

LAKE  CASTLEBERRY

RULES & REGULATIONS

REVISED May 2023

RULES & REGULATIONS

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TERMS & DEFINITIONS

(Refer to Declaration, Article I for more information)

“Declaration” or “DCCR” refers to the document, “Declaration of Covenants, Conditions and Restrictions for Lake Castleberry”

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REVISIONS

Items related to Architectural Guidelines have been moved to a separate document.

TERMS & DEFINITIONS

Refer to the *Declaration of Covenants, Conditions, and Restrictions, Article I* for terms and definitions

A. INTRODUCTION

To live harmoniously in a vibrant community, it is necessary to have a few rules and regulations. to ensure our day-to-day life and that of our neighbors is pleasant and enjoyable. By observing these rules, residents of Lake Castleberry community will benefit from living in a pleasant and appealing community. If there are any rules or regulations deemed burdensome, your Board of Directors (the "Board") has authority to revise them.

The following rules were adopted by your Board in accordance with the provisions of Article 8, Section 1(a) of the Bylaws to adopt and publish rules and regulations governing the use of the Common Areas and facilities and the personal conduct of Owners and their guests thereon and in the community.

These rules and regulations are in addition to those covenants, conditions and restrictions for Lake Castleberry set forth in the Declaration of Covenants, Conditions and Restrictions for Lake Castleberry (the "Declaration") governing the community, as amended from time to time . If there is conflict between the provisions of the Declaration and these rules and regulations, the provisions of the Declaration shall prevail. Undefined terms set out in these rules and regulations shall have the meanings ascribed to these terms in the Declaration.

Violators are subject to fines and penalties by the HOA and/or township, municipality, state, and other governing authorities. Per NC Planned Community Act VIOLATION FINE POLICY – 47F-3-107.1. Procedures for fines and suspension of planned community privileges or services: Unless a specific procedure for the imposition of fines or suspension of planned community privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any lot owner should be fined or if planned community privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47F-3-102(11) and (12). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The lot owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of planned community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The lot owner may appeal the decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate, or modify the prior decision of the adjudicatory body. (1997-456, s. 27; 1998-199, s. 1; 2005-422, s. 4.

Refer to Pool and Clubhouse Rules and Regulations for additional items pertaining to HOA amenities.

B. COMMON AREAS

In addition to any restrictions contained in the Declaration:

Alterations

- No alterations or improvements to the Common Areas shall be made by any Owner or occupant without prior written consent of the Board.
 - Penalties
 - First offense: Owner will receive a written warning and be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and additionally will be billed for the cost of repairs.

Decorations

- No portion of the Common Areas shall be decorated in any manner by any Owner or occupant without the prior written consent of the Board.
 - Penalties
 - First offense: Owner will receive a written warning and be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and be additionally will be billed for the cost of repairs

Fireplaces, Firepits, Fire bowls, and Contained Fires

- No outdoor fires shall be permitted within the Common Areas without the prior written consent of the Board.
 - Penalties
 - Each offense: Owner will be fined \$100 and additionally will be billed for the cost of repairs

Fireworks

- Discharge of fireworks and sparklers are not permitted in the Common Areas, including the Clubhouse parking lot.
 - Penalties
 - Each offense: Owner will be fined \$100 and must cease and desist immediately

Grills, Smokers, Deep Fryers, and Cooking Equipment

- Cooking or cooking equipment such as grills, smokers, fryers, etc. are not permitted in the Common Areas, including the Clubhouse, without prior written consent of the Board.
 - Penalties
 - Each offense: Owner will be fined \$100 and additionally will be billed for the cost of repairs

Lake Castleberry ('Lake')

- Kayaks and canoes cannot be stored at or near Lake Castleberry. Sole exception is Lakefront lots 8-22 may store kayaks or canoes on their dock.
- Motorized watercrafts are not permitted on the Lake.
 - Penalties
 - First offense: Owner will receive a written warning
 - Second and each subsequent offense: Owner will be fined \$50

Landscaping and Environment

- The Common Areas, Lake Castleberry, adjacent creeks, buffer areas, landscaping, and storm water retention areas cannot be altered or disturbed, except as authorized by the Board
 - Penalties
 - First offense: Owner will receive a written warning and be billed for the cost of repairs.
 - Second and each subsequent offense: Owner will be fined \$100 and additionally will be billed for the cost of repairs.

Lighting

- No alterations or improvements to the Common Areas lighting fixtures shall be made by any Owner or occupant without prior written consent of the Board.
- No exterior lighting will be installed in the Common Areas by any Owner or occupant except as approved in writing by the Board.
 - Penalties
 - First offense: Owner will receive a written warning and be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and additionally will be billed for the cost of repairs

Retaining Walls

- Climbing or playing on or near retaining walls located within the Common Areas is not permitted.
- Any modification to HOA retaining walls is prohibited. This includes, but is not limited to, hanging or securing any items into the retaining walls, placing objects on the wall, or painting walls. Plants, landscaping, landscaping materials, and planters are not permitted to be placed on or adjacent to walls. Owners' plants and landscaping are not permitted to grow on the retaining walls even if adjacent to an Owner Lot.
 - Penalties
 - First offense: Owner will receive a written warning and additionally will be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and be billed for the cost of repairs

Garbage and Dumping

- Yard waste, garbage, litter, or dumping is not allowed on any Common Areas, including, but not limited to garbage bins near Clubhouse, buffer areas, stormwater/retaining basins, Lake Castleberry.
 - Penalties
 - First offense: Owner will receive a written warning and must clean up the garbage within 2 days
 - Second and each subsequent offense: Owner will be fined \$50 and must clean up the garbage within 2 days
- To help maintain the look and appeal of the Lake Castleberry neighborhood, owners are encouraged to pick up trash that they may come across in and around the community.

Storm Drains

- The stormwater system in our neighborhood leads to Jordan Lake which is our drinking water source. No owner, occupant, contractor, or service provider shall dispose of any

illicit or toxic substance or items into the storm drains or other portions of the Common Areas. Federal regulations define an illicit discharge to a Municipality Separate Storm Sewer System (MS4) as that is not composed entirely of stormwater.

- Owners are responsible for the actions of all vendors and service providers working for them.
 - Penalties
 - First offense: Owner will be fined \$100 and be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and be billed for the cost of repairs
- Per the Town of Apex's yard waste ordinance, all yard waste set at the curb for pick-up shall be placed 10 feet or more away from storm drain inlets.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 24 hours
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 24 hours
- Owners and occupants shall abide by municipal stormwater regulations.
<https://www.apexnc.org/272/Stormwater-Regulations>

Vehicles

- No vehicles, bicycles, motorcycles, mini-bikes, scooters or similar vehicles or other personal articles shall be stored in the Common Areas except as approved in writing by the Board.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation immediately
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation immediately

C. MAINTENANCE, RESTRICTIONS & PROHIBITIONS

In addition to the restrictions contained in the Declaration and Architectural Guidelines:

Alarm Systems

- Owners shall ensure that alarm systems associated with their homes and vehicles are in good working order to avoid unwarranted disturbances to neighbors.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation immediately
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation immediately

Awnings

- No awning of any kind shall be installed on the front and sides of the residence.
 - Penalties
 - Each offense: Owner will be fined \$100 and must remove the awning within 7 days

Buffer Areas

- The Town of Apex has designated several Resource Conservation Areas (RCA) located throughout the Lake Castleberry neighborhood. These areas are located on some individual Owner Lots, directly adjacent to some Owner Lots, and in the Common Areas. Apex's ordinance only allows the removal of any plant material or trees in a RCA with prior written approval of an Apex Zoning Compliance Officer (919-249-3433) and the HOA. The removal is limited to
"...the removal, by hand, of dead or naturally fallen trees or vegetation, or the removal, by an approved method, of trees or vegetation that are found by the Town to be a threat to the public health, safety, or welfare."
- The Town of Apex and Neuse River Buffers may not be disturbed or altered in any way without prior written consent of the Town of Apex, including, but not limited to:
 - Landscaping: Do not install plants or landscaping; remove plants or landscaping from the buffer area; or allow grass or landscaping to encroach on the buffer area.
 - Gardening: Do not install a garden or grow any plants in or adjacent to the buffer area.
 - Waste: Do not dispose of any items, including animal waste, yard waste, building material, landscaping plants, materials, trash, etc., in the buffer area
- No temporary or permanent structures may be placed in the buffer areas. No objects of any kind may be stored in buffer areas or be affixed to trees.
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 14 days
 - Second and each subsequent offense: Owner will be fined \$100 and must remedy the violation within 14 days
- If an Owner requests that a tree in the RCA be removed due to safety concerns, the Owner must obtain a written response from the Apex Zoning Compliance Officer providing authorization for the tree to be removed. If the Zoning Compliance Officer cannot confirm the tree is dead, diseased or poses a hazard, the Owner must obtain a report from a certified arborist which confirms that the tree poses a hazard to the

property and/or residents who have requested the removal. This report must be submitted by the Owner to the Town of Apex for a determination. If the Town of Apex concurs with the report, the HOA will pay for dropping the tree in the RCA and will reimburse the Owner the cost of the arborist report.

Buffer Areas & Docks for Lots 8-22

- Buffer areas
 - Buffer areas directly adjacent to Lots 8-22 are designated as “limited common element” and are accessible only to the adjacent Lot Owners.
 - Adjacent Lot Owners are required to follow all buffer rules and restrictions set forth by the governing municipality. Refer to LCB Protected Areas document noting state and local rules.
 - Adjacent Lot Owners are responsible for the costs associated with the maintenance of these buffer areas and will be billed accordingly for any expenses incurred by the HOA.
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 14 days
 - Second and each subsequent offense: Owner will be fined \$100 and must remedy the violation within 14 days
- Docks
 - The construction of docks is only permitted on lakefront Lots 8-22.
 - Refer to *Architectural Guidelines* for information on docks and their construction.
 - Canoes or kayaks may be launched from dock and may be securely stored on dock when not in use. No other items, including chairs, may be stored on a dock.
 - No items of any kind may be placed or stored within the 100 foot buffer area.
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 7 days
 - Second and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 7 days
 - Lot Owners must obtain a Buffer Authorization permit from the Town of Apex to specifically allow a walkway within the 100 foot buffer area and to allow the creation of a path from the rear property line through the buffer area.
 - Lot Owner must submit a copy of Buffer Authorization with path plan, dock plan, materials list with Architectural application.
 - The Lot Owner must provide a post construction inspection report upon completion of the dock and \$1,000,000 general liability policy for dock structure, naming Lake Castleberry HOA as an additional insured. Owner must provide proof of the current liability policy to HOA annually.

Clotheslines and Outside Clothes Drying

- Clothes lines and drying poles, and outdoor clothes drying is not permitted.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 7 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 7 days

Contractors, Vendors, Service Providers, and Guests

- Owners are responsible for ensuring their guests or anyone working on behalf of the Owner is aware of and abides by these Rules and Regulations.
- Owners are responsible for the conduct and actions of their guests, contractors and service providers and may incur fines or penalties for violations.
- Owners are responsible for cleaning up all trash and debris left by guests, contractors or service providers on a daily basis,
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 2 days
 - Second and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days
- Owners and their contractors or service providers may not use common areas as staging areas for materials or equipment, including, but not limited to, landscaping materials, construction materials, temporary toilets, and dumpsters. All materials and equipment must be placed on the Owner Lot and may not obstruct streets or sidewalks.
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 24 hours
 - Second and each subsequent offense: Owner will be fined \$100 and must remedy the violation within 24 hours
- According to the Town of Apex Ordinance 20-154 and N.C. Fire Code s503.4 owners and their contractors or service providers are prohibited from parking pods, dumpsters or unattached trailers of any kind on the street or sidewalks.

Curtains, Window Coverings and Treatments

- All interior window treatments must be in keeping with the overall scheme and aesthetic of the Property.
- No Owner or occupant shall place on or about any window any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels or bed sheets or any other material not intended as a window covering in any window.
- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 7 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 7 days

Disturbances

- Owners or occupants shall limit any noises including excessive noise from parties, social gatherings, etc. that will disturb or annoy their neighbors. Please refer to the Apex Noise Ordinance, which can be found at the following link:
<http://library.municode.com/index.aspx?clientId=13893>
- Any activity in or around the Lake Castleberry neighborhood that is likely to create annoyance, inconvenience or nuisance to residents or interfere with the quiet enjoyment of residents is strictly prohibited.
- No Owner shall permit anything to be done or kept on his or her Lot which would result in the cancellation of insurance on said Lot or any other residence or any part of the Common Area or which would be in violation of any law.

- Penalties
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 - First and second offense: Owner will receive a written warning and must remedy the violation immediately
 - Third and each subsequent offense: Owner will be fined \$100 and must remedy the violation immediately

Firearms

- Hunting and trapping of wild animals, fowl and game and the discharge of firearms and bows and arrows within the Lake Castleberry neighborhood is prohibited.
- Firearms of any kind are not permitted in the Common Areas or public areas.
- Penalties
 - Each offense: Owner will be fined \$100 and must cease and desist immediately. Firearms must be immediately removed from Common Areas and public areas and properly stored inside Owner's residence

Fireworks

- Owners are discouraged from using any fireworks and sparklers on their Lot or the Common Areas.
- Owners who choose to use fireworks or sparklers are responsible for any and all damage that may occur to other Owners' Lots and property, Common Areas, and buffer areas, as well as any harm to person(s).

Fireplaces, Firepits, Fire bowls, and Contained Fires

- Outdoor fires located within a permanent outdoor fireplace specifically designed to hold and contain a fire are permitted, if located in the rear yard of the home and utilized in a safe manner. Architectural Committee approval is required prior to construction.
 - Penalties are determined by the Architectural Committee
- Outdoor fires located within a portable outdoor fireplace specifically designed to hold and contain a fire are permitted, if utilized in a safe manner. Portable fireplaces may not be stored in the front or sides of Owner Lots. If a portable fireplace is used in the front or side of the Lot, it must be returned to its storage location when not being used.
- No fires may be left unattended at any time and all fireplaces must comply with local Town of Apex municipal requirements.
- Barrels may not be used to contain a fire.
- Burning of leaves, yard waste, or any other materials is prohibited on Owner Lots or anywhere in the Lake Castleberry neighborhood.
 - Penalties
 - First offense: Owner will receive a written warning and must remedy the violation immediately
 - Second and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 24 hours

Front Porches

- Tables with umbrellas or grills of any kind shall not be located on the front porches of the homes on the Lots.
- Bicycles, motorbikes, scooters of any type shall not be stored on the front porches nor shall they be chained/locked on to porch railings.
- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 2 days

- Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days

Garbage and Recycling

- All garbage and trash from homes shall be bagged and deposited with care in containers provided for such purposes. Owners are responsible for abiding by all guidelines from the collection companies and governing municipalities.
- All garbage and recycling containers shall be stored out of sight and appropriately screened according to the *Architectural Guidelines*. Containers may not be stored in the front of the home or driveway at any time.
- Garbage/recycling containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twenty four (24) hours after collection.
- No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or Common Area, except in sanitary containers located in a garage or approved storage area.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 24 hours
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 24 hours

Garage Sales

- No garage sales or similar activities shall be permitted on any Lot or within the Common Areas, except as approved in writing by the Board.
 - Penalties
 - First offense: Owner will receive a written warning and must end the activity immediately
 - Second and each subsequent offense: Owner will be fined \$50 and must end the activity immediately

Grills and Smokers, Gas or Charcoal

- The preferred placement of a grill or smoker is at the rear of a home, on a patio or a deck with stairs.
- Owners who choose to store their grill/smoker in their garage and place it on the driveway for operation must adhere to the following requirements:
 - Propane lines must be disconnected from the grill/smoker/fryer whenever stored in the garage.
 - When a grill/smoker/fryer is in use, they must be placed at the rear portion of the driveway and at least 10 feet away from the house and any combustible material.
 - The grill/smoker/fryer must be returned to the garage when not in use.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 24 hours
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 24 hours

HOA Fee Payment

- Owners are responsible for timely payment of all HOA fees and fines.
- HOA Dues
 - HOA dues must be paid in full within 30 days of receipt of the bill.

- If payment is not received within 60 days of the start of the quarter, a late fee of \$25 will be assessed for each week thereafter that the payment is late.
- If the amount past due is greater than one (1) quarter of HOA dues, the Owner and all occupants are immediately suspended from using all amenities, including the clubhouse and pool. Pool privileges will be suspended for a minimum of one (1) month, either immediately or at the start of the pool season. No amenity privileges will be reinstated until Owner's HOA dues are paid in full. Owners with an amount past due greater than two (2) quarters of HOA dues will be required to implement automatic bank payments.
- HOA Fines
 - Fines must be paid in full within 30 days of receipt of the bill.
 - If payment is not received within 30 days, a late fee of \$25 will be assessed for each week thereafter that the payment is late.

Holiday Season Lighting and Decorations

- Exterior seasonal or holiday lights and decorations must not be left off for longer than 45 days since installation, except as approved in writing by the Board.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 2 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days

Home Businesses

- Homes and lots are to be used primarily for residential purposes and must not substantially or materially change the residential character of the neighborhood.
- Owners may conduct certain home businesses within their residence as long as they do not conflict with local zoning ordinance restrictions and regulations.
- Home businesses are not permitted to use HOA amenities as an extension of the home business.
- No business activities shall be conducted which will obstruct traffic flows within the neighborhood, cause parking of non-resident vehicles on the street for unreasonable or excessive periods of time or cause increased liability to the HOA.
- If a business is to be conducted in the homeowner's residence, a Home Occupation Permit Application (PDF) must be submitted and approved by the Town of Apex Planning Department and shared with the HOA. Check Town of Apex website for more details - <https://www.apexnc.org/230/Starting-a-Business-in-Apex>
- Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 2 days
 - Second and each subsequent offense: Owner will be fined \$100 and must remedy the violation within 2 days

Landscaping

- Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.
- Changes to the existing landscaping, hardscaping, lot grading, or drainage plan of the Lot requires prior approval of the Architectural Committee. Refer to Architectural

Guidelines for more information. Penalties are determined by the Architectural Committee

- Planting native plants is encouraged and planting or nurturing invasive species is strictly avoided.

Landscaping, Drainage

- Drainage of the property must conform to all municipality requirements. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Architectural Committee. Refer to Architectural Guidelines for more information on modification.
- The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.
- Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.
- No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances.
- Owner shall not do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or Common Area.
- Penalties
 - First offense: Owner will receive a written warning and must remedy the violation within 30 days
 - Second and each subsequent offense: Owner will be fined \$250 and must remedy the violation within 30 days

Landscaping, Maintenance of

- Owner shall maintain their Lot and the improvements and landscaping thereon in good repair.
- Grass, hedges, shrubs, vines and mass plantings of any type on a Lot shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut to appear neat and attractive.
- Grass along sidewalks shall be kept mowed and edged to prevent growth on the sidewalk.
- Landscaping beds shall be edged regularly, kept neat and trimmed and free of weeds and grass..
- Dead trees, shrubs, vines and plants shall be promptly removed.
- Grass, plants, trees and landscaping shall be regularly watered.
- Owners that utilize lawn and pest control services must remove and properly dispose of all lawn signs within 48 hours of each treatment.
- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 14 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 14 days

Landscaping, Mulched Areas

- Mulched areas (e.g. wood and pine straw mulch), must be refreshed at least annually and kept free of weeds and grass.

- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 14 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 14 days

Landscaping, Removal of Tree on a Homeowner Lot

- Trees measuring two (2) inches or more in diameter at a point two (2) feet above ground level and any trees or shrubs above two (2) feet in height may not be removed or relocated from the Lot without prior written approval of the Architectural Committee. Refer to *Architectural Guidelines* for more information.
 - Penalties
 - First offense: Owner will receive a written warning
 - Second and each subsequent offense: Owner will be fined \$50
- Any trees deemed damaged or diseased that threaten persons or property can be removed by the Owner.

Landscaping, Lighting

- All landscape lighting, including solar lights, must receive approval from the Architectural Committee prior to installation.

Landscaping, Yard Waste

- Per the Town of Apex's Yard Waste ordinance, all yard waste set at the curb for pick-up shall be placed 10 feet or more away from storm drain inlets.
- Disposal of yard waste, old/dead plants, and landscaping materials is not permitted in buffer areas.
- No leaves, trash, garbage or other similar debris shall be burned on one's Lot or Common areas.
- Penalties
 - First and second offense: Owner will receive a written warning. Burning of yard waste or garbage must cease immediately
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days. Burning of yard waste or garbage must cease immediately

Mailboxes

- If the key for a mailbox is lost, the Owner must contact the Apex PostMaster (919-362-0395) and make arrangements to have the mailbox rekeyed. The Owner is responsible for the associated expenses.

Sheds, Gazebos, Free-standing Structures, and Above-Ground Pools

- All sheds, gazebos or free-standing structures must receive approval from the Architectural Committee prior to installation/construction.
- Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed a standard size as determined by the Architectural Committee.
- No above-ground pools (except for wading pools, no deeper than 2 ft. tall and no wider than 10 ft. in diameter) shall be allowed on any Lot. Wading pools shall only be allowed in appropriate weather and must be emptied and stored when not in use.
- Penalties
 - First and second offense: Owner will receive a written warning and must remove

the offending structure within 7 days. Wading pools must be stored within 24 hours of a violation notice

- Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 7 days. Wading pools must be stored within 24 hours of a violation notice

Safety

- Each Owner shall maintain in a prominent place within their home a general purpose fire extinguisher.
- Owners shall exercise reasonable care in the enjoyment of fireplaces located within their homes.
- Each Owner shall secure access to their home and each private yard area.

Signs

- Except as otherwise required by the Town of Apex, no sign of any kind shall be displayed to the public on any Lot other than one sign of not more than nine (9) square feet advertising a Lot for sale or expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such election and shall be removed within seven (7) days after such election.
- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 24 hours
 - Third and each subsequent offense: Owner will be fined \$25 and must remedy the violation within 24 hours

Solar Panels

- Solar panels shall be only installed on the roof of the home, not on other surfaces of other structures or any other surfaces of the Lot. Refer to *Architectural Guidelines* for more information.
- Penalties are determined by the Architectural Committee

Street and Sidewalk

- According to the Town of Apex Ordinance 20-154 and N.C. Fire Code s503.4 parking pods, dumpsters or unattached trailers of any kind on the street or sidewalks is prohibited.
- Residents and their guests are strongly encouraged to walk on the sidewalks and avoid playing or walking on the streets, especially when dark. According to NC Law § 20-174, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
- Drivers shall observe the posted speed limit in the neighborhood and shall exercise due care to avoid colliding with any pedestrian on the street, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the street.

Temporary Structures

- No temporary structures like tents, bouncing playgrounds, etc. shall be placed upon any portion of a Lot for more than 48 hours.
- Homeowners should apply for an exception by submitting an ACC form.
- Penalties

- First and second offense: Owner will receive a written warning and must remedy the violation within 2 days
- Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days

Utilities

- Owners are responsible for any damage to the Common Area as a result of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.
- Penalties
 - First offense: Owner will receive a written warning and be billed for the cost of repairs
 - Second and each subsequent offense: Owner will be fined \$100 and be billed for the cost of repairs

Vehicles

- Excessive idling of vehicles is not permitted in the neighborhood.
- Owners, visitors, licensees and the Owners' families must obey the posted parking regulations, and any other traffic regulations published in the future for the safety, comfort and convenience of the Owners.
- No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored or left on any portion of the Property. The term "commercial vehicle" shall generally exclude government-issued vehicles or automobiles of a type commonly used for family transportation notwithstanding that they may have commercial lettering or logos on their exteriors, provided (i) no objects, signs, tools, tool racks, or other forms of commercial advertising are attached or affixed to the vehicle; and (ii) the Board shall have the authority in its sole discretion to make final determinations as to whether a vehicle is a commercial vehicle on a case by case basis.
- Inoperable or wrecked vehicles of any type must be stored in the garage. No inoperable or wrecked vehicles of any type are allowed on Lots or in Common Areas, either temporarily or permanently.
- No repairs to any vehicles or other personal property shall be made in parking spaces or driveways, except in the case of emergency. This does not apply to daytime temporary repairs and car detailing services.
- All motorized vehicles operating within the Lake Castleberry neighborhood must be properly muffled so as to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the neighborhood.
- Parking
 - Parking on the streets right-of-way allows for short-term guest parking which is defined as 12 hours or less, during daytime hours per township work hours ordinance. Extended time parking may be granted by emailing the HOA management company.
 - No vehicles of any type shall be parked or stored on any sidewalk in the Lake Castleberry neighborhood or on any part of a Lot other than in those areas improved for that purpose (i.e., driveway or parking pad), and all parking and

storage shall otherwise comply with all governmental and private rules and regulations, including regulations regarding nuisance and on and off-street parking.

- No vehicles belonging to any Owner or to a member of the family or guest, or tenant of an Owner shall be parked in such manner to impede or prevent ready access to the remaining parking areas within the community.
- Owners shall be subject to sanctions if the parking regulations are violated. These sanctions may include monetary fines, after a Notice and Opportunity for Hearing, in accordance with Section 7.03 of DCC
- Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 2 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days

Yard Art, Statuary, and Exterior Decorations

- Temporary statuary art such as sun dials, water fountains, globes, sculptures, wreaths, decorative flags, bird houses, bird feeders and other yard art, is restricted to the front porch and rear yard of a Lot.
- Permanent statuary must receive approval from the Architectural Committee prior to installation.
 - Penalties
 - First and second offense: Owner will receive a written warning and must remedy the violation within 2 days
 - Third and each subsequent offense: Owner will be fined \$50 and must remedy the violation within 2 days

D. PETS & ANIMAL CONTROL

In addition to any restrictions contained in the Declaration:

Animals, Livestock and Poultry

- The Board may adopt a rule prohibiting certain pets, except that such rule shall not apply to animals residing in the Lake Castleberry neighborhood at the time such rule is adopted.
- All animals must be kept on a leash when in Common Areas and public areas.
- Owners must clean up after their pets, including, but not limited to Owner Lots, Common Areas, streets, right-of-ways, sidewalks, buffer areas, etc. Feces, including bagged excrement, may not be left on any surfaces other than the Owner's Lot
- Animals shall not be permitted to reside solely outdoors in an enclosed yard.
- No animal, *including domesticated cats*, shall roam free within the Common Areas and otherwise shall be kept on an overnight basis within homes. This requirement supersedes any other language contained in the Declaration.
- No animals, livestock, or poultry of any kind shall be kept or maintained on any portion of the Lake Castleberry neighborhood or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs and/or cats be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Board may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interferes with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Board, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.
- Penalties
 - First offense: Owner will receive a written warning and must remedy the violation immediately, including clean up and proper disposal of any animal feces
 - Second and each subsequent offense: Owner will be fined \$50 and must remedy the violation immediately, including clean up and proper disposal of any animal feces

Wake County Animal Control: 919-856-6911

- In accordance with Apex Animal Control Ordinance, it shall be unlawful for any owner or keeper to permit an animal to be at large. The Animal Control Department can confiscate any animal found to be at large and impound such animals at the county animal shelter. This specifically includes, but is not limited to dogs and cats
- To report an animal control problem, please call the telecommunicators of the Wake County Sheriff's Office dispatch Wake County Animal Control at 919-212-PETS (7387).
- All owners are subject to the Apex Animal Control Ordinance.