

Article IV – Other Considerations

New Document	Feedback from Membership	Committee Response
<p>1. The Association shall have the right to maintain any lot, property, Residence or outbuilding structure that the Board deems, in its sole discretion, to be neglected by the owner. Conditions that the Association may consider include, but are not limited to overgrown Overgrown weeds and brush, dead limbs and trees, habitation of vermin, and potential fire hazard are concerns of all residents in the Village. If, after the Board provides reasonable notice and opportunity to the owner to maintain the lot, the Board may cause such maintenance to occur and thereafter assess the owner for the expense the Association incurred in doing so.</p>	<ul style="list-style-type: none"> • Need objective definition of “neglected property.” • What is definition of structure in this clause (paragraph) • Should we add and for good cause shown” • Modify second sentence to read “Conditions that the board may consider include, but are not limited to overgrown weeds and brush, dead limbs and trees, habitation of vermin, and potential fire hazards. These are all issues that affect every resident in the Village • Concerned about current status of community. So many weeds/tree branches down and is major concern about a fire occurring. These are all fire hazards. Who takes care of this? Community property, lot owners, etc. 	<ul style="list-style-type: none"> • Definition of “neglected property” not necessary. • Structure was changed to “Residence” or outbuilding. • Not necessary to add “and for good cause shown” • Modify second sentence as stated in suggestion. • Neighbors should submit their concerns about fire hazards to the Board in writing and/or contact the appropriate authority regarding increased fire risk. The association will make appropriate corrections to any neglected common grounds or community owned property.
<p>2. Dogs and cats or other domestic pets shall not be allowed to roam unattended in the Village, but instead be confined while on the owner's property, or leashed and under control when located off the owner's property. No pet shall otherwise create a nuisance to other owners. For purposes of this paragraph, “nuisance” means, but is not necessarily limited to, damaging, soiling, or defiling private property or the common area; interfering with, molesting or attacking persons or other animals; causing unsanitary, dangerous or offensive conditions including fouling of the air by odors; chasing, threatening, harassing, or impeding pedestrians, bicyclists, or vehicles; by virtue of the number and breed of the animal is</p>	<ul style="list-style-type: none"> • Can you enforce that cats can’t roam? • Is definition of nuisance strong enough or specific enough. • Pets are not confined to owners’ property. The cats that run all over the place and pee/spray. Neither are they neutered and continue to reproduce. And they have not been given vaccines (rabies), etc... • “by virtue of the number and breed of the animal is offensive and dangerous to public health, etc”. I suggest that the word “breed” be removed. • Limit the number of household pets to 3 per residence. • How will the Board enforce noncompliance? What is the enforcement mechanism? 	<ul style="list-style-type: none"> • Cats should be included. They are considered pets and should be under control of their owners. • Nuisance is clearly defined in the paragraph. • The problem seems to be regarding cats. Some that roam are pets and have been addressed in this paragraph. Some are “feral cats.” Clay County and the State of North Carolina have no rules/ordinances regarding feral cats. • Breed of animals – Ask Philip Roth to clarify • Number of pets is a personal preference and limiting the number is not supported by community or law. • This has been a question for many years in the Village and has come up several times in this process as well as during the annual general meeting.

<p>offensive or dangerous to public health, safety, or welfare; is diseased or dangerous to public health; or the animal habitually, excessively, or repeatedly makes noises or other sounds that tend to annoy, disturb or frighten neighbors.</p>		<p>Regarding enforcement when addressing noncompliance, under the North Carolina Planned Community Act, associations can impose fines for violations of the declaration, bylaws, or rules. However, a hearing must be held before levying a fine, with the owner given notice and an opportunity to be heard. Fines cannot exceed \$100 per violation per day.</p>
<p>3. The maximum speed limit on any road within the Village shall be fifteen (15) miles per hour. The Association shall have authority to enforce the speed limit and to impose other rules and regulations regulating traffic and parking in the Village.</p> <p>All Vehicles (as defined in Article I, paragraph 16) of owners and their guests must be parked on the owner's property at all times. Temporary overflow parking on the roadside easement shall be allowed for a maximum of three days and must not obstruct traffic flow.</p> <p>Owners of those few lots on Dogwood Circle, that are so steep as to make parking on the lot impractical may park their Vehicles off the road on the roadside easement adjacent to their lot: provided however, that the Vehicles do not obstruct traffic flow. Any other Vehicles may not be parked in the roadside easement except on a temporary basis.</p> <p>Automobiles, boats and conveyances other than the owner's personal automobile may not be parked in the</p>	<ul style="list-style-type: none"> • Can traffic signs also be added to the first paragraph? • I'm not clear whether the Committee intended to allow trailers on the easements. Are they or aren't they? • Parking on roadside easement should be limited to cars only. • How will the Board enforce noncompliance? What is the enforcement mechanism? 	<ul style="list-style-type: none"> • The sentence that reads "impose other rules and regulations regulating traffic and parking in the Village" covers <u>traffic signs</u>. This has been discussed at length in Board Meetings and is not necessary to add here. • Temporary allowances have been made for guests and overflow Vehicles for a period of 3 days provided there is no obstruction of traffic flow. This includes trailers. • "Vehicle" is defined under Article I, paragraph 16. • For further clarity due to its unique situation in the Village, "on Dogwood Circle" was specified. • Enforcement is as described above (Article IV, paragraph 2)

roadside easement except on a temporary basis.		
4. Except as otherwise required by law, no signs of any kind will be allowed on any property in the Village without the express approval of the Board. The only approved signs will be lot numbers, names and traffic control signs such as speed limits, one way, dead-end, etc., and “for sale” or “for rent” signs.	<ul style="list-style-type: none"> • What about small signs that tell people to be considerate of where their pets are pooping? • How will the Board enforce noncompliance? What is the enforcement mechanism? 	<ul style="list-style-type: none"> • Committee requests membership input regarding signs. • Enforcement as above (Article IV, paragraph 2)
5. Except as otherwise required by law, no flags of any kind will be allowed on any property in the Village other than those of the United States, the State of North Carolina, and apolitical-themed flags including holiday, seasonal, sport team and ornamental flags.	<ul style="list-style-type: none"> • Confusing, what is excluded? • Should we set a limit on number and size of flags. • Should we prohibit them from being placed on road easements or vacant lots. • Address placement of CVCA Board campaign signs. • Define holiday, seasonal and ornamental? • State that utility flags are permitted. • How will the Board enforce noncompliance? What is the enforcement mechanism? 	<ul style="list-style-type: none"> • USA Flag and NC State Flag may always fly. Political flags are excluded here except as required by law - 45 days before and 7 days after. • We will not set a limit on number or size, prohibit placement or define types of flags. Residents should be free to express themselves. • No need to address placement of CVCA Board campaign signs. • No need to state that utility flags are permitted. • Enforcement as above (Article IV, paragraph 2)
6. Household garbage must be placed in closed plastic bags and stored in secure containers to protect from foraging animals. It is the responsibility of the owner, not the pickup service, to clean up any garbage strewn about by foraging animals. Garbage cans should be placed on the curb no earlier than the night before scheduled pickup, and must be removed from the roadside by the end of the pickup day. Yard waste and/or other non-household garbage will not be included as part of the	<ul style="list-style-type: none"> • Garbage cans/containers are eyesores. Cans are still left out by several residents. They should be removed by the end of the day. • Do not like the containers that have been made or on the roads for years. Unsightly and not kept up. • How will the Board enforce noncompliance? What is the enforcement mechanism? 	<ul style="list-style-type: none"> • Enclosures were an issue discussed within the Board. Several already existed throughout the Village but are not addressed in the current C&R. Addressing the enclosures in the new document provides an opportunity for the association to establish uniformity and standards within the community. • Enforcement as above (Article IV, paragraph 2)

<p>pickup. Garbage pickup service does not include pickup of recyclables. Any recyclables can be taken to the Clay County Transfer station by the owner in accordance with County regulations. Where an owner's personal circumstances or property dimensions make it difficult or impractical to transport garbage cans to the curb, an owner may, subject to design guidelines established by the Association, request authorization to install a garbage can enclosure at the curb at owner's expense. The foregoing provision regarding design guidelines notwithstanding, any such garbage can enclosure in existence as of the effective date of this Declaration may remain in place until the end of its useful life at which time the owner will be required to replace the enclosure with one conforming to the design guidelines then in place.</p>		
<p>7. The Association and each person to whose benefit this Declaration inures, may proceed at law or in equity to prevent the occurrence, continuance, or violation of any provisions of this Declaration, the Bylaws or other rules and regulations, and the Court in such action may award the successful party reasonable expenses in prosecuting or defending such action, including attorneys' fees. The Association may also impose fines, or suspend privileges and services, pursuant to the North Carolina Planned Community Act.</p>	<ul style="list-style-type: none"> • Proceed at law or in equity – (enures) terminology is confusing. 	<ul style="list-style-type: none"> • Need Philip Roth to clarify and simplify language.

<p>8. Each owner shall have the right to examine the books of CVCA as provided by Chapters 47F and 55A of the North Carolina General Statutes.</p>	<ul style="list-style-type: none"> • How can we examine the books of CVCA? 	<ul style="list-style-type: none"> • The financial statements are online at the Village Website under the “Members” tab.
<p>9. This Declaration may be amended at any time by an instrument signed by, or upon the affirmative vote of, sixty-seven percent (67%) of all of the votes allocated in the Association. The President shall cause any such amendment to be reduced to a written instrument and the Secretary shall certify the procedure by which the amendment was enacted. The amendment itself shall be effective only upon recording.</p>		
<p>10. All of the restrictions, conditions, covenants, charges, easements and agreements contained in this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years unless sooner terminated in accordance with § 47F-2-118 of the North Carolina Planned Community Act.</p>		