles and Vehicles owned by its Occupants. Occupants shall not be permitted to park their automobiles and Vehicles on the streets or Common Elements in the Planned Community.

11.12.1. All vehicles parked in open view and not in a garage must be operative and may not be unsightly. Parking of inoperative vehicles is not allowed. A vehicle shall be considered inoperative if it does not run or has expired registration, license plates, and/or state inspection.

11.12.2. No vehicle shall be parked on any yard. Temporary parking is allowed if not a nuisance to neighbors or an impediment of traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic. Parking within the Common Elements will only be allowed with prior written approval of the Association’s Board.