

Amendments to Establishment of Rules and Regulations

Mission Statement

The board of directors is established by volunteer members of the association to serve with respect, dignity and integrity. Its mission is to uphold the value of the property, standards of living and prosperity for all members of our community. In doing so, the board injects a basic quality of life through set standards which are equally and indiscriminately upheld through rules, regulations, policies, covenants, bylaws and inspections of the above. As owners, association members, neighbors we hope to strive for excellence is working together to achieve this mission and bring added value to those members current and in the future.

NOTE: ALL ITEMS WHERE EXAMPLES ARE GIVEN ARE NOT INCLUSIVE

References to federal, state, and local laws are as of the effective date. Current laws may supersede laws referenced in this document.

KNOW ALL MEN BY THESE PRESENTS, that the Manning Forest POA, Inc., a nonprofit corporation organized and existing under and by virtue of the laws of the State of North Carolina, and having its principal office and place of business in Greenville, Pitt County, North Carolina, does hereby establish by the act of its Board of Directors and pursuant to Article VIII, Section 1(a) of its Bylaws the following rules and regulations to govern the use of the common area at Manning Forest and to prohibit certain conduct by members, non-members and guest.

- I. LITTERING – Any person who intentionally litters trash, whether biodegradable or non-biodegradable, in the common area of Manning Forest (grass, parking lot, sidewalk, etc.) will be subject to a \$25.00 USD fine by the Board of Directors of Manning Forest POA. The fine will be assessed against the property owner with whom the offending party is associated, if such offending party is a guest, child, or other non-owner. Furthermore, leaving trash or any other property that does not belong on the common area herein constitutes littering (i.e. leaving trash bags at front door). Throwing of cigarette butts will be fined per cigarette butt.

- II. TRESPASSING: No person shall trespass upon the Manning Forest common area, including the area surrounding the Manning Forest sign, pond, dumpster, parking lot and electrical/utility boxes. Any person, regardless of status, shall not climb, sit or stand on the Manning Forest sign and shall not loiter around the common area to include parking lot, dumpster, pond or current/future construction sites without purpose. Any members of the Association who personally violate this rule or allow their children or guest to do so shall be subject to a \$25.00 USD fine per occurrence per person in violation by the Board of Directors of Manning Forest POA. The fine will be assessed against the property owner with whom the offending party is associated if such part is a guest, child, or other non-owner.

III. POND AREA: (*Changed from FISHING to POND AREA:* No person shall fish in the pond of the Manning Forest common area nor shall remove any fish from the pond by any other means. Any person caught fishing will be subject to a \$50.00 USD fine by the Board of Directors of Manning Forest POA. An additional \$50.00 USD fine will be assessed per each fish, dead or alive, found in their possession. Any parties who cause damage to the fountain will be responsible for paying all cost needed to repair the fountain. Any fines will be assessed to the property owner with whom the offending party is associated, if such party is a guest, child or other non-owner. Throwing of debris to include rocks, dirt or any foreign objects by intent is strictly prohibited and subject to the same fine herein.

IV. NUISANCES: The Manning Forest POA Covenants and Bylaws clearly prohibit any resident from being a nuisance to their neighbors or committing any nuisance behavior on the property. The Board of Directors recognizes that there are two types of nuisances, internal and external. Examples of each of these are listed below, but should not be considered all inclusive.

A. Internal Nuisance (Inside the residence):

1. Loud electronic devices that can be heard from an adjacent residence;
2. Loud vocal discussion, singing, yelling, shouting that can be heard from an adjacent residence;
3. Loud noises caused by banging on walls, floors, etc that are consistent and frequent to cause continuous disruption. To exclude construction work and repair from the hours of 9:00 am. To 9:00 pm.

B. External Nuisance (Outside the residence):

1. Car stereos above a level of noise that can be heard from inside a residence
2. Yelling that can be heard from inside a residence
3. Loud mufflers, excessive revving of engine for the sole purpose of creating a noise.

C. Procedure For Resolving Nuisance Violations:

The president will direct the first complaint of a Nuisance Violation to be handled by the parties involved with input if needed from the President and/or his/her designee. All subsequent infractions will be directed towards the Greenville Police Department. The Manning Forest Board shall be notified the next day of any complaints handled by the Greenville Police Department. The HOA Board members shall be contacted and convened to determine what actions could rectify the situation. If there is a willful neglect of common courtesy and intent to cause a nuisance and discourtesy, a fine shall be enacted. Common courtesy, discourtesy and intent to cause a nuisance shall include but not limited to those listed above under internal and external nuisance. The fine shall be set at a minimum of \$10.00USD and no more than \$50.00USD per occurrence at the discretion of the Manning HOA Board. The fine will be charged to the

property owner for which the individual(s) is (are) associated with (i.e.: resident, guest, and children.) Furthermore, any complaint made towards or by board members shall be reviewed by the remainder two board members and shall not be involved with any decision to fine or not to fine and shall be left to the discretion of the other two members.

- V. CURFEW: All minors (UNDER 18) shall comply with the curfew regulations adopted by the City of Greenville, NC. Any minors who are not in compliance with the curfew regulations shall be directed to return to their residence or shall be reported to the Greenville Police Department.
- VI. RENTERS (CHANGED FROM RENTER INFORMATION SHEET TO RENTERS): Each owner renting their property shall give their tenant access to the Manning Forest Bylaws and Establishment of Rules and Regulations by the Board of Directors. It shall be the responsibility of the owner to inform their renters of their obligation to uphold the prior. Each owner is responsible for completing the renter information sheet developed by and available from the Board of Directors. The renter is responsible for informing the landlord of any changes to the occupancy and pet requirements. Failure to comply with these requirements within thirty (30) days of the commencement of a new tenancy will result in a \$10.00 USD fine per month of non-compliance.
- VII. PETS: The Manning Forest Board of Directors has adopted the following:
- a) No owner, renter or guest shall possess the following breeds of dogs on the property
 - Pit Bulls
 - Boxer
 - Doberman
 - Rottweiler
 - Chow
 - Mastiff
 - Shar Peis
 - Great Dane
 - German Shepherd
 - Any single pet over 75 lbs.
 - b) Manning Forest HOA Board may review this list at any time and make changes upon 30 day notification to the association.
 - c) The president is given the power to make appropriate determinations to the best interest of the association for any one particular instance where a homeowner wishes to have a pet that is on the list (VII, a) reside on the property that might be questionable (i.e. mutts or cross breeds.)

- d) Pets, greater than 5 lbs must be registered with the Secretary of Manning Forest Home Owners Association.
- e) All dogs, regardless of size, must have a collar with identification to include Name of Pet, Name of Owner, Address of Owner and/or Phone Number. Manning Forest
- f) All persons must have a pet waste bag, either self provided or by the association, on hand to clean up any fecal matter released from their pet.
- g) Pets are not allowed to free roam around the neighborhood and **MUST** be restrained either by leash or other means.

- h) The owner must present to the President, upon request, proof of vaccinations. A pet having proper identification tags detailing the proper vaccination records constitutes valid proof of vaccination history and recommended by the association.

- i) Manning Forest HOA shall fine to the owner **25.00 USD** for failing to comply with mandates herein (**VII, PETS, d-h**). **50.00USD** per month for those who fail to comply with the mandate (**VII, PETS, a**).

- j) HOA aligns additional rules, regulations, definitions and alike contained within the City Code of Greenville which is as follows.

Greenville, North Carolina City Code 12-16 is applicable to this resolution:

Aggressive animal.

An animal when not on the owner's or keeper's real property that attacks or attempts to attack a person without provocation and such attack does not result in severe injuries; or

(2) An animal, on more than one occasion, and when not on the owner's or keeper's real property attacks livestock or other domesticated animals causing minor injury of that livestock or other domesticated animals.

Animal. Any living, vertebrate creature, domestic or wild.

Attack by an animal. Any assault or battery by an animal upon a person or domestic animal, to include biting, felling or toppling, tearing of clothing, provoking flight to escape attack, or any other act which could reasonably cause any injury to the person or domesticated animal.

Bite of an animal. Any seizing, gripping or grasping, no matter how slight or momentary, by an animal between its jaws the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

This does not include the playful behavior by an animal that is welcomed and not likely to cause any injury, fear or harm to the person or animal.

Dangerous animal or vicious animal.

(1) An animal whether or not on the owner's or keeper's real property and without provocation kills or inflicts severe injuries to a person; or

(2) An animal that is owned or harbored primarily or in part for the purpose of fighting, or an animal trained for fighting; or

(3) An animal that leaves the owner's or keeper's real property and approaches a person in a vicious or terrorizing manner and in an apparent attitude of attack, that causes the person to be killed, or sustain severe injuries; or

(4) An animal that has been ruled "potentially dangerous" and subsequently attacks again, causing injury.

Domesticated. Any animal kept, cared for, sheltered, fed or harbored for use as a pet, work or as a source of food, including, but not limited to, cats, cows, dogs, fowl, horses, sheep and domesticated wild animals.

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Owner. Any person, group of persons or any entity possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter.

Owner's or keeper's real property. Any real property owned or leased by the owner or keeper of the animal, not including any public right-of-way or a common area of a condominium, apartment complex, or town house development.

Pet. A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters and mice.

Potentially dangerous animal.

(1) An animal whether or not on the owner's or keeper's real property, and without provocation inflicts a bite on a person and causes severe injuries to the person; or

(2) An animal that killed or severely injured the domesticated animals of another when not on the owner's or keeper's real property and without provocation; or

(3) An animal when not on the owner's or keeper's real property and without provocation in a vicious or terrorizing manner approaches another person in an apparent attitude of attack.

(4) Severe injury. Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

VIII UTILIZATION OF COMMON AREAS, PARKING, VEHICLES:

DEFINITIONS:

COMMON AREA: is any area on the premise of Manning Forest not directly owned by individual unit owners. Article II of By-Laws of Manning Forest, as recorded with the county, states "Common Area shall mean all real property owned by or used by the Association for the common use of enjoyment of the owners, including roads and rights of way in said subdivision. Owners of each individual property or "Lot" shall review their numbered or lettered plot as filed at the Pitt County Deeds office located in Greenville, NC. Each individual owner only owns the property as defined in Article II Section 2 "Properties." All other areas herein are considered "Common Areas" as defined and are subject to the rules, regulations, policies and procedures pertaining to their use.

VEHICLE: is a thing used for transporting. It may be in the form of a car, bus, truck but not all inclusive.

TRAILER: is a device used to transport a device or cargo via means of attachment to a vehicle. It utilizes a independent axles with wheels to provide said transport. This could be in the form of a transport trailer, box trailer, travel trailer, boat trailer, but not all inclusive.

PARKING SPACE: is a designated area on the common area that is paved with white parrallel lines affixed as a desingnation. Handicaped parking is provided and is redibly identifiable with blue markings and appropriate signage indication such.

- a) All recreation activities including sports, tanning, sitting, etc must be done utilizing the private fencing at each property.
- b) Congregating in the parking lot and/or sidewalks for extended periods after sunset is not permissible.
- c) The sidewalks and parking areas shall be used for ingress and egress purposes only. Residents or their guest shall not under any circumstances use these areas for the

- different (i.e. grilling, cooking, lounging, tanning, sitting). The previous should be reserved for each unit's private patio.
- d) No person shall touch, sit or stand on any of the green utility boxes, poles or alike.
 - e) No person or persons shall post via any means literature, signage or alike on, in or affixed to any property within the COMMON AREA without prior approval from the Board of Directors. Those responsible of violating this policy will without leniency be held to the fullest extent of the law. This section includes political signage, personal signage, professional services, etc. (Signage excluded includes security signs, rental/real estate signs).
 - f) No person shall leave personal property in or on the common area overnights. This includes bikes, skateboards, roller skates/blades.
 - g) The parking areas are reserved for members in good standing ONLY. Any owner who fails to pay monthly assessments for a period of six (6) months or more shall be denied parking privileges at Manning Forest. This shall include parking anywhere within the common areas of Manning Forest. The Board of Directors reserves the right, after giving written notice and conducting a hearing as set forth below, to order that any vehicle belonging or registered to an owner who has failed to pay assessments for six (6) months or more may be towed from the premises, with all towing expenses to be paid by the owner of the vehicle.
 - h) Parking on the streets or unmarked parking areas are also subject to towing without permission from the President or designee. (Does not guarantee violations/towing from the Greenville Police Department.)
 - i) The covenants stipulate in Article VII "USE RESTRICTIONS" SECTION 11 "VEHICLES." Only passenger cars and/or trucks of ½ ton capacity or less shall be permitted to remain upon any lot. Boats, Trailers, recreational vehicles and large trucks of over ½ ton capacity are expressly prohibited." VEHICLES to include TRAILERS of any kind are strictly prohibited from being parked upon any area that is not paved and designated a PARKING SPACE. The association recognizes owners of vehicles including trailers, RVs, Boats may need to utilize temporary parking to clean, organize, load and unload the above. In such cases the Board of Directions shall allow 72 hours (3 days) to conduct such needs. An extension may be granted up to 168 hours (7 days) via a written request to the BOD and a returned approval.
 - j) It is necessary to keep Manning Forest in compliance with the City of Greenville code enforcement. As such, abandoned property such as vehicles may cause damage to parking area (i.e. oil leaks, denting the asphalt, etc.) Abandoned property poses security problems and invites possible crime into our neighborhood and poses safety

concerns to the residents of Manning Forest. The Greenville, Pitt County, North Carolina City Code Chapter 4 states the following:

CHAPTER 4. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES*

***Editor's note**--Section 1 of Ord. No. 2198, adopted June 14, 1990, deleted former Ch. 4, §§ 12-4-1--12-4-8, in its entirety and enacting a new Ch. 4 in lieu thereof. The deleted provisions pertained to similar subject matter and derived from Code 1971, §§ 31-112--31-119; Ord. No. 765, § 1, adopted April 13, 1978; and Ord. No. 1335, §§ 1, 3, 4, adopted Nov. 10, 1983. **Cross reference(s)**--Traffic regulations, § 10-2-1 et seq. **State law reference(s)**--Removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303.

Sec. 12-4-1. Definitions.

Sec. 12-4-2. Administration.

Sec. 12-4-3. Abandoned prohibited; removal authorized.

Sec. 12-4-4. Nuisance vehicles prohibited; removal authorized.

Sec. 12-4-5. Junked vehicles prohibited; removal authorized.

Sec. 12-4-6. Removal of abandoned, nuisance or junked motor vehicles; pretowing notice requirements.

Sec. 12-4-7. Exceptions to prior notice requirements.

Sec. 12-4-8. Removal of vehicles; post-towing notice requirements.

Sec. 12-4-9. Right to probable cause hearing before sale or final disposition of vehicle.

Sec. 12-4-10. Redemption of vehicle during proceedings.

Sec. 12-4-11. Sale and disposition of unclaimed vehicles.

Sec. 12-4-12. Conditions on removal of vehicles from private property.

Sec. 12-4-13. Protection against criminal or civil liability.

Sec. 12-4-14. Exceptions.

Sec. 12-4-15. Unlawful removal of impounded vehicle.

Sec. 12-4-1. Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Abandoned motor vehicle. A motor vehicle shall be deemed to be abandoned for the purpose of this chapter if:

- (1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking;
- (2) It is left on property owned or operated by the city for longer than twenty-four (24) hours;
- (3) It is left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours; or
- (4) It is left on any public street or highway in the city for longer than seven (7) days.

Authorizing official. The supervisory employee of the police department or the member of the code enforcement division designated to authorize the removal of vehicles under the provisions of this chapter.

Junked motor vehicle. A motor vehicle shall be deemed to be a junked motor vehicle if it does not display a current license plate and also:

- (1) It is partially dismantled or wrecked;
- (2) It cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) It is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

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- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
- (6) So situated or located that there is danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any vehicle specifically declared a health and safety hazard and a public nuisance by the code enforcement division. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, §§ 1, 2, 8-14-97; Ord. No. 04-100, § 1, 8-12-04)

Sec. 12-4-2. Administration.

(a) The police department and the code enforcement division of the city shall be responsible for the administration and enforcement of this chapter. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the city limits, and on property owned by the city.

(b) The code enforcement division of the city shall be responsible for administering the removal and disposition of "abandoned," "nuisance" or "junked motor vehicles" located on private property. The city may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned, nuisance or junked motor vehicles in compliance with this chapter and applicable state laws.

(c) Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the police

department and the fire department in enforcing other laws or in otherwise carrying out their duties. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, §§ 1, 3, 4, 8-14-97)

Sec. 12-4-3. Abandonment prohibited; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined in this chapter.

(b) Upon investigation authorizing officials of the city may determine that a vehicle is an abandoned vehicle and order the vehicle removed. (Ord. No. 2198, § 1, 6-14-90)

Sec. 12-4-4. Nuisance vehicles prohibited; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the code enforcement coordinator or officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, § 1, 8-14-97)

Sec. 12-4-5. Junked vehicles prohibited; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) It shall be unlawful to have more than one (1) junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

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(c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicles, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.

(d) Subject to the provisions of subsection (e), upon investigation, the code enforcement coordinator or officer may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(e) Permitted concealment or enclosure of junked motor vehicle:

(1) One (1) junked motor vehicle in its entirety can be located in the rear yard as defined by the zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

(2) The code enforcement coordinator or officer has authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives sought to be obtained in this chapter.

(3) More than one (1) junked motor vehicle. Any other junked vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

(f) A vehicle that is used on a regular basis for business or personal use shall not be ordered to be removed or disposed of pursuant to the provisions of this section. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, § 1, 8-14-97; Ord. No. 04-100, § 2, 8-12-04)

Sec. 12-4-6. Removal of abandoned, nuisance or junked motor vehicles; pretowing notice requirements.

(a) Except as set forth in section 12-4-7 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given first by certified mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and date mailed. If such names and addresses cannot be ascertained or the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice is affixed or mailed unless the vehicle is moved by the owner or legal possessor prior to that time.

(b) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the code enforcement coordinator or officer in writing, and further proceedings to remove the vehicle shall be stayed until the

appeal is heard and decided. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, § 1, 8-14-97)
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Sec. 12-4-7. Exceptions to prior notice requirement.

The requirement that notice be given to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public health, safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (1) *Vehicles abandoned on streets.* For vehicles left on public streets and highways, the police department may determine that immediate removal of such vehicles may be warranted when they are:
- a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no stopping or standing zone;
 - d. Parked in loading zones;
 - e. Parked in bus zones; or
 - f. Parked in violation of temporary parking restrictions imposed under Code sections.

(2) *Other abandoned, nuisance, or junked vehicles.* With respect to abandoned, nuisance, or junked vehicles left on city-owned property other than streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstance include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. Additionally, abandoned, nuisance, or junked motor vehicles on private property may be removed without giving prior notice to the owner of the motor vehicle whenever the authorizing official determines that the owner of the motor vehicle cannot reasonably be ascertained due to the condition or location of the vehicle provided that prior notice to the owner, lessee, or occupant of the real property upon which the vehicle is located indicating that the vehicle will be removed by the city on a specified date is given either personally or by certified mail at least seven (7) days prior to removal. (Ord. No. 98-129, § 1, 10-8-98)

Sec. 12-4-8. Removal of vehicles; post-towing notice requirements.

(a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the city, be removed to a storage garage or area by a tow truck operator or towing business contracted to perform such services for the city. Whenever such a vehicle is removed, the authorizing city official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) The city shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.
- (c) If the vehicle is registered in this state, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

(d) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the OFFENSES AND PUBLIC NUISANCES

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vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (a)(1) through (a)(5) above. (Ord. No. 2198, § 1, 6-14-90)

Sec. 12-4-9. Right to probable cause hearing before sale or final disposition of vehicle.

After removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for the hearing must be filed in writing with the code enforcement coordinator or officer for the city. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, § 1, 8-14-97)

Sec. 12-4-10. Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges that may have been incurred. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter. (Ord. No. 2198, § 1, 6-14-90)

Sec. 12-4-11. Sale and disposition of un-claimed vehicles.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with Article 1 of Chapter 44A of the General Statutes. (Ord. No. 2198, § 1, 6-14-90)

Sec. 12-4-12. Conditions on removal of vehicles from private property.

As a general policy, the city will not remove a vehicle from private property if the owner, occupant or lessee of such

property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the city from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or a junked motor vehicle which has been ordered removed by the code enforcement coordinator or officer. The city may require any person requesting the removal of abandoned, nuisance or junked motor vehicles from private property to indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 97-89, § 1, 8-14-97)

Sec. 12-4-13. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this chapter. (Ord. No. 2198, § 1, 6-14-90)

Sec. 12-4-14. Exceptions.

Nothing in this chapter shall apply to any vehicle which is:

- (1) Located in a bona fide "automobile graveyard" or "junkyard," as defined in G.S. 136-143, in accordance with the "Junkyard Control Act," G.S. 136-141, et seq.;
- (2) In an enclosed building;
- (3) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) In an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. No. 2198, § 1, 6-14-90)

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Sec. 12-4-15. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provision of the chapter unless and until all towing and impoundment fees which are due have been paid. (Ord. No. 2198, § 1, 6-14-90; Ord. No. 06-75, §3, 8-10-06)

Be it resolved that Manning Forest residents are encouraged to question abandoned property and notify the President of Manning Forest POA of any vehicle that is described above or fails to properly show proper license plate information to include annual North Carolina DMV registration. The vehicle shall be towed at owner's expense from the property. Furthermore, the Manning Forest POA has the right to seek payment for repair to the property to include landscaping, curbs, sidewalks and asphalt caused by the abandonment and thus damage to the said by a vehicle being described herein. This shall include any staining caused by fluids leaking from the abandoned car.

IX ARCHITECTURAL COMMITTEE, POLICY AND PROCEDUES

The following is directly from the Covenants:

ARTICLE VI:
ARCHITECTURAL CONTROL

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 structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. For the purpose of this Article, storm windows and a storm door on the rear entrance may be placed and maintained on townhouses without need for approval of the architectural committee; but a storm door placed and maintained at the entrance, or front door, to a townhouse must be approved by the architectural committee in accordance with the provisions of this Article. Any fences placed upon a Lot shall be constructed of white PVC material. Subsequent to the placement of a fence on a Lot, maintenance of the grounds within its circumference becomes the responsibility of the Lot Owner and are no longer a charge upon the Association.

Therefore, it is the responsibility of the BOD as the Architectural Review Committee (ARC) to evaluate the request of each association member. A majority vote is required for passage of any request. The BOD shall publish and make easy access to the ARC request form online.

Owners and Renters may elect to install a satellite dish; however, the following must be upheld:

- 1) The satellite dish must NOT be attached to any part of the buildings or fences;
- 2) The satellite dish must not intrude on adjacent neighbors property;
- 3) The satellite dish must be placed on a free standing pole that is elevated off the ground;
- 4) All cables must be protected and discretely hidden;
- 5) The satellite dish must not protrude past the back of any given fence;
- 6) The satellite dish and accessories are not the responsibility of the HOA and thus any damage occurred by its presence is at the owners risk.

X FACE OF UNITS

Face of unit is defined as “each unit’s front entrance facing the respected parking lot whereby common entry and exit is made”

The following rules apply:

- 1) The owner is responsible for maintaining the face and sides (if applicable) of their respective unit;

- 2) NO unit may place anything protruding from the front facing windows to include window fans, air conditioners, vents, signage etc;
- 3) No person may attach anything to the face of the buildings (i.e., cameras, flags, banners);
- 4) No company, corporation, or organization (for profit or nonprofit) may distribute marketing information by means of taping, stapling or gluing. **Exclusions: Government Organizations, Manning Forest HOA, Parcel Services (United States Parcel Services, UPS, FEDEX, etc.)**
- 5) All owners are responsible for maintaining decorative blinds, shades, etc.

Owners failing to comply will be subject to a minimum fine of \$10.00 USD per month plus the cost of professional cleaning services (if applicable) after three months of non-compliance.

XI COMMUNITY GARDEN (PENDING FUTURE APPROVAL)

A community garden may be established by the HOA to facilitate community involvement.

The HOA President is responsible for:

- 1) Declaring a portion of the common area as the “Community Garden”;
- 2) Maintaining a lottery system to distribute the plots fairly and on a annual basis;
- 3) Distribute plots by March 1st
- 4) Revoking privileges for those who fail to comply with the rules.

The Association is Responsible For:

- 1) Initial cost and yearly maintenance of materials to include barriers, fill dirt and signage.

The Plots:

- 1) Each plot will be a 5X5 plot with 2 inch barriers dividing each plot;
- 2) Each plot is the responsibility of the planter;
- 3) One plot per unit only;
- 4) Planted no earlier than March 1st and must be removed of all plant material by October 1st;
- 5) No person may take from another plot;
- 6) No person may plant nuts of any kind
- 7) No person may plant anything that is illegal
- 8) The Association is not responsible for providing a water supply, fertilizer or any other materials to assist in the process of growing produce.

XII OWNERS INFORMATION

Each owner shall update their contact information with the secretary of the association by the end of the first month of each year. The following information is required to on file with the secretary:

- 1) First Name of Owner (s)
- 2) Last Name of Owner (s)
- 3) Phone Number (s)
- 4) Email (s)
- 5) Address
- 6) Vehicles
 - a) Make
 - b) Model
 - c) Year
 - d) Color
 - e) License Plate or VIN
- 7) Option to receive information sent via email regarding HOA

Failure to comply will result in possible attorney and court fees being levied to obtain the information.

XIII PROCEDURE FOR INSPECTIONS, COMPLAINTS, IMPOSING A FINE AND/OR SUSPENDING PRIVILEGES:

Inspections are made at random by the HOA Management Company, third party vendor and/or government officials. The inspector sends a report of finding to the BOD and the BOD assign notices, fine and/or suspensions. Complaints may be sent to the board by ANY member regardless of status. All complaints must be in written form by completing a complaint form located online (<http://hoamgtcompany.com>) or by sending an email to the HOA management company. If the Board of Directors believes that cause exists to levy a fine as set forth herein, the Board shall provide notice to the party on an official Manning Forest letterhead stating the following:

- i) Name and Address of Owner
- ii) Name of Renter (if applicable)
- iii) Date of Notice
- iv) Date of Violation
- v) Type of Violation
- vi) Written Warning or Violation
- vii) Fine Issued
- viii) Right to Appeal
- ix) Deadline to Appeal (Minimum thirty (30) days to appeal in writing)

- x) Hearing Date by the Board of Directors (minimum thirty-one (31) days after the issue date)
- xi) Insert or reference to rules or bylaws.
- xii) Signature of one or more Board Member

A hearing shall be held before the Board according to the procedures as set forth in NCGS §47C-3-107.1. The procedure set forth herein shall also be followed if the Board seeks to suspend any owner's privileges normally enjoyed by reason of ownership of a unit at Manning Forest to include parking, use of common areas, etc.

XIV COLLECTION POLICY

As a homeowner, you are responsible for the payment of your homeowners' dues each month. Dues will be sent to HOA Management Company Team LLC. The monthly dues are needed to meet the ongoing obligations that are provided for many amenities, depending on the association's budget and board decisions for your community.

Dues of \$70.00 USD per month are due on the 1st and late on the 10th of each month. Dues not received by 5:00pm on the 10th of each month will be considered late and charged a late fee of \$20.00 USD each month the balance remains unpaid. If a check is returned due to non-sufficient funds (NSF), a late fee of \$25.00 USD will be charged. Accounts remaining past due up to 90 days will receive a 15 day lien letter to bring account current, if the account is not brought current, a lien will be filed and legal charges will be added to the said account to cover the cost of collections. Accounts remaining due up to 120 days will go to foreclosure of the property.

Past practices of payment plans will no longer be an option. All grandfathered payment plans will be honored as long as payments, as prescribed, are maintained.

Payments can be made by check, money order, cashier's check, or paid on the HOA Management website <http://hoamgtcompany.com>. Allow enough time when making payment for it to reach HOA Management and be processed by the 10th. Please observe holidays, weekends etc when considering sending each payment. If you desire to bring your payment to HOA Management Office you can use the door drop box located below the handle on the glass door or come inside between business hours 9:00 a.m. and 5:00 p.m.

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