

**RULES AND REGULATIONS**  
**of the**  
**VALLE CAY PROPERTY OWNERS ASSOCIATION, INC.**

Whereas the By-Laws of this association dated the 15<sup>th</sup> of June, 1996, provide for the creation of these rules and regulations, and

Whereas it is the desire of our membership to establish rules and regulations for the maintenance, conservation, and beautification of the subdivision, and for the health, comfort, safety and general welfare of the owners and occupants of this subdivision,

Now therefore the Board of Directors place before the membership for approval, amendment and adoption the following rules and regulations:

**1. Authority and Amendment Authority.**

As provided in the By-Laws, approval and amendment of these rules and regulations shall be made by a majority of the total votes. Written notice shall be given to all owners and occupants of the subdivision of the approved Rules and Regulations.

**2. Leasing and Rentals.**

In as much as it is the "sense of this community" to maintain Valle Cay as a private residential subdivision, we wish to discourage vacation type rentals, weekly or overnight rentals, and therefore establish the following restrictions:

- a. The term of a lease or rental contract shall be limited to a minimum of **90** days and shall not exceed a period of **one** year.
- b. A property may be leased or rented no more than **two** times per year.
- c. Notification of a leased property shall be made to the Board of Directors, in writing, providing the name of the lessee and the beginning and ending date of each lease.
- d. Sub-leasing of property and/or assignments of lease are not permitted.

**3. Vehicles, type and size.**

- a. Normal entry to Valle Cay shall be limited to standard passenger cars, mini-vans, stationwagons and pick-up trucks with a maximum capacity of  $\frac{3}{4}$  tons.
- b. Unsightly vehicles in open view of the public shall not be permitted nor are those displaying commercial signs and advertising or loaded outside with merchandise. Trucks and trailers are permitted only to make deliveries or perform services for residents.
- c. Owners may bring recreational vehicles or boats into Valle Cay for loading and unloading but in no case shall this period exceed 24 hours. A visitor or guest may bring a recreational vehicle into Valle Cay, but no such vehicle shall remain for a period exceeding 96 hours, and any such vehicle must be parked out of public view.
- d. Speed limits within Valle Cay of 15 mph will be observed by all operators of any vehicle.

#### **4. Pets and Animals.**

Section 2-12 of the Declaration of Covenants will be the ruling document. It is the desire of the community that all owners of pets maintain control of their pets so as not to become a public nuisance or disturbance to their neighbors.

#### **5. Payments and Penalties.**

- a. Maintenance assessments are due and payable 30 days from date of statement.
- b. Special assessments are due as indicated on the invoice.
- c. Interest on late payments may be charged at the highest rate permitted by law, calculated from the date the payment was originally due.

#### **6. Parks, Lakes and Common Areas.**

- a. Use of these common areas by guests, other than house guests or family members, requires that they be accompanied by an owner-member of the POA.
- b. Fishing is permitted only on the two upper lakes (Victoria and Dexter). Observe creel limits of 2 per day, bass, trout, catfish with minimum of 12". No 'limits' on blue gill.

#### **7. Signs at Homes.**

The Covenants require approval by the Architectural Review committee of the size and color of all signs to maintain some semblance of uniformity without stifling creativity.

#### **8. Fireworks:**

*All airborne and handheld fireworks, including sparklers, are prohibited in Valle Cay.*

#### **9. Recommendations and Complaints.**

- a. Suggestions to the Board are welcome and will be given careful consideration.
- b. Complaints to the Board must be in writing and signed by the complainant and directed to the Secretary or other Board member. The privilege of registering complaints carries with it the responsibility by the plaintiff of cooperating with the Board.

**VALLE CAY PROPERTY OWNERS ASSOCIATION, INC.**  
**STANDARD OPERATING PROCEDURE**  
**VIOLATION & FINES**

The Board of Directors for the Valle Cay Property Owners Association, Inc., after reviewing appropriate provisions of North Carolina Statute 47F, known as the North Carolina Planned Community Act, hereby adopts the following policy with respect to the enforcement of deed restrictions, bylaws, and rules and regulations.

1. Upon verification of a violation, a *Courtesy* letter will be sent stating the violation and action required to correct the violation.

2. After three (3) days, or upon the next inspection, if the violation is not abated, or a schedule for the correction of the violation agreed to between the Association and the Member has not occurred, a *Certified* letter will be issued to the Member stating

- (a)
1. The violation;
  2. The action required correcting the violation;
  3. A statement that if the violation is not corrected within ten (10) days, that it may result in the imposition of a fine.

(b) At the discretion of the President of the Valle Cay Property Owners Association, Inc. (the "Association"), this may be the first letter sent, depending on the severity of the violation and/or the history of the Member.

3. If the violation is not abated within those (10) days, or if there is a subsequent violation of the same rule or any other rule, a letter (HEARING NOTICE) will be sent advising the Member

- (a)
1. That a hearing will be held at a particular location on a specified date and time to consider imposing a sanction for violation of the rules;
  2. A description of the violation;
  3. An invitation to attend and produce any evidence on his/her behalf OR to send a written statement, in advance of the meeting, containing any evidence he/she wishes the Committee to consider.

(b) The letter shall be sent by either Certified U.S. Mail, postage prepaid, overnight delivery by a private courier, hand delivered or via telecopy or facsimile transmission.

(c) The hearing is held in executive session. Proof that notice was sent to the Member is required. That requirement shall be satisfied by a written statement from the office, director, management or other agent who delivered the notice stating the date and manner of delivery and attaching a copy of the notice.

(d) The Adjudicatory Committee, or Board of Directors, whichever is applicable, may impose fines in accordance with North Carolina General Statute 47F-3-107 that accrue not sooner than the (11<sup>th</sup>) day after the notice was sent to the Member if it is a first-time violation. If it is a subsequent violation the fine may accrue as of the first (1<sup>st</sup>) date of the subsequent violation.

- (1) The fine shall be posted to the Member's account at this time.

(e) The Member will be advised in writing of the decision of the Adjudicatory Committee or Executive Committee.

Should a Member become a “recurring violator”, the President of the Association has the discretion to proceed to the Certified Letter. If a violation cannot be cured within a time specified, a written request for an extension must be approved. No verbal extensions will be given.

**SCHEDULE OF FINES**

Modification, addition or alteration made to the property (structure and/or landscaping) without prior approval.

Due to the severity of a violation, a higher fine rate may be imposed.

\$25.00 initial fine for failure to submit request for approval.

\$10/Day for further non-compliance

Modification that varies from construction approval.

Failure to submit a request for tree removal in non-compliance of the Restrictive Covenants Article II, Section 2-5.

\$100/Month

Yard maintenance needed including but not limited to removal and/or replacing of dead landscaping.

\$100/Occurrence

Loud and unruly noise, music, etc.

\$25/Day

Violations in areas stated in Article II of the Restrictive Covenants and Rules & Regulations such as rentals, unsightly conditions, animals, antennas, etc. that are not covered elsewhere in the schedule of fines.

\$50/Occurrence

\$25/Day

**Revised June 14, 2008**