



Heritage Pines Community Association, Inc.

## Rules and Regulations

**REVISED EDITION OF THE HERITAGE PINES  
RULES AND REGULATIONS**

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This copy replaces any previous editions and is effective June 1, 2008.

## USE OF THE HERITAGE PINES CLUBHOUSE AND FACILITIES

### A. GENERAL

1. The Heritage Pines Clubhouse and its facilities are provided for the enjoyment of all the residents and their registered guests.
2. Resident's guests must be accompanied by the resident when utilizing the Clubhouse and all other facilities.
3. Residents and guests must display pool passes when using the pool. Two (2) resident passes will be issued by the Clubhouse manager, after settlement, along with two (2) guest pool passes per household.
4. Residents may make individual use of the arts, crafts, and computer equipment provided they are proficient in the use of said equipment.
5. Smoking is not permitted in the Clubhouse, pool area, or on the tennis courts.
6. Proper attire is required at all times. Shoes and shirts are required when on the Clubhouse property, with the exception of the pool area.
7. Consumption of alcoholic beverages on Clubhouse property is limited to certain events that are sponsored by the Association.
8. Participation in regularly scheduled social events is restricted to residents and their guests. These events may be open to guests *as space allows*. Resident attendance at a social event takes priority over guest attendance.
9. (a) Use of the Clubhouse property will *not be* granted for commercial, profit-making, fund raising, religious, or political functions. Use of the Clubhouse property *will not be granted* for exclusionary organizations such as Elks, Kiwanis, American Legion, etc.  
(b) With the exception of private parties, if and when permitted, all functions conducted on Clubhouse property must be open to all residents as space allows.
10. All non-residents (guests) participating in any function must be registered with the Clubhouse office.

## Clubhouse Pool Rules & Regulations

**Pool Hours:** Dawn to Dusk

**Children's Hours (under 18) Swim Time:** 2:00 pm to 5:00 pm

**Aquatic Exercise:** Monday, Wednesday, & Friday (check calendar for class times)

1. No Diving or Jumping – pool depth only 4-5 ft.
2. No Running or Horseplay in pool area.
3. No Glass Containers in pool area.
4. No smoking in the pool area
5. No pets in the pool area.
6. North Carolina law prohibits:
  - the use of alcoholic beverages in the hot tub,
  - entering the pool or spa while intoxicated,
  - or with an open wound or infectious disease.
7. Please observe the specific posted rules for the spa/ hot tub.
8. Young children/toddlers must wear swim diapers – never regular disposable diapers!
9. Use of the spa by children under 18 is prohibited.
10. Food and beverages are allowed (no glass containers).
11. Use of the shower is requested before entering pool or hot tub by NC Code. Showers are available in the clubhouse.
12. Large floats and toys are not permitted – swim aides are allowed.
13. Radios and all other musical listening devices are only permitted when used with headphones.
14. Always dry off and wear a cover before entering the clubhouse.
15. Please wear shoes inside clubhouse – danger of slipping!
16. To prevent undue wear and tear on umbrellas once they are raised during the day, do not lower until the end of the day (after 5 pm)
17. All Residents and Guests must sign in and have pool passes in plain view.
18. Guests must be accompanied by the resident when utilizing the pool and clubhouse facilities.
19. Due to North Carolina regulations, all persons in the pool or spa will be asked to exit in case of thunder. The pool must remain empty for 30 minutes per thunder.
20. Swimming after dark is prohibited by state law due to lack of sufficient lighting.

**Rules are not negotiable and will be enforced – it's the law in North Carolina.**

**No Lifeguard on Duty –**

**Swim at Own Risk**

**–Please notify someone if  
you choose to swim alone.**

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**Patrons and guests who are diving, jumping, running, or engaging in horseplay will be asked to leave the pool.**

**Owner/Resident must accompany guests at all times.**

**Avoid using suntan oil.**

**Use sunscreen and let it absorb completely after application before entering pool or hot tub.**

**Familiarize yourself with the location of safety equipment and the emergency phone in the pool area.**

**Any questions or concerns please contact the office.**

## **Recreational Complex Rules & Regulations**

1. The key to the recreational complex court locks is in the Clubhouse behind the lobby kitchen door
2. All gates must remain locked when not in use
3. Hours are sunup to sundown
4. Athletic shoes must be worn at all times
5. No pets on the courts at anytime
6. No game(s) shall be played other than the designated activity or sport
7. No glass within the fenced area
8. No food
9. No smoking
10. Pool passes will be used for identification while using the recreational complex
11. Homeowner must accompany guests when using the recreational complex
12. Rollerblades, skateboards, bicycles, scooters, i.e. "razors" are prohibited in the recreational complex.

## **FITNESS ROOM RULES & REGULATIONS**

1. THIS EXERCISE ROOM IS FOR THE EXCLUSIVE USE BY HERITAGE PINES RESIDENTS AND THEIR GUESTS. A RESIDENT MUST ACCOMPANY GUESTS.
2. CONSULT YOUR PHYSICIAN BEFORE YOU BEGIN ANY EXERCISE PROGRAM.
3. NO ONE UNDER THE AGE OF 18 IS ALLOWED IN THIS ROOM.
4. NO EATING, SMOKING, ALCOHOL, OR HORSEPLAY IS PERMITTED IN THIS ROOM. DRINKS MUST BE IN CLOSED, PLASTIC CONTAINERS. NO PETS OR GLASS CONTAINERS ARE ALLOWED IN THIS ROOM.
5. PROPER EXERCISE ATTIRE AND FOOTWEAR MUST BE WORN AT ALL TIMES. NO SWIMSUITS, WET CLOTHING, SANDALS, OR BARE FEET ARE ALLOWED. PLEASE REMOVE PERSONAL ITEMS WHEN YOU LEAVE.
6. THIS ROOM IS UNSUPERVISED. IT IS RECOMMENDED THAT YOU EXERCISE WITH SOMEONE.
7. USE THIS EQUIPMENT AT YOUR OWN RISK. HERITAGE PINES COMMUNITY ASSOCIATION, INC. IS NOT RESPONSIBLE FOR INJURIES RELATING TO EQUIPMENT USE. ANYONE USING THE FITNESS EQUIPMENT DOES SO AT THEIR OWN RISK AND ASSUMES FULL AND COMPLETE RESPONSIBILITY FOR ANY INJURY OR LOSS THAT MIGHT BE SUFFERED AS A RESULT OF SUCH USE.
8. USE THE EQUIPMENT ONLY AS DIRECTED BY THE MANUFACTURER. IMPROPER USE MAY RESULT IN BODILY INJURY OR EQUIPMENT DAMAGE.
9. DO NOT OVEREXERCISE. AT THE FIRST SIGNS OF DISCOMFORT OR STRESS, DISCONTINUE EXERCISING.
10. PLEASE WIPE DOWN EQUIPMENT AFTER EACH USE. ALSO, PLEASE RESET OR TURN OFF ANY ELECTRONIC EXERCISE EQUIPMENT AFTER COMPLETING YOUR WORKOUT.

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11. PLEASE REPORT ANY MISUSE OR DAMAGE OF EQUIPMENT TO HERITAGE PINES COMMUNITY ASSOCIATION IMMEDIATELY.

## **B. TENANTS**

Individuals, who are leasing a home in the Heritage Pines Community and have the appropriate documents filed in the Clubhouse office, may have the use of the facilities the same as a resident homeowner, provided that the property owner has waived his/her use of the facilities.

## **C. SECURITY**

1. Each resident has been provided with a Heritage Pines vehicle sticker which is to be placed on the driver's side front bumper. It is the resident's responsibility to place the sticker on his/her vehicle(s). The sticker identifies the vehicle as belonging to a Heritage Pines resident. The Association will do its best to keep Heritage Pines a safe and enjoyable community. Please assist by doing the following:

- Call the Police (911) if anything of a suspicious nature is observed.
- Obey the posted speed limits.
- Exercise caution when entering or exiting the community.

## **D. PRIVATE USE OF THE CLUBHOUSE FACILITIES**

Any resident/homeowner may request use of the facilities for functions or social events.

Residents/homeowners desiring the use of the facility for a private function must make a written request giving details, which will include the date and time of the event as well as the number of attendees. A form is available at the Clubhouse office. ***(The occupancy limit is 85 per the NC State Building Code as enforced by the Town of Cary.)***

Private functions are those events such as showers, birthdays, and anniversaries given by or for the resident and members of the immediate family. Approval must be obtained from the Clubhouse manager. Approval will be granted subject to type of function, time, and space availability. *Reservations may be made up to six (6) months in advance of the event.*

Private parties are limited to the use of the multi-purpose room, the kitchen, and the crafts room. Furnishings in the lounge/TV area may not be removed from the area. *(Use of the billiards/card room, the exercise room, the library, and the pool are not permitted for private parties.)*

The lobby is to be used for entering and exiting only. Private parties are limited to Saturdays and Sundays between the hours of 12 Noon and 9 PM.

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A \$ 50.00 use fee will be charged. In addition, a \$250 reservation fee is required.

The reservation fee will be refunded after the event provided the Clubhouse facility is returned to its original condition. If there are any damages, including repairs or clean-up required, any or the entire reservation fee may be withheld.

Any resident granted use of the Clubhouse facility for a private function is responsible to see that the facility is set up for his/her needs and that the facility is returned to its original condition after use.

- Residents are responsible for caterers, entertainers, and any other contractors they may use.
- Residents are responsible for the behavior of their guests.
- Residents are responsible for the clean-up of the facility.

A copy of the Homeowner's/Resident's Insurance Policy must be provided, which shows the general liability coverage. This is to cover the Association in the event that any claims arise as a result of the private use of the facility.

## **E. ARCHITECTURAL REVIEW COMMITTEE PROCEDURES**

### **INTRODUCTION**

In accordance with the Heritage Pines Declaration of Covenants and Restrictions, the Architectural Review Committee (ARC) has been established by the Board of Directors. As such, the Association is responsible for monitoring and regulating the external appearance and use of private property and the enforcement of the provisions as designated in the Covenants, Conditions, and Restrictions (CCR's) of Heritage Pines Community Association, Inc.

As part of its responsibility, the Association monitors design changes including modifications, improvements, and landscaping at each residence. The ARC, with the consent or approval of the Board of Directors, serves to protect the interests of the community by establishing and maintaining the standards and criteria set forth.

Disregard for or violation of ARC Rules and Regulations will result in a violation letter sent by the Management Company.

The first letter will state the problem and the number of days the resident has to correct it. If it is necessary to send a second letter and the problem is still not resolved, the homeowner will receive a third letter asking the homeowner to appear before the Board of Directors for a Due Process hearing. The homeowner may appeal the violation and give a reason for the continuance of

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the violation. The Board will make a ruling, and, if the appeal is denied, a per diem fine will be levied until the problem is corrected.

## **APPLICATION PROCEDURE**

Any homeowner desiring to make any change to the exterior of his/her home or landscape must file an Architectural Request Form (available at the Clubhouse office or at [www.dickson-properties.com](http://www.dickson-properties.com)). The ARC generally meets every two weeks to review applications (2<sup>nd</sup> and 4<sup>th</sup> Wednesdays). The ARC requests that applications be turned in to the office at least seven (7) days before its meetings. After the ARC reviews the application, it is forwarded to the Board of Directors, at which time it is either approved, sent back for additional information, or denied because it does not comply with the rules and regulations.

- A homeowner **MUST NOT** proceed with changes before receiving written approval.

It is the responsibility of all homeowners and residents to familiarize themselves with the Covenants and the Rules and Regulations before considering any external changes.

## **GENERAL RULES**

No homeowner, resident, occupant, or group thereof, shall build, plant, or maintain any matter or thing including, without limitation, any addition, alteration, or improvement to any home upon, over, or under the property (including common ground) without the written approval of the Association, except as later provided herein.

## **SPECIFIC RULES AND REGULATIONS**

1. Removal or addition of trees or plants in the common ground is strictly prohibited. Trees shall not be removed from any homeowner's property without the prior written approval of the Association, and, if required, by the Town of Cary.
2. Wetland/conservation areas may not be disturbed in any way.
3. Homeowners shall not have the right to change the appearance of any portion of the exterior of their home or landscape without the written approval of the ARC.
4. Approval of the Association for any changes, additions, or alterations does not preclude the need for homeowners to apply for a required building permit, etc., from the Town of Cary. A copy of any such required permit must be provided to the Association prior to any work being done.
5. A copy of your plot plan must accompany all applications for structural and/or landscape changes. The plot plan must show the changes to be made with all necessary dimensions noted.
6. The burden rests with the applicant to demonstrate the acceptability of the proposed change. All pertinent information which supports your proposed changes must be included with the application.
7. The homeowner is responsible, and may be held liable, for any damage caused to utility or cable lines resulting from landscaping or exterior modifications. Please call CENTRAL LOCATING at 1-800-632-4949 before beginning any work in the yard. Central Locating will send a representative to mark the utility lines free of charge.
8. Each homeowner is advised that any addition/alteration, including landscaping, which affects the grading and drainage pattern of the home site, will void the warranties, if any, relative to grading and drainage.

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9. Any requested grading changes must not adversely affect the neighboring properties.

## **RULES FOR ARCHITECTURAL CHANGES**

1. The homeowner shall submit an application for any architectural change to the ARC at the Clubhouse office.
2. The Association reserves the right to disapprove any change/alteration that is not provided for in these Rules and Regulations.
3. Any change or modification requires written approval even if the identical change or modification has been approved and/or installed somewhere else in the community. Each application is considered independent of another.
4. Following are the rules for room extensions or additions, decks, patios, awnings, solar tubes, and roof-mounted attic fans:
  - (a) Rear yard set-back requirements for room extensions or additions, decks, and patios shall meet Town of Cary zoning codes. In no event may a room addition, extension, deck, or patio encroach within fifteen (15) feet of the rear property line.
  - (b) The width of room extensions, additions, patios, or decks may not extend beyond the width of the house.
  - (c) Flat and/or shed type roofs are not allowed on any structure of any kind.
  - (d) Impairment of easements is prohibited.
  - (e) Any addition to roofing, siding, gutters, fascia, etc., shall match the color, texture, and material of the house. If the same colors, texture, and material are not available, substitutions must be approved.
  - (f) The installation of a room air conditioner or heating unit in any window or wall of the house is prohibited.
  - (g) Decks that are elevated above the ground shall be composed of wood or other material as approved by the Association and shall have a wood or vinyl railing that is in compliance with the Town of Cary building codes. A full description of the railing must be submitted to the ARC.

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- (h) Patios at ground level shall be constructed of natural-colored concrete, brick, or stone. Concrete may be painted or stained. A sample of color and/or design must be provided with the application for approval by the Association.
- (i) Outdoor carpeting previously installed may be removed, but no new outdoor carpeting may be installed.
- (j) Awnings shall be retractable and attached to the house or deck and not free standing. Awning covering material shall be fabric only and must blend with the basic color of the house. Upon deterioration, the awnings shall be repaired, replaced, or removed.
- (j) Solar tubes and roof-mounted attic fans may be placed on the dwelling roof as long as they do not extend above the ridgeline of the roof.
- (k) Pergolas, arbors, and trellises will require individual review.

## **RULES FOR LANDSCAPE CHANGES**

- (a) Indicate the location of any proposed plantings on the plot plan, applying the scale to the plot plan. The width and height of each area (bed) must be included.
- (b) Landscape islands will be permitted provided that they do not interfere with mowing or block drainage patterns
- (c) Fences are not permitted. Electric fences and underground and/or invisible fences are not allowed.
- (d) Hedge Rows: Hedge rows in rear yards are permitted as long as they do not interfere with mowing or block drainage patterns. Hedge rows shall be maintained at a height of less than six (6) feet. Hedge rows are not allowed on the perimeter of a homeowner's property.
- (e) When applying to plant trees or bushes, include the name/variety as well as the expected mature height and width of the proposed trees/bushes.
- (f) Fruit bearing trees and shrubs are prohibited.
- (g) Earth-tone stepping stones may be placed in the lawn area if they are at or below grade level and do not interfere with lawn mowing.

(h) Vegetable garden plants may be planted in rear yards in a mulched bed within four (4) feet of the foundation of the house. Side vegetable gardens may extend only ten (10) feet up the side of the house from the rear (10' x 4' limit). No vegetable garden plants are allowed in the side yard abutting a neighbor's home that has a side-entry front door. Vegetable garden plants must not exceed forty-eight (48) inches in height (for example: no corn).

(i) If invasive and/or parasitic plants are used in a yard, the homeowner must keep them contained within the property. If the homeowner fails to maintain invasive and/or parasitic plants, the Association has the right to control them at the expense of the homeowner.

(j) Individual homeowners shall be responsible for maintaining yards with grasses other than fescue, e.g. Bermuda, Zoysia, etc. Contracted yard services include mowing, edging, application of pre- and post-emergents, fertilization, lawn aeration, and seeding for all yards. However, special services for lawns other than fescue are the responsibility of the individual homeowner. In addition, it is the homeowner's responsibility to notify the office to not perform certain services, e.g. aeration, seeding, etc., which might harm grasses other than fescue.

(k) Commercial rain barrels are allowed in the rear of the house, not visible from the front yard, on the patio, in a mulched bed or on a stone, brick, or concrete slab the size of the perimeter of the barrel.

## **EXCEPTIONS TO LANDSCAPE CHANGES**

(No application or approval is required for the following)

(a) Replacing dead or damaged trees in rear yards with the same species and in the same location. ***Trees in front and side yards require approval.***

(b) Planting or replacing bushes, annuals, perennials, and ground cover in mulched beds within four (4) feet of the foundation of the house.

(c) Mulching beds with pine straw or bark mulch. ***Stones require approval.***

(d) Placing a newspaper box on the mailbox post.

## **RULES FOR MAILBOXES**

This copy replaces any previous editions and is effective June 1, 2008.

(a) No decorative design may be placed on the mailbox or post. Growing plants are permitted on the mailbox or post unless prohibited by the US Postal Service.

(b) No modifications may be made to the mailbox or post. Replacement mailboxes or posts must be identical to those which are being replaced.

(c) Names may not be placed on the mailboxes unless required by the US Postal Service.

## **RULES FOR STORM DOORS**

Front and back storm doors shall be white or match the door color. Front storm doors must be a single-pane, full-view glass or a single-view, self-storing type (not mid-view).

## **RULES FOR POST LIGHTS**

Post lights in front yards shall be kept operational during dusk-to-dawn hours for safety, security, and appearance purposes.

## **F. MISCELLANEOUS GUIDELINES AND RESTRICTIONS**

### **SIGNS**

(a) Signs are not permitted except as are allowed under Article XI, Section 10 (Signs) of the Heritage Pines Declaration of Covenants, Conditions and Restrictions, as well as the Town of Cary Ordinance.

(b) A uniform sign standard for "decorative signs" has been created to allow a maximum of one (1) small decorative sign of no more than one square foot (144 square inches) and located in a mulched bed adjacent to the foundation of the house.

(c) No construction signs or other signs advertising work being done in a homeowner's house or on a homeowner's property shall be displayed.

(d) No stickers, decals, or signs on the exterior or in the windows of any dwelling shall be displayed, e.g., college/sports decals, pictures, for sale signs. Exceptions: One American flag, no larger than 10 inches by 15 inches, and stickers from a security company hired by the homeowner are acceptable. Etched plastic film (no colors) or stained glass on side lights and transoms (windows surrounding front doors) is acceptable if approved by the Board.

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## **FLAGS/FLAGPOLES**

(a) One flagpole, not to exceed six (6) feet in length and supported by a bracket is permitted when attached to the dwelling. The flagpole must be removed when a flag is not displayed. Only the American or North Carolina State flag may be displayed. Free-standing and ground-supported flagpoles are not permitted.

(b) One ( 1 ) small flag, approximately one square foot (144 square inches) in area, in good taste and in good condition, and on a stand of no more than twenty-four (24) inches in height, may be placed in a mulched bed or on the lamp post.

## **IRRIGATION SYSTEMS**

Backflow valves shall be placed in a mulched bed; in a landscaped, mulched bed; or under a "fake rock;" and placed at least four (4) feet from or joined with existing beds for protection and lawn mowing ease. If unprotected backflow valves installed in grassy areas are damaged by lawnmowers, the homeowner will assume all repairs.

## **OUTDOOR STORAGE**

(a) Garbage pails, trash barrels, gardening equipment and supplies, lumber, firewood, and other miscellaneous items shall not be stored or left outdoors. Such items must be kept within the house or garage.

(b) Portable outdoor grills shall be stored behind the house, not visible from the front yard.

## **ORNAMENTS**

(a) There may be a maximum of three (3) lawn ornaments, sculptures, planters with plants/flowers, or statues, or combination thereof, of not more than twenty-four (24) inches in height and located in a mulched bed in the rear yard. A total of three (3) planters of not more than twenty-four (24) inches in height with plants or flowers may be placed on the front stoop or on the edge of the driveway and/or sidewalk close to the dwelling. Plants or flowers may be placed in hanging container on porches, lamp posts, or decks. Plants or flowers must be silk or of similar fabric, seasonally appropriate and natural colored. No plastic plants/flowers may be used. Discolored or faded artificial plants/flowers must be removed or replaced.

(b) Chairs, tables, decorative benches, and lawn-type furniture, or combination thereof, may be placed on front porches or stoops. Any other location in the front of the residence must be approved by the Association on an individual basis. No furniture of any type shall be placed in the grass. Decorative chairs, tables, benches, and lawn-type furniture shall be placed on patios or decks or in mulched beds in the rear yard.

(c) Holiday decorations are permitted during the appropriate holiday season upon the exterior and/or in a mulched bed of any house on a temporary basis. Temporary shall mean that such decorations may be installed no earlier than thirty (30) days prior to any given holiday and removed no later than fourteen (14) days following such holiday.

(d) Mobiles, pinwheels, windsocks, and rotating weather vanes shall be in the rear yard only in a mulched bed or on the patio or deck. Wind chimes or other noise-making devices are not allowed.

(e) The following may be located only on the rear patio or deck or in mulched beds in the rear yard.

- One (1) freestanding birdhouse
- One (1) freestanding birdbath
- Two (2) freestanding birdfeeders; one for regular birds, one for hummingbirds

(f) Fountains no taller than thirty (30) inches and water gardens shall be in the rear yard only in a mulched bed or on the patio or deck.

(g) Yard accent lighting shall not exceed eighteen (18) inches in height and must be installed in mulched beds. Reflectors are not allowed.

## **GENERAL**

No cardboard or aluminum foil is allowed in or on any windows of any dwelling.

The restrictions above are not intended to replace any restrictions which appear in Article VIII (Architectural review) or Article XI (Use restrictions) of the Heritage Pines Declaration of Covenants, Conditions, and Restrictions. *In the event there is a conflict with the above Rules and the Declarations, the Declarations shall rule.*

**The above procedures, rules, and regulations may be subject to change by the Board of Directors at any time.**

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