

# Ballantree Homeowners Association, Inc.

## Rules and Regulations

### Introduction

In accordance with the Amended and Restated Common Restrictive Agreement for Ballantree, the Board of Directors (the Board) of the Ballantree Homeowners Association has the authority to make, modify, repeal, and to enforce reasonable Rules and Regulations governing the conduct, use, and enjoyment of Ballantree's Lots and common areas.

Any Rule or Regulation may be repealed by the affirmative vote or written agreement of a majority of the total Association vote at an annual or special meeting, subject to the requirements noted at the end of this document.

Invalidation of any of these Rules or Regulations by waiver, judgment or court order shall not affect any of the other provisions, which shall remain in full force and effect. Failure to prosecute a violation does not constitute a waiver of the Rule or Regulation.

The Board has no intent to police the Community. Because of the natural characteristics of Ballantree properties, a violation on a property may be virtually unnoticeable to the whole of the Community or even to adjoining properties, while a similar violation on another property may be offensive to nearby properties or even to the Community as a whole. For this reason, the Board will review an alleged violation only upon receipt of written complaint from two or more Lot Owners. The Board will determine whether there is a violation, considering the general standard of the Community, and will attempt to resolve the issue. If it cannot be resolved, the Board will determine whether it is appropriate for the Association to pursue arbitration or legal action.

A primary purpose of the Association is to preserve the desirability of the Community and the value of the properties therein. Toward that goal, the Association has established the following Rules and Regulations. The specific restrictions that follow are not inclusive, but are indicative of the standard that must be maintained. In all cases, the general standard of the neighborhood is the controlling factor.

### Rules and Regulations

The property shall not be used or configured for any purpose or maintained in any way that may endanger the health of or unreasonably disturb or be a nuisance to the Owner of any Lot or any resident thereof. This prohibition includes, but is not limited to the display of oversized flags, extreme yard décor, excessive lighting or sound, large satellite dishes, or paint colors that are not compatible with the neighborhood.

Outside or exterior storage of equipment, furniture, appliances or other items is prohibited.

No junk, trash, or waste may be kept on a Lot except temporarily and within a sanitary container.

No dumpster-type waste receptacle or storage pod shall remain on any Lot longer than 21-days except with written approval of the Association.

No livestock or wild or exotic animals such as, but not limited to, horses, pot-bellied pigs, goats, reptiles or poultry may be kept on any Lot. Dogs must be confined to the owner's property or restrained by a leash.

Grass must be neatly maintained and weeds kept down on all Lots, developed or vacant, to prevent an unsightly or unsanitary condition.

Lot Owners must ensure that no tree or shrubbery on the Lot interferes with vision of any street or driveway so as to endanger the safety of drivers or pedestrians.

It is prohibited to park or store the following on any Lot, except within a garage: any inoperable or unlicensed or unused or unsightly vehicle; any boat, travel trailer, camper, or recreational vehicle; or any commercial or industrial vehicle except during normal business hours for the purpose of providing services to residents.

For purposes of this provision, a "commercial vehicle" is defined as any vehicle that:

- Is larger than a  $\frac{3}{4}$  ton truck or a standard passenger van, or
- Is licensed as a commercial vehicle, or
- Bears mounted equipment that is used in a business or commercial enterprise, or
- Displays any sign or device or any logo, lettering, or graphics identifying or advertising a business or commercial enterprise.

This prohibition does not include law enforcement vehicles and unmarked "company cars" that are unmodified and bear no sign identifying or advertising any business or commercial enterprise.

Any vehicle parked on a Lot must be parked in a garage or within a driveway or paved parking area and within the property line.

No vehicle or equipment shall be parked on any street where it creates a hazard to drivers or pedestrians.

The Ballantree park is a lovely greenspace with waterways and uneven terrain. The grounds are not maintained as a playground. Use of the park by children under six is prohibited except when accompanied by an adult. Anyone using the park is responsible for his or her own safety. The Association furthermore makes no representation as to the safety of the park for use by anyone.

#### Amending the Rules and Regulations

Only the board has the authority to make or amend a Rule or Regulation.

A member can propose the repeal of a Rule or Regulation to be voted on at a meeting of the members.

In order to ensure compliance with BHOA documents and NC statutes, the proposal must:

- state the item to be repealed,
- have the supporting signatures of at least 10% of members eligible to vote, and
- be submitted to the Board of Directors with adequate time for consideration at a regularly scheduled board meeting.

If the proposal meets the stated requirements and the board determines that there is no conflict with other BHOA documents or the statutes, notice of the proposed repeal will be included in the notice to members of the annual meeting, along with the board's recommendation.