



The Gates Homeowners Association Rules and Regulations

Revised February 2016

By purchasing a townhouse in The Gates, you have become a member of The Gates Homeowners Association and Treetops General Homeowners Association. Ownership of a townhouse is subject to certain easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the community and are binding on all homeowners. Each of the two homeowners associations of which you are a member has its own set of *Restrictive Covenants and Bylaws* that are legal documents recorded at the Pitt County Register of Deeds Office and are referenced in the deed to your property.

All homeowners are encouraged to read the entire Restrictive Covenants and Bylaws of The Gates Homeowners Association (recorded in Book 128 Pages 462-492 in the Pitt County Register of Deeds Office), and Treetops General Homeowners Association (recorded in Book 135 Pages 348-366), and to consult an attorney, if needed, for assistance in understanding them. Sellers are advised to provide potential buyers with a copy of the Restrictive Covenants and Bylaws and also a copy of the following Rules and Regulations before entering into a contract to sell their property.

The aforementioned documents as well as the following Rules and Regulations can be reviewed and downloaded on our Management Company's web site, www.hoamgtcompany.com.

To follow are The Gates Homeowners Association Rules and Regulations (listed as bulleted items) and excerpts from The Gates Homeowners Association Restrictive Covenants (typed in italics). These Rules and Regulations revised and adopted by The Gates Homeowners Association Board of Directors on February 2, 2016 shall become effective April 1, 2016, and replace all previous versions of the Rules and Regulations for The Gates. The Gates Board has the right to amend the Rules and Regulations at any time. Notification of amendments will be mailed to all homeowners.

Article VI EXTERIOR MAINTENANCE

Section 1: Types of Maintenance. *In addition to maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Townhouse lot which is subject to assessment hereunder, as follows: paint, repair, replace and care of roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, walks, and other exterior improvements. Such exterior maintenance shall not include glass surfaces, including windows, doors or storm doors, exterior doors and garage doors which shall be the responsibility of the townhouse unit owners. . . .*

- The following chart lists the exterior improvements that are painted, repaired, replaced, and/or maintained by the Association.
- Any damage caused as a result of an unapproved architectural change made by a resident or homeowner will be repaired by the Association and charged to the homeowner.
- In addition, any damage to building surfaces caused as a result of mounting or attaching items to the building will be repaired by the Association and charged to the homeowner.

	Paint	Repair	Replace
Roofs	----	Yes	Yes
Window glass	----	No	No
Window screens	----	No	No
Window brick molding	Yes	Yes	Yes
Window sills and nosing	Yes	Yes*	Yes*
Window sashes	Yes	Yes*	No*
Entrance doors	Yes	No	No
Door brick molding	Yes	Yes	Yes
Door jambs	Yes	No*	No*
Door thresholds	Yes	No*	No*
Storm doors	----	No	No
Garage doors	Yes	No	No
Garage brick molding	Yes	Yes	Yes
Garage door jambs	Yes	Yes	Yes
Exterior siding and trim	Yes	Yes	Yes
Porch railings	Yes	Yes	Yes
Patios	----	No	No
Decks	----	As Funds Allow	As Funds Allow
Fences and gates	----	As Funds Allow	As Funds Allow
Gutters/downspouts	----	See Below+	See Below+
Exterior faucets	----	No	No
Exterior light fixtures	----	No	No
Streets/parking spaces	----	Yes	Yes
Sidewalks	----	No^	No
Driveways	----	No	No
Mailboxes (not locks, keys)	----	Yes	Yes
Street signs/entrance/exit	Yes	Yes	Yes
Street lights/island lights	----	Yes	Yes
Irrigation system	----	Yes	No

* The HOA does not replace window unit assemblies or door unit assemblies. Prior approval needed to replace.

+ All front gutters/downspouts originally installed by the builder have been replaced by the HOA and are under warranty. Gutters/downspouts installed by individual homeowners are the responsibility of the individual homeowner. New gutters and replacement gutters must be pre-approved by the Board.

^ Sidewalks will be leveled if uneven sections are causing a trip hazard.

Article VII ARCHITECTURAL CONTROL

Section 1: General. *No building, fence, wall, or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structure and topography by the Board of Directors of the Association . . .*

The Gates Board of Directors must give written approval before any exterior modifications are made. This includes exterior modifications within patio areas that may be visible from the exterior, landscaping alterations, satellite dishes, and other items attached to the exterior.

- Replacement storm doors at front entrances must be full-view glass doors with no cross bars, and **must have PRIOR written approval** of the Gates HOA Board of Directors. Replacement front doors, patio doors, and windows must have prior written approval.
- Window screens are to be kept in good repair. Replacement screens are the responsibility of the homeowner and must match the original screens in color and design.
- Window grilles are to remain in the windows at all times and are to be painted white. Though they are on the interior of the structure, they maintain the exterior architectural aesthetic integrity of the townhouses. Broken or missing grilles must be replaced by the homeowner. (Replacement grilles and clips are available by special order at Home Builders Supply or Garris-Evans. Take your broken grille with you when ordering to ensure receiving the correct size, and ask for replacement grilles for MW windows.)
- **Window air conditioners, awnings, or solar collectors** are not allowed to be attached to or erected on any townhouse. Skylights and solar tubes must have prior written approval.
- One decorative flag is permitted, as long as it is mounted on a corner board on the front of the townhouse with an appropriate flag holder and not attached to free-standing flag poles or trees. Flags deemed by the Board of Directors to be in poor condition or inappropriate will not be permitted and must be removed.
- Replacement exterior light fixtures should be in the style and finish as the original fixtures; that is, coach-style black fixtures. Colored bulbs are not allowed.
- Basketball goals, bike or skating ramps, or other outdoor sports or play equipment are prohibited from being erected on the property or on common property.
- Homeowners must obtain written approval of The Gates Board of Directors PRIOR to planting or removing trees or shrubs. New trees, shrubs, and plants must be in keeping with the look of the established landscaping, and must be sized appropriately for their location when mature. All plants must be kept pruned so that they do not touch building surfaces or interfere with maintenance of the building. Ivy is not allowed to grow on brick walls because it destroys mortar. Pots must be on concrete only, and removed when plants are dead or dormant. Note: the only approved mulch in Treetops is pine straw.

Section 2: Patio Area. *The patio area adjoining each townhouse unit shall be considered to be a part of the unit and shall be under the exclusive control and supervision of the unit owner. The Association shall not be obligated for maintenance or repair in this area except for exterior maintenance as hereinabove described.*

- Each homeowner is responsible for maintaining the trees, bushes, and plants growing inside his/her fenced patio or deck so that they do not compromise the integrity of the building or fence. The Association will notify homeowners prior to pruning tree limbs.

Article VIII USE RESTRICTIONS

Section 1: Land Use and Building Type. *No lot shall be used except for residential purposes.*

Section 2: Nuisance. *No noxious or offensive activity shall be conducted upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.*

- Residents and their guests are not to cause or permit unusual or objectionable noises that disturb others. "Objectionable" is defined as frequent or continuous noise, loud noise, or noise that occurs during normal sleeping hours.
- Lighting that invades adjacent townhouses to the point that it causes a nuisance, must be repositioned, removed, or the wattage lowered, so that it no longer causes a nuisance.
- Playing outside with airborne objects, such as balls, kites, Frisbees, or model airplanes is prohibited, due to the close proximity of the townhouses.
- Outdoor sales, such as, but not limited to, garage sales, are not permitted in The Gates.
- Door-to-door soliciting is prohibited in Treetops.

Section 3: Animals. *No animals, livestock or poultry of any kind shall be kept or maintained on any lot or in any dwelling except that dogs, cats or other household pets, **not to exceed a total of two (2), only one of which may be a dog,** . . . Dogs must be leashed and accompanied by the owner while in the common areas. Owners of such pets shall remove same from the premises immediately when such emits excessive noise (i.e. barking, howling) or becomes a nuisance (i.e. scattering trash, disturbing trash cans or physical attacks on persons). Each owner is responsible for removing waste made by his or her pet as well as for damages caused by said pets.*

- Only house pets are allowed in The Gates.
- The Gates Restrictive Covenants prohibit more than one dog per household.
- No pet is to be kept outside the building in a cage, pen, patio, deck, fence, or on a tether.
- Pets are not allowed inside the fenced pool area.
- Dogs *and cats* must be on a leash when outside and accompanied by the owner or by the owner's representative. This is for the pet's safety as well as the safety of persons and property. Note that the Treetops General HOA Restrictive Covenants which also govern The Gates and are recorded in Book 135 Page 363 state, "**7. No pets, dogs, domestic cats, etc., shall be permitted on the property except under leash . . .**"
- Pet owners are responsible for removing and properly disposing of their pets' waste wherever it is deposited, including deposits on the pet owner's property. Plastic bags containing the waste are not to be left outside on the ground, in or behind bushes, in open containers outside, or at front porches or garage entrances.

Section 4: Outside Antennae. *No outside radio or television antennae shall be erected on any Townhouse or Townhouse lot unless and until permission for the same has been granted by the Board of Directors of the Association or its architectural control committee.*

- One satellite dish per townhouse is allowed, provided it does not exceed 21" in diameter, and is to be installed only at the rear of the townhouse, not attached to the roof or chimney, and only with PRIOR written approval of The Gates Board of Directors.
- Radio and TV antennae are not allowed.

Section 5: Garages. *Garage doors must remain closed at all times except as is necessary to store or remove the personal property of the lot owner.*

Section 6: Boats and Trailers and Vehicles. *No boats or trailers shall be parked or stored on any lot or on any street, parking lot or other common areas of the properties. No vehicles shall be stored on the premises if inoperable and/or they do not display valid state license tags.*

- Only passenger vehicles are permitted to be parked within The Gates. Boats, trailers, motor homes, and recreational vehicles are not allowed. However, service people are allowed to park their trucks and trailers in The Gates while they are performing maintenance services for Gates homeowners.
- Vehicles must be operable and display valid state license tags.
- Performing maintenance or repairs to vehicles such as changing oil, brake pads, etc., is prohibited, except repairs made necessary by an emergency.
- The Gates streets (Gates Dr., Nantucket Ct., and Georgetown Ct.) are private streets owned and maintained by The Gates HOA. Persimmon Pl. is a City street owned and maintained by the City of Greenville. Parking on these streets or on the adjacent unpaved surfaces is prohibited. Gates residents and their visitors are not to use the parking spaces on Persimmon Pl.; they belong to the Treetops Townes HOA and are for their use only.
- Vehicles must be parked with all four tires on paved surfaces; parking is not allowed on the shoulder or grass, so as not to cause ruts or damage grass or sprinkler heads.
- Residents are to use their garages and driveways for vehicle parking. Street parking is also available on Winding Branches and Pine Branches.
- There are eleven (11) designated visitor parking spaces for guests. Gates residents are not to use visitor spaces as **regular** parking for their personal vehicles.
- Vehicles parked in unauthorized areas are subject to be towed at the owner's expense.
- Homeowners are responsible for making sure their family members, guests, tenants, and service people are aware of and adhere to the parking rules.

Section 7: Signs. *No signs (including "for rent", "for sale", and other similar signs) or property identification signs shall be erected or maintained on any unit or any lot or common area and facilities except with prior written permission of the Board of Directors of the Homeowners' Association.*

- No signs are allowed to be displayed on Gates properties, either in windows or outside, including directional signs or open house signs.

Article X GENERAL PROVISIONS

Section 1: Enforcement. *The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.*

- Homeowners are accountable for the actions of their family members, guests, & tenants.
- Homeowners who are in violation of the Restrictive Covenants or Rules and Regulations will be notified by The Gates HOA and/or the Management Company.
- The Association has the authority to levy fines if the homeowner fails to correct the violation within a reasonable period of time after notification, or after repeated violations.

ADDITIONAL REGULATIONS and INFORMATION

Trash and Unsightly Items

- Trash collection day is Thursday. Go to www.greenvillenc.gov for the holiday schedule.
- Trash and recyclables must be placed inside City-approved containers with lids and placed at the curb no earlier than the evening before service. Greenville City Code requires all containers to be removed from the front yard no later than daybreak of the day after service. **All trash and recycling containers in Treetops must be stored out of sight inside garages, storage rooms, or fenced areas. Trash bags are not to be put at the curb for pickup in lieu of using a trash can; squirrels and other animals can scatter trash.**
- Dead plants, clippings and other vegetative debris may be put at the yard waste collection site on Winding Branches. Leaves must be loose, not bagged. Leaves and branches must be placed in two separate piles since they are picked up by different sanitation trucks (vacuum truck for leaves and claw arm truck for branches, etc.) **Do not put flower pots, potted plants, pumpkins or trash at this site, as the City will not pick it up; put these items in your trash can. Do not put trash or vegetative debris at the end of Nantucket or Georgetown Cts.; the City will not pick it up.**
- Do not put carpet, carpet padding, or other renovation debris at the curb; the City will not pick it up. For information on disposal of these items or electronic items, go to www.greenvillenc.gov.
- Bulky items and white goods cannot be placed at the curb for collection more than two days prior to the service day. Homeowners should call the Sanitation Department at 329-4522 to schedule a pickup of these items and also pickup of live Christmas trees.
- No yard maintenance equipment, grills, bikes, strollers, play equipment, etc., are to be left outside in normal sight or outside fences, in alleys, or under decks. These items must be stored inside fenced areas, storage rooms, or garages.
- The dumpsters located in the Treetops Condos parking lot were purchased by the owners of 110-523 Hidden Branches Close and are for their use only. Anyone observed using the dumpsters who is not a resident of 110-523 Hidden Branches Close will be fined \$100 per incident.

Fire Safety

The use of charcoal grills, Tiki torches, outdoor fireplaces, etc., is prohibited within 10 feet of any combustible surface, including buildings, decks, fencing, pine straw, and leaves. This is a fire safety regulation of the City of Greenville. Please do not empty charcoal grills onto the ground.

Pest Control

The Gates Homeowners Association dues cover pest control on demand and termite treatment. Homeowners who need pest control services should call Russ Pest Control at 746-8098 to schedule an appointment at their convenience. Termite inspections are conducted annually and notices are placed in doors. Homeowners are responsible for scheduling their own inspections and will be fined if not completed within 60 days of the scheduled inspection period.

- No wood is to be stored outside on the bare ground, on or under decks, or in crawl spaces. Firewood must be stacked on a metal frame, inside patio fences, one log deep.

Street Lights

The six street lights within The Gates are owned and maintained by the Association and GUC. If you notice that a street light is out, please notify the Management Company in writing.

Open Houses

Open houses are not allowed, per board policy, due to limited parking

Pool

The Treetops pool opens in May and closes in September. The Gates homeowners' dues cover pool membership for Gates homeowners and their guests. Each spring Pool Committee volunteers distribute newsletters which include pool opening and closing dates, pool hours, pool rules, and information on how to obtain a pool card.

- Homeowners' account balances must be paid up-to-date in order to use the pool. Article II Section 1(b) of The Gates Restrictive Covenants gives the Association the right to suspend the homeowner's use of the recreational facilities for up to 60 days if the account balances are not kept paid up-to-date.

Irrigation

The Gates entrance island and some of the lawns and common areas are irrigated by a sprinkler system during periods of drought. The sprinkler system and sprinkler heads are inspected and adjusted prior to turning on the system. If you notice that a sprinkler head near your home is misdirected, please notify the Management Company in writing.

Dues

Homeowners association dues are due on the first of the month and incur a \$20 late fee if the account balance is not paid in full by the 20th. Monthly notices are sent only to delinquent accounts. Liens will be filed on accounts that are 2 months in arrears and the attorney's fees charged to the homeowner. Foreclosure proceedings may be initiated at the discretion of the Board of Directors. If a unit sells and the closing attorney does not contact the Management Company to research dues owed, the balance owed (if any) will be assumed by the new owner.

Homeowners may have their dues drafted. A draft form is available on the Management Company's web site www.hoamgtcompany.com. Dues are drafted on the 15th of the month.

Or, dues may be mailed to the following address: The Gates HOA, 3107-B Evans St., Greenville, NC 27834. Please make sure your Gates address is on the check.

Concerns

Should you have concerns, repair requests, or questions regarding the Association, please forward them to the Management Company by mail or email. Emergencies such as roof leaks should be reported immediately to the Management Company by phone and followed up in writing.

Meetings

The Association Board of Directors meets on a quarterly basis to discuss any pending business. If you are interested in attending a meeting, please contact the Management Company for the dates

and request a place on the agenda. The Association holds an annual meeting, which is open to all homeowners, once per year. Notification and an absentee proxy will be mailed at least 15 days prior to the scheduled date.