

# **Berkeley Walk**

## **Rules and Regulations.**

Architectural Review Board (ARB) - consists of one (1) or more persons who are appointed by the Board of Directors. The ARB shall regulate the external design, appearance, use, location and maintenance of the Property. The ARB will review submissions and make decisions using their best judgment of what will be compatible with the character and appearance of the community.

If the homeowner proceeds with an improvement without requesting permission from the ARB, they risk the potential of redoing or removing the improvement. If the ARB disapproves a request, the homeowner may not proceed with the improvements. Approval or disapproval will be granted within 30 days as long as all requested information is submitted. It will be the homeowners' responsibility to provide all additionally requested information in a timely manner.

### **AMENITY RULES AND REGULATIONS-**

#### **Swimming Pool Rules**

- No lifeguard on duty, swim at your own risk.
- No diving.
- Unattended solo bathing is prohibited.
- Children under the age of 18 shall not use pool without an adult in attendance.
- Children, three years old and younger, as well as any child not potty trained, must wear snug fitting plastic pants or a water-resistant swim diaper.
- No glass articles allowed in or around pool.
- No smoking in or around the pool area.
- Please leave the pool area clean, remove all personal belongings and trash before exiting the pool area.
- When entering the pool area if you notice any damage please call your HOA manager immediately.
- No food, drink, or wrappers shall be permitted within ten feet (10') of the swimming pool or spa.
- No running or rough play allowed.
- No swimming allowed during heavy rain or when thunder and lightning can be seen or heard.
- Swimming pool is for the residents of Berkeley Walk Townhomes and their guests. A resident must accompany all guests.
- Gates must be closed after entering and exiting the swimming pool area.
- Emergency telephone is located at poolside.
- Please refrain from using profanity in or around the swimming pool.
- Please return all furniture to its original location before leaving the pool area.
- The pool is maintained by a licensed Certified Pool Operator. In the event that the pool must be closed, all signage must be adhered to or access to the pool will be revoked for a minimum of 30 days.
- No pets allowed within the pool enclosure.

**ANTENNAS AND SATELLITE DISHES-** Satellite dishes are limited to 18" in diameter and one dish per home site. They must be placed on a pole in the back yard.

**ARCHITECTURAL CHANGES-** Any changes to the exterior of the home are subject to review by the ARB.

**BASKETBALL HOOPS AND BACKBOARDS-** Basketball hoops are not permitted. All other recreational equipment must be approved by the ARB.

**BIRDHOUSE OR BIRDFEDER-** Birdhouses and birdfeeders will require approval of the ARB.

**CARPORTS AND SHEDS-** No structure, shed, tent, shack, carport, garage, barn, or other outbuilding shall be erected by the Owner or Occupant, other than the Declarant, on any portion of the Property, at any time, either temporarily or permanently. The above listed items will not be approved by the current ARB.

**CLOTHESLINES-** Clotheslines are not permitted. Fences shall not be used as clotheslines.

**DECKS, PATIOS, SCREENED PORCHES AND COVERS-** Patios, screened porches and covers will require approval from the ARB. Dimensions of the options with materials, colors, and specifications must be submitted with the plans for ARB approval. Decks will not be approved during the Developer control period. No awnings or shade structures will be permitted.

**DOGHOUSES-** Dog houses meeting the following guidelines will not require approval. Doghouses are restricted to (16) square feet and must be located in a completely fenced backyard. Doghouses must be installed at ground level, and must not be visible above the fence or from any public or Private Street. Dogs may not be tethered unattended. Dog pens are not allowed.

**DRAINAGE DEVICES-** All drainage devices must be approved in writing by the ARB. Any modification impeding the flow of water is prohibited. Each owner shall maintain the grading upon his or her lot. A change in any drainage pattern must be approved by the ARB.

**FENCES-** All fencing (which includes but is not limited to: height, location, color, material, style) MUST be approved by the ARB. For further specifics, please refer to the ARB application and guidelines.

**FIREARMS -** Residents must abide by Chatham County Laws in regard to firearms.

**FIREWORKS-** there are to be NO fireworks within the community of Berkeley Walk. Anyone found deploying fireworks within the confines of Berkeley Walk will be fined \$500.00.

**FLAGPOLES-** Freestanding flagpoles are prohibited, except as approved by the board for new home marketing. Flagpoles attached to the home will require ARB approval. Flags shall not be tattered or faded. Flag poles will not be approved during the developer control period.

**FLOWERBOXES ON WINDOWS-** Flower boxes will not be approved.

**FOUNTAINS/ PONDS-** Fountains and ponds of any kind will require an ARB approval. Approved items must be maintained in appearance and functionality.

**GAS TANKS-** Gas tank locations for fire places must be approved by the ARB prior to installation.

**HOME BUSINESSES-** Home business occupations are permitted provided such businesses are undetectable from the street by sight, sound, odor or noise. The following must also apply. 1. The use shall operate in its entirety within the dwelling unit and only by the person residing in the dwelling. 2. The use shall not have a separate entrance. 3. The operator shall not display any external evidence of the operation of the home business. 4. The use shall not exclusively utilize more than 20% of the gross square floor area or 300 square feet, whichever is less. A garage shall not be utilized for, or in conjunction with a home business. 5. The home business shall clearly be incidental and secondary to the use of the dwelling or of the neighborhood by excessive noise, lights, traffic or other disturbances. 6. A business license must be acquired if it is required by the city/county and the business must meet zoning and business regulations.

**HOLIDAY DECORATIONS-** All holiday decorations must be removed within fifteen (15) days of the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (30) thirty days before the holiday and must be removed within (15) fifteen days after the holiday. Decorations may not include any audio that can be heard beyond the limits of the lot.

**HOUSE NUMBERS-** House numbers as installed by the builder must be maintained. No alternatives are allowed without ARB approval.

**LANDSCAPING, TREE REMOVAL, VEGETABLE GARDENS-** All landscaping must be approved by the ARB in advance of installation. Eighty percent of the lot area, exclusive of the portion occupied by the house and original driveway, shall be covered with live vegetation cover. Gravel, mulch and similar materials shall not be considered live vegetation. No artificial plants, flowers or rubber mulch shall be part of the landscaping.

**LIGHTING-** Removal of existing lighting installed by the builder is prohibited without approval from the ARB. Additional lighting installed must be approved by the ARB. Any and all exterior lighting installed on the lot shall either be indirect, or shall be of such controlled focus and intensity that it will not unreasonably disturb the neighbors or neighboring lots.

**MAILBOXES-** The mailboxes for the community are located in a central location. The mailbox keys are the responsibility of the homeowner. If the keys are lost or misplaced the homeowner must contact the Postal Service to have the lock re-keyed.

**PAINTING-** ARB approval is required for repainting of any home. A sample paint swatch must be submitted with the request. The ARB may require that a sample area is painted with new color and trim before approval is granted.

**PATIO FURNITURE-** All patio furniture must be located within the fenced areas of the back yard. Patio furniture must not be in landscaped or grass areas. Wood and/or wrought iron are encouraged.

**PETS-** No animals, reptiles, birds, or other non-human living creatures shall be raised, bred, or kept on any part of the Property, except that a total of two dogs or cats, or any combination thereof, and a reasonable number of birds, fish, or other usual and common household pets may be kept in a Unit, provided that such pets are not kept, bred, or maintained for any commercial purpose, do not endanger the health or unreasonably disturb the Owner or occupants of any other Units, and do not create a nuisance, Aggressive breeds of dogs including Dobermans, Rottweilers, Pit Bulls and Chows or any mixture of these breeds will not be allowed in the

**Common Areas.** At all times when pets are outside a Unit, they must be kept on a leash or otherwise contained so as to be under the complete physical control of a responsible person. The keeping of pets and their ingress, egress, and travel upon the Common Areas, including the dog park if applicable, shall be subject to such rules and regulations for the Community. Failure to comply with these restrictions shall be grounds for the Board to bar the pet from use or travel upon the Common Areas. No pet shall be left chained or tethered upon the property. Any pet which endangers the health of any Owner or occupant of a unit or which creates a nuisance or an unreasonable disturbance, as may be determined in the sole discretion of the Board, must be permanently removed from the Property upon seven (7) days written notice from the Board. The rules concerning pets are for the safety and comfort of the homeowners in Berkeley Walk Townhomes. Please contact the police to report noise disturbances and unleashed pets.

**POOLS, SPAS-** Homeowners may not have a pool or spa on their property.

**PONDS, LAKES, MARSHES AND BODIES OF WATER-** All boats, rafts or sailing craft are expressly prohibited. All ponds, lakes and bodies of water are declared “no swimming” areas. Due to slippery banks and muddy shores, parents are required to maintain constant supervision of their children. The natural area of ponds should not be disturbed.

**RECREATIONAL EQUIPMENT-** All permanently installed exterior recreational equipment including play yards (swing sets, slides, tree houses, trampolines, etc.) must have the ARB approval. The maximum height of the equipment shall not exceed 6 feet, with the exception of the community amenity area. Recreational equipment shall be located on any lot as not to be visible from any public street, and the homeowner must have fence prior to equipment being installed. No equipment installed for children’s recreational use, shall be installed or placed within the front or side yard of any lot or in any easement or common area adjacent to a lot.

**RESIDENTIAL STRUCTURES-** No residential out structures are permitted and all expansions/additions must be approved by the ARB. It is the responsibility of the homeowner, or their contractor, to obtain a building permit from the appropriate municipality prior to any building.

**ROOF VENTS AND SHINGLES-** All roof vents shall be painted a color to match the color of the roof. Roof shingles, if replaced, must be the same color and style as the shingles replaced unless otherwise approved by the ARB.

**SECURITY DOORS, STORM DOORS, SECURITY SYSTEMS-** High quality, full panel glass doors, decorative wrought iron doors, or decorative aluminum doors may be installed if approved by the ARB. Any other door, any enclosure, or change of the original builder’s design requires ARB approval. All other security systems or measures which are installed on the exterior of the house require the ARB approval.

**SHUTTERS-** Exterior shutters on windows need ARB approval. Shutters must match or accent the house trim color and be consistent with other homes in the community. Shutters must be maintained and should be replaced if damaged.

**SIDING-** Any replacement siding requires ARB approval.

**SIGNS-** Residents are permitted to display one (1) neatly painted “For Sale” or “Open House” signs no larger than six (6) square feet. “For Rent” or “For Lease” signs are not permitted. Builder lot signs are permitted. Political signs may be placed in your yard as part of your first amendment right. However, in order to protect the aesthetic harmony of the neighborhood, only one (1) political sign not more than six (6) square feet is permitted to be placed in the front yard (as defined above) two (2) weeks prior to the election date. The sign must be removed within three (3) days after the election. Except for security alarm systems, all other signs are prohibited. Placement of signs and notices on fences, trees and other objects are prohibited. The Board of Directors reserves the right to periodically place signs in the common space for the benefit of the community. Such signs include, but are not limited to informational signs and warning signs.

**TRASH CONTAINERS, RECYCLE BINS AND ENCLOSURES-** No refuse, garbage, trash, lumber, grass, shrub, tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse, or debris of any kind shall be kept, stored, or allowed to accumulate on any site. A trash container is provided for the community, and it is the responsibility of the homeowners to place all trash inside the container. No bulk items may be placed inside or outside the container. Bulk items should be disposed of at the City’s solid waste disposal facility.

**VANDALISM-** Any vandal destroying improvements located upon Common Area within the community will be prosecuted to the fullest extent of the law. Owners are responsible for any vandalism committed by their family members, invitees and guests and shall be subject to cost for repairs and a fine equal to the cost of repairs to reimburse the association. In addition, if a reward is paid for information leading to an arrest, that reward must also be reimbursed.

**VEHICLES-** Vehicles must be parked in driveways or garages. No vehicles may be parked in landscaped areas. Parking on the street should be temporary (for deliveries or loading and unloading purposes only). Recreational vehicles such as motorcycles, mini bikes, go-carts, golf carts, mopeds, motorized scooters, 4 wheelers, lawn cutting equipment, maintenance equipment, boats, commercial vehicles, towed trailer units, unoccupied motor homes or any other type or recreational equipment, shall be parked or

stored in a garage. Recreational vehicles other than registered street legal vehicles shall not be driven in the Community. Discharge from any engines, motors, drive trains, and holding tanks shall not be allowed into the street, storm drain, or sanitary sewer storm drain. Vehicles cannot be maintained, repaired, serviced, rebuilt or dismantled on any lot except within the confines of the garage. This does not prevent a vehicle from being washed or waxed in the driveway of any lot. Commercial vehicles must be parked in garage areas and are defined as vehicles with company logos, vehicles displaying roof racks or obvious additions used for a specific purpose. Vehicles with more than 6 tires are prohibited with the exception of delivery or maintenance vehicles requiring short trips within the Community. Overflow parking is provided for guests only and should be used on a temporary basis. Vehicles should not be parked in overflow parking longer than a 48-hour period.

**WATER FILTRATION SYSTEMS-** Exterior Water filtrations systems will not be allowed.

**WELLS-** No wells are permitted. This does not prevent the Association from keeping a well for landscape purposes.

**WEATHERVANES-** No weathervanes are permitted.

**WINDOWS-** ARB approval is required for the replacement of all windows not originally installed by the builder. Nothing may be placed in the window, which could be viewed from the exterior, such as window HVAC units or fans.

**WINDOW TREATMENTS-** No tinted, mirrored, brightly colored or other such window treatment may be installed which cause attention to themselves by virtue of these features. Any visible window treatment must show white or off-white to the outside.

**WOOD STORAGE-** Wood storage is not permitted.

**ENFORCEMENT OF RULES-** All Association Rules and Regulations and all rules set forth in the Community Covenants and Restrictions shall be vigorously enforced by the Association, its members, the Board of Directors, and the Managing Agent, and all committees of the Association. The managing agent will do periodic inspections of the community and record violations to be reviewed by the Board of Directors. Homeowners shall be notified in writing of the alleged violation and said violation must be corrected immediately unless additional time is given according to the violation notice. Violations must be amended and maintained to avoid additional violations for an offense of the same type. Immediate correction of any violation does not relieve the owner of a fine incurred. Fines will be assessed according to the structure below.

Owner's voting rights and rights to the use of recreational facilities by the Owner, Owner's family; tenants and guests may be suspended or limited in addition to fines being levied.

**First Offense:** Written letter of warning. Notice to homeowner giving nature of alleged violation.

**Second Offense:** \$100.00 fine for same violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

**Third Offense and Subsequent Notice of Violation:** The HOA may choose to fix or repair the problem at the owners' expense or impose a \$175.00 fine for same violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

After receiving the first violation, if a Homeowner feels that they are not in violation as described, they must contact the HOA immediately. If an agreement cannot be met at that time, the Homeowner may request the opportunity to be heard at the next scheduled meeting of the board at which time the board will determine if the Homeowner was in violation as described in the rules and regulations.

Owners may be required to remove any exterior improvement (at their expense) which did not receive ARB approval.

A violation by a rental tenant or guest shall be treated as a violation by the homeowner. The owner shall receive the letters cited above which shall outline a complaint for a rule's violation committed by their resident.

Rules and Regulations may be amended, repealed, and adopted from time to time by the board of directors. Proposed amendments may be published, but are not required to be published, in the Association's newsletter or community website.