

**TOPSAIL REEF
HOMEOWNERS
ASSOCIATION INC**

RULES AND REGULATIONS

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

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TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

ABBREVIATED LIST OF RULES AND REGULATIONS

Adopted by board:

Fire, Health & Safety

1. Charcoal, gas and electric grills are prohibited. Interior heating systems requiring flammable substances are also not allowed. There will be no open flames of any sort. For grilling use dedicated grill areas ONLY.
(Section 7 item g in DOC (Declaration of Condominium) and NTB (North Topsail Beach) fire code)
2. Stairways/breezeways are NOT to be used for running or playing. Bicycles are NOT to be parked on or under stairways/breezeways. Storage in these areas is prohibited. This also includes Unit decks. (Section 7, item c in DOC and NTB fire code)
3. Cigarettes must NOT be thrown over the porch rails. Use provided receptacles. (Section 7, item f in the DOC and Article 1 and NTB littering ordinance)
4. Setting off of fireworks is prohibited. (Section 7, item g in the DOC and Article 1. Noise control, NTB and GS 14-414 of NC criminal code)
5. The carrying of unregistered concealed firearms not in accordance with the NC state laws is prohibited.
6. The speed limit in the parking area is 5 mph.
7. Skateboards, roller blades, roller skates, manual scooters and bicycles are NOT to be ridden on the property to include the tennis court area. (section 7, item g in the DOC)
8. Fenced in dumpsters are located throughout the property for disposal of all trash. Place trash in the receptacle and not on the surrounding ground. Household furnishings and or construction debris are NOT permitted to be left on the property or places in or beside the dumpsters. **PLEASE** use the recycling cans at each dumpster for Recyclables **ONLY**. (Section 7, item f and l in the DOC)
9. Pets are **ONLY** permitted for unit owners. **RENTERS ARE NOT ALLOWED TO HAVE PETS!!!** All owners **MUST pick up** after their pets. Dogs must be on leash and under the control of the owner at all times. (Section 7, item b in the DOC and Article 11 in the NTB ordinances)
10. All cable TV, WIFI, and Pest Control type issues and or requests using HOA services must go through the HOA office ONLY. Fees could be applied to unit owners, should homeowners deal directly with these carriers.
11. Balcony rails are not to be used as clothes lines for towels and clothing. Outside lines may not be installed for this purpose. The balcony needs to be kept clean and uncluttered. The balcony should not be a storage area for plywood and other like items.
12. All owners who wish to make repairs or do any remodeling must first submit a request to the Property Manager of the HOA for approval before starting any work. All in wall electrical and or plumbing rough-in must be done by a licensed professional and a Town building permit must be taken out by the unit owner. No alterations to walls are permitted without Board approval first. Appliances and equipment not original to the design of the building will not be permitted without Board approval. This includes any item that may require piping, plumbing, and electrical and or venting based on the manufacturers recommendations. All construction debris must be hauled off site by the unit owner.

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

13. Walking, playing or any other activity on the dunes is prohibited. (NTB ordinance--\$500 fine)
NC state law also prohibits the picking of sea oats. If holes are dug on the beach they must be filled in before leaving the beach. (NTB ordinance)

COMMON AREA ETIQUETTE RULES

1. Loud noises, music, etc. and unacceptable behavior will not be tolerated. Good judgment and consideration will be expected. (section 7, item g in the DOC and Article 1 in NTB ordinance)
Any nonoperational vehicle beyond 30 days will be towed at the owner's expense (Article 111 NTB ordinance)
2. Rules pertaining to the tennis courts will be enforced as posted. PETS AND /OR GLASS CONTAINERS ARE ABSOLUTELY NOT ALLOWED on the tennis courts. (Section 7, item c in the DOC)
3. Boats and trailers should be parked in the side parking areas by buildings 1 and 8. (Section 7 item b in DOC) Kayaks and canoes should be placed in the rack provided at the south end of the parking lot past building 8.
4. Occupied campers are not permitted on the property.
5. Setting off fireworks and or the carrying of unregistered concealed firearms not in accordance with the NC State Laws are prohibited.
6. Fishing is allowed in front of the Topsail Reef but consideration of swimmers is required. The cleaning of fish, fowl or game is not allowed in any common area.
7. Vehicles are not to be washed or maintenance performed in the main parking area. All vehicles must have current tags, inspection stickers and a current Topsail Reef parking permit. Any unregistered vehicle, trailers or nonoperational vehicle parked more than 30 days will be removed from the property at the owner's expense.

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: PET OWNERSHIP

Rule Number: 1	Date Adopted:	Date Revised:
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Problem

Topsail Reef restrictions prohibit pets not owned or under the control of unit owners. Owners are responsible for the acts of their tenants. There have been pets brought onto the property by non-owners.

Rule

Pets are **ONLY** permitted for **UNIT OWNERS**. **RENTERS ARE NOT ALLOWED TO HAVE PETS!!** All owners must pick up after their pets. Dogs must be on leash and under the control of the owner at all times. (Section 7, item b in the Declaration of Condominium and Article 11 in the North Topsail Beach ordinances) (See Procedure)

Alternatives Considered

Possible exception would be registered service animals covered under Topsail Reef Association (See Procedure #3 Service Animals)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: PET REGISTRATION

Rule Number: **2**

Date Adopted:

Date Revised:

Problem

The identification of Topsail Reef Pets for the protection of condo occupants

Rule

Pets must be registered in the HOA Office with up to date immunization records. The owner must purchase a collar to identify their pet as a Topsail Reef Pet. (Forms are available in the HOA Office)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: WINTERIZATION POLICY FOR TOPSAIL REEF

Rule Number: 3

Date Adopted:

Date Revised:

The Board of Directors has made the determination that **the winterization of individual units is the responsibility of the unit homeowner**. Each year, usually in December, homeowners are encouraged to take the following actions to winterize their unit.

1. **Before leaving, it is the homeowner's responsibility to turn off the main water valve (MWV) for water coming into the unit.** This MWV is found, either under the sink in the cabinet (in one bedroom units) or at the hot water heater (in buildings 1 & 2 and in two bedroom units in all buildings). After you turn this valve off **be sure to check that there is no water coming out by opening a faucet. Close the faucet again after checking.** **It is the homeowner's responsibility to make certain that all valves in the unit are operating properly. Flip the circuit breaker to turn off your water heater.** Also, **turn off the water to the icemaker line, toilet and bathroom sink. Turn off icemaker lever in the refrigerator.** (This procedure should also be followed throughout the year when leaving the unit vacant to protect from water leaks.)
2. **Individual homeowners (especially FIRST FLOOR UNIT OWNERS) should place De-Icer (RV antifreeze) in toilet bowls, tanks and p-traps to prevent freezing.**
3. **Individual homeowners should leave the heat on in the unit and turn it down no lower than 50 degrees.** This should help to minimize the potential for pipes in the chase walls from freezing. This will also minimize the potential for any such damage as may be occasioned by the undiscovered rupture of a waterline where all of the affected unit owners are offsite.
4. It is the **responsibility of each owner to maintain electric power to his/her unit during the winter months.**
5. It is the responsibility of each owner and/or his agent to **re-winterize when a previously occupied unit becomes vacant.** The Association cannot be responsible for winterizing any unit.

Please note that building water lines cannot be drained because some units on common stacks are occupied during the winter months. Therefore unit owners are responsible to protect the water lines within their unit by winterizing.

Topsail Reef Board of Directors Corporate Resolution REVISED and ADOPTED

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **VEHICLE MAINTENANCE**

Rule Number: 4

Date Adopted:

Date Revised:

Problem

Cleanliness and consideration to others

Rule

Vehicles are not to be washed or maintenance performed in the main parking area. (See Abandoned and Unregistered Vehicle Procedure)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: WATER VEHICLES

Rule Number: 5

Date Adopted:

Date Revised:

Problem

Parking violation and limited parking

Rule

Boats and trailers should be parked in the side parking areas by buildings 1 and 8. Boats and trailers are **NOT** to be parked in the designated permitted parking areas. (Section 7 item b in DOC)

Kayaks and canoes should be placed in the rack provided at the south end of the parking lot past building 8.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: ABANDONED AND UNREGISTERED VEHICLES

Rule Number: 6

Date Adopted:

Date Revised:

Problem

Unregistered or abandoned motorized or non motorized vehicles (including but not limited to cars, trucks, boats, trailers, bikes, motorcycles and campers) being kept on the property. Washing and maintaining vehicles on Topsail Reef property. Abandoned or junked motor vehicles constitute a hazard to the health and welfare of the Topsail Reef property in such that these vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, take up parking spaces and present physical dangers to the safety and well being of property owners and visitors.

Rule

All vehicles must have current tags, inspection stickers and a Topsail Reef Parking Permit. Any vehicle not kept current or non-operable on Topsail Reef property beyond 30 days will be towed at the owner's expense. (Article 111 NTB ordinance) Vehicles are not to be washed or maintained on Topsail Reef property. Upon Board approval, should a vehicle become a nuisance, the HOA can revoke the Topsail Reef Parking Permit and the vehicle can be removed at the owner's expense, given fourteen (14) days notice.

Procedure

This policy provides for the removal of unregistered or abandoned motorized or non-motorized vehicles on Topsail Reef property. (Article 111 NTB ordinance)

Alternative Considered

Vehicles owned by resident who may be temporarily assigned elsewhere or deployed.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: NON-MOTORIZED RECREATION VEHICLES
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Rule Number: 7	Date Adopted:	Date Revised:
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Problem

Safety Hazard

Rule

Skateboards, roller blades, roller skates, manual scooters and bicycles are NOT to be ridden on the property, to include the tennis court area. (Section 7, item g in the DOC)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: CAMPERS

Rule Number: 8

Date Adopted:

Date Revised:

Problem

Limited parking

Rule

Occupied campers are not permitted on the property. Campers that are not occupied: (See Policy #6, Abandoned and Unregistered vehicles)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **MOLD and WATER DAMAGE**

Rule Number: 9

Date Adopted:

Date Revised:

Problem

Mold, which is a health hazard, could potentially affect the whole population.

Rule

Owners need to be aware of potential mold growth and water damage in their units. It is each owner's responsibility to make the HOA aware of the occurrence of mold and or water damage and then the homeowner must expedite the removal/cleanup to minimize any further damages and potential health risks. The HOA will require unit owners to pay for repairs to the HOA's common spaces and damages extending to the walls, floors and ceilings that have been damaged. This will include but now necessarily be limited to damages caused by owner negligence due to water leaks from interior plumbing, air conditioning units, washer/dryers and or leaks around, doors and ceilings. Each unit owner has an obligation to protect the HOA's property for the good of the community and in this regard we will hold unit owners responsible for damages caused by their lack of care and or negligence.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: SPEED LIMIT

Rule Number: 10

Date Adopted:

Date Revised:

Problem

Public Safety

Rule

The speed limit in the parking area is 5 mph.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: STAIRWAYS AND BREEZWAYS

Rule Number: 11

Date Adopted:

Date Revised:

Problem

Safety Hazard

Rule

Stairways/breezeways are NOT to be used for running or playing. Bicycles are NOT to be parked on or under stairways/breezeways. Storage in these areas is prohibited. This also includes Unit porches. (Section 7, item c in DOC and NTB fire code)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: FIREWORKS

Rule Number: 12

Date Adopted:

Date Revised:

Problem

Fire Hazard and safety

Rule

Setting off of fireworks is prohibited. (Section 7, item g in the DOC and Article 1, Noise control, NTB and GS 14-414 of NC criminal code)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **FIREARMS**

Rule Number: 13

Date Adopted:

Date Revised:

Problem

Public Safety

Rule

The carrying of unregistered concealed firearms not in accordance with the NC state laws is prohibited.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: PORCHES

Rule Number: 14

Date Adopted:

Date Revised:

Problem

Fire hazard and eyesore

Rule

Porch rails are not to be used as clotheslines for towels and clothing. Outside lines may not be installed for this purpose. The porch needs to be kept clean and uncluttered. The porch should not be a storage area for plywood and other like items. Clotheslines are not permitted.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: GRILLS

Rule Number: 15

Date Adopted:

Date Revised:

Problem

Fire hazard

Rule

Charcoal, gas and electric grills are prohibited. Interior heating systems requiring flammable substances are also not allowed. There will be no open flames of any sort. For grilling use dedicated grill areas ONLY. (Section 7 item g in DOC (Declaration of Condominium) and NTB (North Topsail Beach) fire code)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: CIGARETTES

Rule Number: 16

Date Adopted:

Date Revised:

Problem

Fire hazard and littering

Rule

Cigarettes must NOT be thrown over the porch rails. Use provided receptacles. (Section 7, item f in the DOC and Article 1 and NTB littering ordinance)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: DUNES

Rule Number: 17

Date Adopted:

Date Revised:

Problem

Dune integrity

Rule

Walking, playing or any other activity on the dunes is prohibited. (NTB ordinance--\$500 fine) NC state law also prohibits the picking of sea oats. If holes are dug on the beach they must be filled in before leaving the beach. (NTB ordinance)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **TRASH**

Rule Number: 18

Date Adopted:

Date Revised:

Problem

Health hazard and eye sore

Rule

Fenced in dumpsters are located throughout the property for disposal of all trash. Place trash in the receptacle and not on the surrounding ground. Household furnishings and or construction debris are NOT permitted to be left on the property or places in or beside the dumpsters. **PLEASE** use the recycling cans at each dumpster for Recyclables **ONLY**. (Section 7, item f and l in the DOC)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: FISHING

Rule Number: 19

Date Adopted:

Date Revised:

Problem

Safety and nuisance to residents

Rule

Fishing is allowed in front of the Topsail Reef but consideration of swimmers is required. The cleaning of fish, fowl or game is not allowed in any common area.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: NOISE

Rule Number: 20

Date Adopted:

Date Revised:

Problem

Nuisance to residents

Rule

Loud noises, music, etc. and unacceptable behavior will not be tolerated. Good judgment and consideration will be expected. (Section 7, item g in the DOC and Article 1 in NTB ordinance)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: TENNIS COURTS

Rule Number: 21

Date Adopted:

Date Revised:

Problem

Unauthorized use and safety

Rule

Rules pertaining to the tennis courts will be enforced as posted.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: SERVICE ANIMALS

Rule Number: 22

Date Adopted:

Date Revised:

Background Statement:

The association limits in some respects the animal which are allowable on the premises. Some limitations may relate to the number, breed or size of animals while tenants are not allowed to have "Pets" at all. *Because the association recognizes that every person with a disability has the right to be accompanied by a service animal trained to assist the person with his or her specific disability, the association has made an effort her to set out general guidelines to help owners or tenants in their request to have a "service animal" and to help the management and Board of Directors determine when such an animal is allowed at Topsail Reef.*

Determination of Disability:

A person who requests a "service animal" on the premises must have a disability and must disclose that disability to the association. The privacy of the individual will be respected in this regard but the information will be part of the record of the association and may be disclosed as any other records of the association. *The association recognizes a physical or mental disability to be one where there is a substantial limitation of a major life activity.* Major life activities include functions such as caring for oneself, performing manual tasks, walking, and hearing, seeing, speaking, breathing, and working. Many Americans have some type of physical or mental impairment (e.g. arthritis, anxiety, back pain, imperfect vision, etc.), but establishing a physical or mental disability also requires there to be a substantial limitation of a major life activity.

Traditionally, service dogs worked as guides for individuals who were blind or had low vision. While service animals have been trained to help with many different types of disabilities, individuals with minor impairments do not have the right of individuals with disabilities to use service animals. While some disabilities may be obvious to the untrained person, we recognize that many disabilities are not understandable without medical background. As such, the person making the request should provide from his doctor or other medical care provider such information as would be helpful in describing and confirming the existence of the disability. The association recognizes the *Service animal normally* means any *dog or other common domestic animal* (excluding the following animals: reptiles, rabbits, farm animals-including horses, monkeys, miniature horses, ponies, pigs, or goats-ferrets, amphibians, and rodents) *individually* trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals who are blind or have low vision, altering individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, fetching items, assisting an individual during a seizure, retrieving medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility "protection animal".

The term "service animal" includes individually trained animals that do work or perform tasks for the benefit of individuals with disabilities, including psychiatric, cognitive, and mental disabilities. While we recognize the comfort animals or emotional support animals, which have become increasingly popular, primarily with individuals with mental or psychiatric impairments, these impairments do

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not rise to the level of disability. *Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals.*

Because the association is not educated in the determination that an animal is trained to have special abilities, *the applicant should provide a "certificate" showing special training for the animal which relates to the particular disability of the applicant.* Such a certificate is probative but not determinative of the special training of the animal. The association suggests, however, that the applicant request a "NORTH CAROLINA SERVICE ANIMAL PERMANENT REGISTRATION" from the Department of Health and Human Services. The issuance of such a certification shall be determinative of the animal's status as a service animal. As of the writing of this policy, an application form is available at N.C Division of Vocational Rehabilitation Services, 2801 Mail Services Center, Raleigh, NC 27699-2801 (919 855-3500, 1-800-689-9090 or online at: <http://dvr.dhhs.state.nc.us/ServiceAnimalRegAppForm.pdf>

Direct Relationship: A "service animal" must provide help with a particular need. It is not sufficient that it provide general comfort or companionship. As such, the applicant must demonstrate that the service animal provides support in the area of the disability. While the association may clearly observe that a "seeing eye dog" provides support for a person with a sight disability, other direct relationships are less clear to the untrained person. As such, *it is requested that a medical provider provide documentation that specifies not only the disability but the particular animal and training of that animal which would be required for a "service animal" in the particular applicant's case.* The work or tasks performed by a "service animal" shall be *directly related* to the handler's disability. A service animal that accompanies an individual with a disability shall be individually trained to do work or perform a task, housebroken, and under the control of its handler. A service animal shall have a harness, leash, or other tether, or otherwise be under the control of the handler.

Care or Supervision of service animals:

The association is not responsible for caring for or supervising a service animal. The association may ask an individual with a disability to remove a service animal from the premises if: (1) the animal is out of control and the animal's owner does not take effective action to control it; (2) the animal is not housebroken or the animal's presence or behavior fundamentally alters the nature of the condominium (e.g. repeated barking); or (3) the animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

Access to areas open to owners and tenants:

Individuals with disabilities who are accompanied by service animals may access all areas of a place of condominium where owners and tenants are allowed to go.

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **KEY ISSUANCE**

Rule Number: 23

Date Adopted:

Date Revised:

Problem

What needs to be done to provide access to a unit when owner is not present?

Rule

Homeowners are required by the Association's Amended By-Laws (Article 111, Section 4) to provide unobstructed access to the Member's unit to the property manager and other employees and agents of the Association for the purposes of maintenance, safety, and protecting the integrity of the Units of other Members of the Association. A "working" key needs to be in the HOA Office for all units.

Procedure

Homeowners must contact, by phone or email, the HOA Office any time the office copy of the unit key is to be used to open the door for contractors or repair personnel. (*Pest Control* is exempt) In the event the homeowner has not notified the HOA Office, the HOA staff will make every attempt to notify the owner, but access will be denied until the homeowner has call or notified the Office.

In order for any authorized user to be allowed to use the HOA Office key, the staff will require a copy of the individual's drivers license be kept in exchange for use of the key. The authorized user must go to the unit, unlock the unit and return the key to the HOA Office immediately. The authorized user is responsible for locking the door upon exit/completion of work. If there is a deadbolt lock that needs to be relocked, it is again the responsibility of the authorized user to return to the Office, obtain the key and lock the door.

The HOA key is not to be given out for the use of guests or renters during their vacation stay. If the owner wishes to leave an extra key available for this purpose, coordination of the pick-up and return must be made during regular working hours.

Directv repairs are done at the unit owner/renters request and access is granted through the HOA Office to ensure that your problems are resolved.

Pest Control is schedule monthly and key access is granted to each unit. *Pest Control* is exempt from the typical restrictions of the key policy.

In the event of an emergency and the need to gain access to the unit, the Property Manager has the discretion to provide needed access as deemed necessary.

A key sign-out sheet will be utilized in the Office to document the date, unit number, key release and return, as well as the name of the person who receives the key. Rental Agents providing keys to contractors must have them come to the office to document their visit. In a LOCK-OUT situation, the

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staff is only available to assist during regular working hours. In all lock-out situations after normal working hours, the owner/tenant in need of assistance should contact a *locksmith*. The Homeowner's Association does not consider a Lock-out to be an emergency situation.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: PARKING PASSES

Rule Number: 24

Date Adopted

Date Revised:

Problem

The need to identify vehicles belonging to occupants of Topsail Reef

Rule

Every homeowner receives 2 permanent parking passes and 2 guests temporary parking passes in the Homeowner Packet once the Office receives the \$100 from the closing on the unit. The temporary parking passes are supposed to be “recycled” and reused. It is suggested that homeowners write their unit number on the pass and ask guests and renters to leave the parking pass in the unit upon departure.

Homeowners who did not receive parking passes can get those from the Office at no charge.

New permanent parking passes will be issued to homeowners when a new vehicle is purchased.

Rental guest packets, which include the Rules and Regulations and two (2) guest parking passes, are available in the Office for long-term and short-term renters. Owners and rental agencies can purchase these from the HOA Office at the cost of \$5.00 per packet.

Long-term renters need to present proof of their rental agreement, ID, and be prepared to pay the \$5.00 nonrefundable fee if the rental agent or homeowner has not provided the temporary parking pass.

Homeowners and guests needing parking permits are requested to come to the Office and complete the information for the parking pass.

Vehicles without appropriate parking passes will be ticketed and subject to being towed.

The Office will continue to maintain a listing of all parking passes that are issued and parking pass information will be filed in the unit folder in the Office.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Policies. Procedures and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: **REPLACEMENT OF SLIDING DOORS AND WINDOWS**

Rule Number: 25

Date Adopted:

Date Revised:

Problem

Replacement of present sliding doors and windows

Rule

Replacement windows and sliding doors being installed must be white vinyl. They must be the same size as the current openings. The windows need to be of the slider type, similar to the existing windows. Until the time when all bronze doors and windows have been replaced, the trim work around the white windows and doors needs to be the same color as the building. Once all the window and doors have been replaced the HOA may decide to paint the window and door trim an accent color. Upon completion of installation it must be inspected by both the Town and the HOA.

Replacement of windows, sliding doors, main entrance doors and the louvered screen doors are the responsibility of the HOA and should be maintained and or replaced by the HOA. The costs associated with the maintenance and or replacement of doors and windows will be passed on to the individual unit owners who benefit from the maintenance and or replacement for doors and windows in the form of an assessment to the unit owners. To provide better control and over all consistency the HOA will no longer allow individual unit owners to make these replacements on their own. Should a unit owner wish to have a new window or door replaced they must contact the HOA office. The HOA will first price the work for that individual unit owner and then the HOA will contract the work to be done. The cost for this maintenance and or replacement will be assessed directly to that unit owner or paid for out of a previously funded reserve account set up for this purpose should one exist. Should entire buildings need maintenance and or replacement of doors and or windows at a significant cost to the HOA it could require an assessment for all those members who directly benefit from the improvement or be paid for from a previously funded reserve account specifically set aside for that intended purpose should one exist.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: APPLIANCE INSTALLATION & MAINTENANCE

Rule Number: 26

Date Adopted:

Date Revised:

Problem

Improper installation and maintenance

Rule

Installation of any appliance beyond the original design of the unit, including but not limited to dishwashers, washer/dryers and auxiliary air conditioner units are not permitted without first obtaining HOA Board approval. Owners will be asked to remove all unauthorized units that are found by the HOA unless Board approval is given. Owners will be responsible for any and all damages caused by the appliance. This includes damage to adjacent homeowner's property and HOA property. Appliances need to be checked regularly by the homeowner for leakage. Any problems should be reported to the Office of the HOA. As per Board Meeting (June 26, 2004): Homeowners need to contact the Office when replacing or installing an air conditioner. There are specifications and procedures for installing/replacing AC units. **Notify the Office before ANY cutting of the exterior of the building.** (See procedure #8: Installation of New Air Conditioners and procedure #7: Electrical and plumbing installations and repairs)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: WATER HEATER REPLACEMENT

Rule Number: 27

Date Adopted:

Date Revised:

Problem

Improperly installed, outdated, leaking hot water heaters

Rule

Hot water heaters are the responsibility of the unit homeowners. This includes outdated and improperly installed water heaters. Water heaters need to be checked regularly by homeowners for leakage and any problems reported to the Office of the HOA. (See Procedure #7: Electrical and plumbing installations and repairs)

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: ELECTRICAL AND PLUMBING INSTALLATIONS AND REPAIRS

Rule Number: 28

Date Adopted:

Date Revised:

Problem

Improper installations and repairs

Rule All in-wall electrical or plumbing rough-in must be done by a licensed professional and a town building permit must be taken out by the owner. No alterations to walls are permitted without Board approval. Appliances and equipment not original to the design of the buildings will not be permitted without board approval. This includes any item that may require piping, plumbing and electrical and or venting based on the manufacturers recommendations. All such installations require HOA notification.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: INSTALLATION OF NEW AIR CONDITIONER

Rule Number: 29

Date Adopted:

Date Revised:

Problem

Incorrect installation of new air conditioners is leading to water leaking into other units.

Rule

A/C INSTALLATION SPECIFICATIONS

(For **NEW** a/c units)

TOPSAIL REEF HOMEOWNERS ASSOCIATION

Adopted by the Board-----

1) ONE-BEDROOM UNITS

- A. Living room unit should be at least 12-14,000 BTUs
- B. Bedroom unit should be 8,000-10,000 BTUs

2) TWO BEDROOM UNITS

- A. Living room unit should be at least 12-14,000 BTUs
- B. Bedroom units should be 8,000-10,000 BTUs

HOMEOWNERS ARE REQUIRED TO CONTACT THE OFFICE AND OBTAIN A WORK PERMIT FROM THE HOA OFFICE PRIOR TO THE NEW INSTALLATION. HOMEOWNERS WILL RECEIVE THE SPECIFICATIONS/DRAWINGS FOR INSTALLATION. AN INSPECTION OF THE INSTALLATION WILL BE DONE BY MANAGEMENT/MAINTENANCE. HOMEOWNERS ARE REQUIRED TO SIGN A STATEMENT THAT WILL HOLD THE HOMEOWNER RESPONSIBLE FOR ANY DAMAGE CAUSED BY INSTALLING THE NEW A/C UNIT.

1. The A/C unit must be a slide-out chassis type, one that comes with a separate sleeve that can be installed and then the unit slides into the pre-installed sleeve. This is the only type that can be properly installed in through-the-wall application. **(NO WINDOW UNITS ALLOWED)**

2. The through the wall opening that is cut out for the A/C unit should be framed all the way around and copper flashing should be installed on both sides and bottom prior to installing the sleeve. Exterior molding must be installed, caulked and painted to trim out the outside of the unit.

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3. All sleeves should be secured with stainless steel screws; this will eliminate the chance of the screws corroding as well as aid in the removal when the a/c has to be replaced in the future

4. All sleeves should be installed in a manner that assures that all of the airflow louvers are located outside of the exterior wall for proper airflow as well as for a proper watertight seal.

5. If the bedroom unit is installed in such a way that it protrudes into the walkway area, it should have black and yellow caution tape installed around the edges of the sleeve. (owner to maintain a plastic drip pan under the A/C unit on the walkways when in use.

6. The installation should be caulked with NP-1/Ultima caulking or an equivalent to assure a watertight installation and avoid water damage inside the interior and exterior walls. All wood trim and molding should be made of treated wood, cut, installed, and painted to match existing interior and exterior paint and other installations. Plastic tubing drain must be installed to carry water away from the building and deck. The use of a plastic drip pan can be used when you are there to maintain it.

7. You must follow these required specs when installing a **NEW A/C.**

8. **Temporary installations are not acceptable.**

9. **Any owner wishing to protect his unit from the elements must use a/c covers. The HOA will remove plastic or makeshift covers used that could cause a fire hazard or could cause water damage to the structure.**

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: PERMANENT REMOVAL OF AC UNITS

Rule Number: 30

Date Adopted:

Date Revised:

Problem

Making sure outside of units are uniform after permanent removal of air-conditioning units.

Rule

It is the homeowner's responsibility to inform the HOA Office of the intent to permanently remove their existing air conditioner. The permanent removal of an A/C unit that has been in a wall opening will need to be repaired when the A/C unit is no longer in use. The HOA Office needs to be notified that the homeowner desires to remove an A/C unit from the wall. The exterior wall must be repaired with T1-11 siding and matching exterior paint available from maintenance. The repair must be weather tight. If the homeowner desires to move the electrical outlet that was originally designed for the A/C unit, the HOA can supply the names of local licensed electricians.

Non-Compliance and Sanctions

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Rule: IN-ROOM A/C UNITS

Rule Number: 31

Date Adopted:

Date Revised:

Problem

Some unit owner have requested to be able to use in-room AC units to supplement their existing air conditioning and or remove the existing through the wall AC units and use just the in-room air conditioning units.

Rule

Unit owners will be allowed to add the (In-Room AC Units) provided they first contact the HOA for permission and provide the manufacture's ligature for the proposed units and they meet the following criteria. 1.) The units must be of a sufficient size as not to over load the existing electrical wiring and outlets provided with the original building. 2.) The units must be vented to the outside either by a through the wall metal sleeve with a dryer vent type hood and properly sealed to prevent wind and rain from penetrating back into the structure, or the use of a pre-manufactured window unit device to be used only when the units are being occupied. 3.) The window vent unit will be required to be removed and the window closed to keep wind and rain from entering the structure when the unit is not being used / occupied. Unit owners will be held accountable for damages caused by any negligence in this regard. 4.) One bedroom units that want to install the window vents through the bedroom window that is protected by a breezeway overhang will be allowed to leave the vent in the window when the unit is not occupied for short periods of time. The window vents must be properly installed and sealed so as to prevent water from entering the structure. 5.) The condensate drain must be controlled and not be allowed to leak water onto or into the unit. The unit owner must have a plan to handle this condensate water and submit that plan to the HOA for approval. 6.) All wall penetrations should be installed at the proper elevation and must be approved and inspected by the HOA. 7.) The installation of the units and the wall penetrations are the responsibility of the unit owner. 8.) All window vents must be removed prior to any major storm or hurricane.

Non-Compliance and Sanctions:

Expected action by members the violation of which may result in the implementation of sanctions (fines or withdrawal of use of amenities after a hearing) See Regulation #1: **Violations of Declarations, By-Laws, Rules and Regulations**

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Regulation: VIOLATIONS OF DECLARATION, BY-LAWS, RULES & REGULATIONS

Regulation Number: 1

Date Adopted:

Date Revised:

[COMMENT: The Topsail Reef Condominium Association is required by law to oversee the Condominium Common Area and to manage the operation of the Condominium. The Board of Directors (also referred to as "Executive Board") is required by North Carolina law to undertake those duties. In these efforts, the Association may suspend the right of an Owner to used facilities located on the common areas (e.g. pool or tennis courts) for a period determined by the Board of Directors, and may impose fines and penalties for infractions or violations of the Declaration, By-laws, or Rules and Regulations of the Association, following notice and the opportunity to be heard in accordance with the procedures set forth in this regulation. The applicable statute governing this procedure is 47C-3-107.1 and appears below as part of this Rule. It is the intent of this rule to comply with the statute as it presently exists.]

Section 1: Association Remedies. In the event of an act, omission, occurrence or continuation of the same which is a violation of the Declaration, By-law, or any Rules and Regulations adopted by the Board of Directors, the Association may under take the following actions:

- (1) The Association shall have the right to remove, at the owner's expense, signs, equipment, mailboxes or other items of similar size which are in violation of the Declaration, By-laws, or Rules and Regulations, and the Association may remove, tow, or relocate any equipment, vehicle or structure which is located within the common areas, streets or sidewalks in violation of the Association's Rules and Regulations following reasonable notice to the owner or occupant of the same.
- (2) If an owner fails to maintain a condominium or limited common area (e.g. deck or porch or steps), allows or permits the accumulation of trash or rubbish on common or limited common area, or otherwise allows or causes the condominium or structure to be in violation of the Declaration, By-laws or Association Rules and Regulations, the Association upon compliance with the notice and hearing provisions specified herein, shall have the right to remedy the violation and assess the cost of remedying the same against the offending owner and condominium as a special assessment.
- (3) For non-payment of any general or special assessments and upon compliance with the notice and hearing provisions specified herein, the Association shall have the right to suspend the offending owner's use of any common areas as well as suspend the owner's voting rights.
- (4) Upon compliance with the notice and hearing provisions specified herein, and in accordance with the By-laws, the Association shall have the right to impose a fine not to exceed one hundred dollars(\$100.00) for the violation and without further hearing for each day more than five days after the decision that the violation occurs, as well as suspend the voting rights of the offending owner upon nonpayment of any such fines or penalties or failure to cure any continuing violation.

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

Section 2: Notice and Hearing Procedures: In the event this Declaration, By-laws or a rule or restriction adopted by the Association is violated (including non-payment of assessments, fines or penalties), the Association Board of Directors or any Adjudicatory Board if so designated by the Board, shall serve the violator and/or owner with written notice personally delivered or sent by mail to the violator and owner at the condominium address, last known address, or at the address the owner may have designated to the Association in writing. Said notice shall specify the nature of the alleged violation, the proposed or possible sanction under consideration, the statement that the violator and owner may contest the alleged violation or the proposed sanction, the address and name of the person to be notified in order to challenge the proposed action, the time period and requirements for challenging the proposed action in writing, the date of the proposed action by the Association Board of Directors or Adjudicatory Panel, and the time period for the owner or violator to challenge the action by giving notification in writing which shall not be less than ten (10) days from the date of the notice unless the violation presents an ongoing health hazard, nuisance or other danger or risk, in which case the time period shall be as reasonable as possible.

If the alleged violator or owner challenges the proposed action within the time period allowed, the Board of Directors or Adjudicatory Panel shall conduct a hearing in executive session giving the alleged violator and owner a reasonable opportunity to be heard, which hearing shall be set and notice of the time and date given to the alleged violator not less than ten (10) days from the date of the action by the Board of Directors or Adjudicatory Panel unless the violation constitutes an ongoing health hazard, nuisance or other danger or risk. At said hearing the Board and the alleged violator or owner may consider statements, evidence and witnesses as to the alleged violation, and at the conclusion of the hearing or consideration by the Board, a decision shall be rendered as to the alleged violation.

If the Board determines that the violation has occurred, such determination shall be forwarded by regular mail to the violator or owner to include the results of the hearing and the sanction or sanctions imposed.

Any sanction which imposes a special assessment or fine against the condominium and an owner or suspend the voting privileges of an owner shall require a two-thirds affirmative vote of the Directors or Adjudicatory Panel present and voting.

If the violator or owner is given written notice of the alleged violation and fails to file a written challenge, then the Board may proceed with the determination as to the alleged violation and the appropriate sanctions and shall give notice thereof to the owner.

Comment: the following statutory regulation applies to the Hearing Procedure adopted by the Board as a Rule.

TOPSAIL REEF HOMEOWNERS ASSOCIATION INC

47C-3-107.1. Procedures for fines and suspension of condominium privileges or services. Unless a

Specified procedure for the imposition of fines or suspension of condominium privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any unit owner should be fined or if condominium privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47c-3-102(11). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The unit owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days G.S.47C-3-116+. If it is decided that a suspension of condominium privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. A unit owner may appeal a decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate or modify the prior decision of the adjudicatory body.