

# **RULES AND REGULATIONS**

For

## **ETOWAH'S REACH PROPERTY OWNERS ASSOCIATION**

**Replaces Rules and Regulations dated December 2017**

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## PREFACE

### Introduction

Etowah's Reach lot owners and their families, renters, and all guests shall abide by the *Rules and Regulations* which supplement those set forth in the *Declaration* and the *Bylaws*.

### General

The Rules and Regulations for Etowah's Reach Common Elements and Lots are for the safety and enjoyment of all users and to provide fair and consistent procedures. The following are supplemented by separately published compilations of rules and regulations that are specific to functional areas. All such compilations are given an effective date and on that date replace the previous version.

1. It is the responsibility of Renters and Association Members that they and their guests comply with the activity rules for the swimming pool and surrounding deck, tennis courts, and clubhouse. Supervision by an adult (age 18 or older) is required when users of these facilities are below the age specified in the *Rules and Regulations* for a specific activity.
2. Reserving the clubhouse for private functions shall be limited in accordance with the reservation policy attached to these Rules and Regulations.
3. Enforcement of the Rules and Regulations shall be the responsibility of the Board of Directors and *Declaration*, Article 15 Enforcement Procedures (page 15) shall govern.
4. Use of the common areas by Renters, Association Members, and their guests are at their own risk. The Association cannot be held responsible for injuries incurred on the Common Elements due to user negligence.
5. It is the responsibility of Renters and Association Members that they and their guests maintain the safety and cleanliness of the common elements.

## LOTS

### Introduction and Approval Procedure

1. These rules and regulations apply to individual lots and improvements or changes thereon. Improvements and changes not addressed in the Documents require Association approval. If an improvement or change requires Association approval, the approval process is initiated by submitting the *Resident Project Tracking Form* to the Architectural Review Committee (ARC). This request form shall be reviewed by the ARC for completeness and compliance with current applicable documents. In the event that these *Rules and Regulations* (RRs) conflict with the *Declaration* or *Bylaws*, the *Declaration* or *Bylaws* shall control. Generally, Articles 6 (page 7), 12 (page 12), and 13 (page 14) of the *Declaration* sets applicable conditions.
2. The Architectural Review Committee shall determine the appropriateness of proposed improvements or changes that require Association approval by considering input from affected neighbors and the community as a whole. Approval for an improvement or change shall terminate twelve (12) months after it is granted. An extension of time may be allowed for good cause provided it is requested at least fifteen (15) days prior to the original termination date. Henderson County zoning and building permits must be presented to the Architectural Review Committee as part of the initial project request for which these are required.
3. Association Members concerned about a possible violation of *Declaration*, Articles 6, 12, or 13 or the following Rules and Regulations for Lots shall submit the Violation Identification form to the Hearing Committee. The Hearing Committee must deliver the form and their position on the issue to the Board within fifteen (15) days of its receipt.

### Exterior of Residence

1. Awnings (permanent or retractable) may be attached to the outside walls of the residence. The color and style of such awnings must be compatible with the appearance of the residence. All awnings shall be kept in good repair.
2. Replacement, maintenance, and repair of the residence exterior and roof do not require Board approval when conforming to the aesthetics of Etowah's Reach.
3. Additions to the residence such as rooms, room enlargements, and open and enclosed porches and decks must be approved by the Board.

### Grounds within Property Boundaries

1. Freestanding structures/constructions on the grounds such as storage sheds, gazebos, playhouses, hot tubs, swimming pools, tree houses, greenhouses, and hard surface playing areas are prohibited.
2. A visible single FOR SALE or FOR RENT sign may be placed on the grounds. Such sign and holder shall not exceed 2 inches in thickness and 26 inches in width and its top shall not be greater than 36 inches above the ground. Signs of any other kind (except political signs - see *Declaration*, Article 6, Section 6.14 on page 9) are prohibited.
3. No clothes lines of any type are permitted.
4. Perimeter fencing (full or partial) is prohibited. However, to remedy a nuisance originating on a non-Etowah's Reach lot that abuts an Etowah's Reach lot, appropriate fencing is possible upon prior approval of the Architectural Review Committee.
5. Internal decorative fencing when conforming to the aesthetics of Etowah's Reach and not exceeding twenty-four (24) inches in height is permitted.
6. Permanent outdoor structures to contain/restrain animals are not permitted. A removable structure/restraint may be used for a total of four (4) hours per day; however, if left out for more than four (4) consecutive hours, it will be considered a permanent outdoor structure.
7. Estate, garage, moving, and yard sales are permitted, however the seller or property owner must take reasonable steps to prevent buyers from parking their vehicles on adjacent properties or in a manner which blocks access to properties or passage by emergency vehicles. A sign regarding the sale may be placed at the end of the property owner's street on the day of the sale and must be taken down at the close of the sale that day. A sign may also be placed at the end of the property owner's driveway with parking instructions for buyers.
8. Garbage and rubbish must be placed in containers that are screened from view. Garbage containers, including those placed at the curb overnight for pickup, shall have lids that deter foraging by animals.
9. Open burning of leaves, tree branches, and yard trimmings originating on your premises is NOT permitted at any time. Fire pit burning is permitted when there is no state or county ban in effect. Leaves and yard trimmings may not be burned in the fire pit. Limbs and twigs may be burned if they are sized appropriately for the fire pit. The fire must not be so large as to create a fire hazard within the community. NOTE: It is illegal to burn any garbage, paper, cardboard, rubber products, building materials, chemicals, shingles, plastics, etc.
10. All landscaping and planting shall be consistent with the general appearance of the Etowah's Reach neighborhood and shall not alter existing drainage patterns, ditches, or swales. When mature, plantings shall be in scale with the home and shall not

encroach upon adjacent properties. Landscape beds and lawns shall be maintained. Invasive species such as bamboo, ivy, and kudzu may not be planted.

11. All landscape materials, including, but not limited to, piles or bags of soil, mulch, wood chips, gravel, sand, rocks, stone, cement, sod, seed, plants, lumber, and timbers, and all tools, including, but not limited to, pails, buckets, ropes, ladders, and scaffolds, must not be left within view longer than thirty (30) consecutive days or longer than seven (7) days after completion of work without written approval of the Board.
12. The addition of permanent paving or hard surfacing, such as parking areas or patios, is permitted so long as the addition is approved by the Board after review and approval by the Architectural Review Committee.

### Street Right-of-Way

1. The North Carolina Department of Transportation does not permit hazardous obstructions in the street right-of-way (ROW) such as brick or stone mail boxes, asphalt curbing placed adjacent to the pavement to divert surface water, substantial fencing, signs, and line-of-sight restricting vegetation. The ROW for St. Andrews Drive is 50 feet and it is 45 feet for all the courts. The respective pavement widths should be 20 feet and 18 feet. The cul-de-sac at the end of St. Andrews Drive should have a ROW radius of 51 feet and a pavement edge radius of 35 feet. The court cul-de-sacs should have a ROW radius of 50 feet and a pavement edge radius of 35 feet when the cul-de-sac is symmetrical. When the cul-de-sac is offset, it should have a ROW radius of 48.5 feet and a pavement edge radius of 35 feet. Pertinent North Carolina general statutes and administrative codes are included in the General Information portion of the governance documents.
2. The ROW area that lies between the lot property line and the pavement edge must be maintained in a reasonable manner that conforms to community standards. Plantings must not interfere with vehicular sight lines along roadways or driveways (see also item 1 in this subsection). Rigid poles or posts other than mailbox supports must not be driven into the ground along the roadway (see also item 1 in this subsection).

## ASSOCIATION CLUBHOUSE

### Introduction

These rules and regulations insure that the clubhouse and its furnishings will be used by adult and minor residents and guests in a manner that maintains a safe, clean, orderly, and secure environment.

1. Minors under 18 may use the clubhouse only when accompanied by an adult.
2. Lights and fans shall be turned off upon leaving.
3. All exit doors shall be shut and locked upon leaving.
4. The heating/cooling thermostat shall be returned to its posted temperature setting upon leaving.
5. All blinds shall be in their closed position (minimizes heat loss/gain) upon leaving.
6. If the kitchen is used, the sink, counter tops, utensils, and appliances must be cleaned before leaving.
  - a. If the stove is used, the electrical power switch must be turned off and the switch box locked before leaving.
  - b. If small appliances are used, they shall be turned off and unplugged before leaving.
  - c. If kitchen utensils have been used, they shall be returned to their proper storage place before leaving.
7. If tables and/or chairs have been used, they shall be returned to their proper storage places upon leaving.
8. If the ping-pong table has been used, it shall be collapsed according to the instructions affixed to the underside and returned to its proper storage place upon leaving.
9. Trash shall be properly disposed of in the available wastebasket before leaving. If debris has accumulated on the carpet or linoleum, the vacuum cleaner shall be used.
10. Furniture may be borrowed only with prior approval of the Clubhouse Committee chairman.
11. Smoking is prohibited within the building.

12. Pets are prohibited inside the clubhouse. The exception is a service animal.
13. The clubhouse may only be reserved for an Association sponsored activity and an Association member's private party. An Association sponsored activity is an activity scheduled and hosted by an agency of the Association, such as the Board of Directors or a standing or ad hoc committee. An Association Member's private party is an event scheduled and hosted by an Etowah's Reach resident.
  - a. The reservation for an Association sponsored activity must be published each month by way of the ERPOA monthly events calendar.
  - b. Use of the clubhouse for private parties is restricted to Etowah's Reach residents and the *Clubhouse Private Party Reservation Application* must be executed beforehand.
  - c. The participation of non-Etowah's Reach people in any clubhouse activity / event is by invitation by name only.
  - d. A clubhouse use fee of \$35 shall be collected from the resident hosting a private party, including an Association-sponsored activity that involves commercial activity by an outside vendor.
14. Bulletin board use shall be limited to Association business and Association Member announcements per the posted rules.
15. Book exchanges/loans/donations shall be per the posted rules.
16. Use of the Association audio equipment shall be in accordance with the provided user instructions.



## ASSOCIATION SWIMMING POOL

### Introduction

These rules and regulations insure that the swimming pool, its surrounding area, and the furnishings will be used by adult and minor residents and guests in a manner that allows everyone wishing to use the facility to enjoy the occasion safely. Use of the pool is at the risk of the user. The Association does not provide a lifeguard.

### Pool Safety Rules:

1. Children should not use the swimming pool without adult supervision.
2. Glass and breakable plastic in any shape or form is prohibited inside the pool enclosure.
3. Alcoholic beverages are prohibited inside the pool enclosure, with the exception of an Association sponsored activity.
4. Pets are prohibited inside the pool enclosure, with the exception of service animals.
5. When only lap swimmers are in the pool, the float rope may be detached. At all other times it must be attached.
6. Diving into the pool on the shallow side of the float rope is prohibited.
7. Boisterous behavior in the pool and in the pool enclosure is prohibited.
8. No running in the pool enclosure.
9. Smoking in the pool enclosure is prohibited.
10. Use of the pool by persons with communicable diseases, open sores, skin diseases and skin rashes is prohibited.
11. Adults should not swim alone.
12. Swimming is not allowed when the automatic pool cleaner is in use, pursuant to North Carolina law.

### Pool Regulations:

1. The clubhouse door lock combination which is necessary for access to the pool enclosure may not be given to non-resident of Etowah's Reach.

2. Enter and exit the pool enclosure via the back door nearest the rest rooms.
3. The name of the property owner and their guest entering the pool enclosure, whether to use the pool, supervise a pool user, or lounge about **MUST** be recorded in the Pool Registry.
4. Removal of pool enclosure furniture is prohibited.
5. Keep the pool enclosure clean by using the provided trash containers.
6. Any pool flotations/toys that are used, please put away before leaving the pool and put down the umbrella at your table.
7. Remove any personal items that you might bring into the pool area.
8. Pool time can be reserved only for Association sponsored activities. Such reservations must be published each month by way of the ERPOA monthly event calendar.
9. The last person to leave the pool enclosure must lock the pool entry door and the clubhouse entry door.
10. Music in the pool enclosure is restricted to individual music players with headphones. The Clubhouse speaker system may not be used except for official Association events.
11. Each HOUSEHOLD is limited to 6 (six) guests between the hours of 2pm and 6pm. This does not apply to a private party reservation.
12. A private party reservation requires the submission of the appropriate form and payment is required. **NOTE: A PRIVATE PARTY RESERVATION DOES NOT INCLUDE EXCLUSIVE USE OF THE POOL.**
13. The Board has the authority to determine weekly events around the pool.

## ASSOCIATION TENNIS COURTS

### Introduction

These rules and regulations insure that the two tennis courts and the associated furnishings will be used by adult and minor residents and guests in a manner that allows everyone wishing to use a court to enjoy their time on the court. Everyone uses the courts at their own risk.

1. Individuals under age 13 are allowed inside the fence as observers or players only when accompanied by an adult resident.
2. During play the fence gates must be securely closed.
3. Playing attire shall cover the torso.
4. Proper tennis footwear shall be worn.
5. Net shall be tightened before play and released after play.
6. A court may not be reserved. The exception is an Association sponsored activity which is permitted to reserve in advance one or both courts on their desired days and time periods. This reservation must be published each month by way of the ERPOA monthly events calendar.
7. When one or both courts are not in use under the above reserved exception, their use is on a first come, first served basis. However, if the available court or courts are in use when additional players arrive to play, the court users shall relinquish their court one (1) hour after they started their play - the hour may be extended to complete a game in progress. Waiting players do not have to stay in the vicinity of the court to maintain their position in the waiting line if they make it known to the current court users that they will return prior to the mutually agreed relinquish time.
8. Only non-alcoholic beverages in non-breakable containers are permitted inside the fence.
9. Pets are prohibited inside the fence.
10. Activities other than tennis, pickle ball and basketball are prohibited inside the fence.
11. Keep the area inside the fence clean by properly disposing of trash.
12. Smoking is not permitted inside the fence.

13. Use of the ball machine to practice is permitted only when there are no players wanting to use the court. Operation of the machine is potentially dangerous to both the user and bystanders, therefore it is necessary to control its use by the following:
- a. Instruction on the use of the equipment is required prior to first use and this instruction must be provided by someone on the list of qualified instructors posted in the clubhouse.
  - b. A user of the equipment under the age of sixteen (16) must be supervised by an adult resident.
  - c. The resident must remain at the court when a guest uses the equipment.
  - d. Practical use of the ball machine is when it is loaded with many balls - capacity is 150 balls. Use of the tennis group balls is recommended. Use of one's own balls is permitted, however they must be regulation standard size to avoid jamming.
  - e. Tennis shoes meeting the posted regulations must be worn.
  - f. The equipment cannot be used when moisture is present. Check with one of the Tennis Committee members for a ruling on whether the court is playable.
  - g. The user is responsible for replacing all the equipment in the storage locker.
  - h. Please try to give 24 hour advance notice of intent to use the equipment so that use instruction can be given when desired.

## ASSOCIATION BUSINESS

### Introduction

These rules and regulations are intended to assist Etowah's Reach residents and the Association officers in conducting association business.

1. Business Meeting Etiquette

A parliamentarian, if present at regular and special meetings, shall ensure that business is conducted in accordance with commonly accepted parliamentary procedures. The parliamentarian is defined as a designated person who will, as needed, provide direction to the person chairing regular and special association meetings in matters pertaining to debate procedures, motion procedures, and general procedures for conducting such a meeting. The *Basic Parliamentary Procedure Reference* information attached to these *Rules and Regulations* shall be utilized by the parliamentarian.

2. Voting at Meetings

When a vote is conducted at a regular or special meeting, there shall be a roll call to count the number of Eligible Voters (properly submitted absentee ballots, voters present, and voters present with proper proxies) that may vote on the issue.

3. Tellers Report

The tellers report shall show the total number of ballots cast and a breakdown of the 'affirmative/for', 'against', and 'abstention' votes cast and shall be posted immediately in the Clubhouse.

4. Position Descriptions

The Board shall maintain position descriptions that describe the duties and necessary qualifications and competencies for officers, committee chairs, and committee members.

5. Standard Operating Procedures

The Board shall maintain standard operating procedures for all processes that the holders of elected and appointed positions are charged with carrying out.

6. Proposed Project

Association Members desiring the Association to undertake a project shall submit to the Board the form *Request for Board Action* that is attached to these *Rules and Regulations*. A minimum of 20 lot owners must cosponsor the desired project and their names must be attached to the *Request for Board Action* form.

7. Proposed Annual Operating Budget Form

The Board shall, as a minimum, submit to the Eligible Voters the proposed annual operating budget using the format and information shown on the *Year 'X' Proposed Operating Budget Model* attached to these *Rules and Regulations*.

8. Candidate Information

Candidates for elected positions shall submit their qualifications for the office sought by using the *Board Candidate Form* attached to these *Rules and Regulations*.

9. Violation Identification

Association Members desiring Association action on an observed violation of one or more restriction or procedure of the *Declaration, Bylaws, or Rules and Regulations* shall submit the form *Violation Identification* that is attached to these *Rules and Regulations*.

10. Inspection of Association Records

Association Members desiring to view the records of the Association shall submit the form *Inspection of Association Records* that is attached to these *Rules and Regulations*.

## ATTACHMENTS

Current versions of these and other forms are available on the Association Website.  
([www.etowahsreach.org](http://www.etowahsreach.org))

CLUBHOUSE PRIVATE PARTY RESERVATION APPLICATION

BASIC PARLIAMENTARY PROCEDURE REFERENCE

REQUEST FOR BOARD ACTION FORM

YEAR 'X' PROPOSED OPERATING BUDGET MODEL

BOARD CANDIDATE FORM

VIOLATION IDENTIFICATION FORM

INSPECTION OF ASSOCIATION RECORDS FORM