

**THE GARDENS OWNERS ASSOCIATION, INC.**  
**Rules and Regulations**  
**Board-Adopted Effective March 8, 2023**

To provide a safe environment, to preserve the beauty of our facilities, and to protect each Owner's investment in The Gardens community, the following rules have been adopted by the Board of Directors. Each of these Rules and Regulations are enforceable as outlined in Section 11 of this document.

**1. Safety**

1. The stairways and walkways of the unit buildings may not be obstructed in any manner, nor used for any purpose other than ingress to and egress from the individual units.
2. Open flame grilling is **strictly prohibited** on any deck, balcony, and walkway or within ten (10) feet of any standing building. Grilling is **permitted only** in areas beyond ten (10) feet from any standing building or structure. No grills used in any common areas may be left unattended.
3. Fireworks are **unconditionally prohibited** anywhere on the premises.
4. No swimming or boating is allowed in either the common area pond in the center of the community or in the retention pond in the southwest corner of the community.
5. No occupant may keep or store within any part of any unit or building any flammable, combustible, or explosive fluids, materials, or chemical substances except for normal household use.

**2. Management**

1. Unit owners may not permit anything to be done or kept in a unit that will increase insurance rates on the property.
2. The units are to be occupied as residential units. No commercial businesses are allowed. This does not prohibit a home office.
3. All leases are to be in writing and have a minimum duration of six (6) months. The Association does not permit shorter-term leases.
4. In the event of an emergency, no owner may refuse to allow Management or the Board to enter their unit. This is located in Article V, Section 1 of the Declaration which states specifically:

***"In case of any emergency, as determined by the Board or its agent, originating or threatening any unit, regardless of whether the owner is present at the time of such emergency, the Board, or any other person authorized by it, or the managing agent, shall have the right to enter such unit for the purpose of remedying or abating the cause of such emergency, and such right of entry shall be immediate."***

Additionally, 47C, "The Condominium Act," addresses access to units:

**§ 47C-3-107. Upkeep; damages; assessments for damages, fines.**

(a) Except as provided in G.S. 47C-3-113(h), the association is responsible for causing the common elements to be maintained, repaired, and replaced when necessary and to assess the unit owners as necessary to recover the costs of such maintenance, repair, or replacement except that the cost of maintenance, repair or replacement of a limited common element shall be assessed as provided in G.S. 47C-3-115(b). Each unit owner is responsible for maintenance, repair and replacement of his unit. Each unit owner shall afford to the association and when necessary to another unit owner access through his unit or the limited common element assigned to his unit reasonably necessary for any such maintenance, repair or replacement activity.

### 3. Maintenance

1. No towels, clothing, or like objects shall be hung from any walkway, deck, or balcony at any time, for any reason.
2. Porches and balconies shall be kept in a neat and tidy condition, free of clutter. Storage bins shall not extend vertically above the railing or block windows unless the resident has obtained written permission from the Board of Directors.
3. No resident shall store personal items in the breezeways of the buildings, including but not limited to, grills, bikes, furniture, children's toys. Items stored in breezeways are a violation of fire code.
4. All garbage, trash, and refuse must be deposited in the dumpsters provided. Cigarette butts must be properly disposed of and may never be tossed from any balcony, deck, walkway, or stairwell. 4. No furniture, mattresses, household, or large items may be placed in, near, or around the dumpsters. These items must be taken to the landfill or arrangements must be made for these items to be removed from the property.
5. All cardboard boxes must be broken down before placing them in the dumpster.

### 4. Modification of Structures

1. Unit owners are cautioned that their right to make any addition, change, alteration, or decoration to the exterior appearance of any unit building, including decks, balconies, or walkways appurtenant to units, is subject to the provisions of the Declaration and By-Laws of the Association. Specifically, all occupants are reminded that written authorization of the Board of Directors is required for:
  - Decoration or furnishing of any common area,
  - Installation of wiring for electrical, telephone, television, antenna, cable, internet, or the like on the exterior of the building,
  - Advertisements or postings of any kind on the property, with the exception of a designated bulletin board in the fitness room or any other designated areas.
2. Window treatments viewed from the exterior of all units shall be white blinds, curtains, draperies, or shutters.

### 5. Conduct of Occupants

1. "Quiet Time" is to be observed between the hours of 10:00 p.m. and 7:00 a.m. No unreasonable noises including, but not limited to, loud TVs, stereos, musical instruments, parties, or activities will be permitted if the same will disturb, obstruct, or interfere with the rights of other occupants.
2. No nuisance or illegal act in, on, or about the property is permitted.
3. Pets, bicycles, skateboards, etc., are **strictly prohibited** in the common areas surrounding the pond and fountain, gazebo, and pool, including the sidewalks leading to these areas. Pets, bicycles, skateboards, etc., are **permitted** on the sidewalks and common areas around the outside of the property.
4. Loud arguments, profanity, challenges to fight, or any other noxious or offensive behavior will result in the prompt contacting of local law enforcement. Violators will be subject to prosecution under federal, state, county, and city criminal codes. Noxious or offensive behavior shall result in an invitation to attend a hearing with the Board of Directors where fines may be imposed as outlined in Section 11.

## 6. Pets

1. Pet waste is to be picked up and discarded in the HOA-maintained pet waste receptacles. Pet fecal matter is a health hazard for residents, contractors, visitors, and other pets in the community. ***Failure to pick up after your pet on any area of the property may result in fines as outlined in Section 11.***
2. Pets are to be walked in the ***designated areas only***. Areas designated for pet walking are located to the far right of the buildings which back up to Georgetown, behind buildings 4405, 4409, 4413, and behind building 4421 on the Tesla Park side.
3. Dogs must be kept on a leash anytime they are outside according to county and city rules and regulations.
4. Pets are ***strictly prohibited*** in the common areas surrounding the pond and fountain, gazebo, and pool, including the sidewalks leading to these areas.
5. Any dog that bites a person or other pets will be reported to Animal Control according to city and county rules and regulations.

## 7. Vehicles

1. Automobile or motorcycle parking spaces shall be used exclusively for that purpose and are limited to two (2) spaces per household. One (1) marked spot and one (1) unmarked spot.
2. Parking spots shall not be used for boats, trailers, campers, motorhomes, inoperative automobiles, or for any purpose whatsoever other than parking facilities unless authorized by the Board of Directors in writing. The Board will inform Atlantic Shores Management of this permission. Trailer(s) used for moving in or moving out shall be allowed to park for a time not to exceed 72 hours. Please notify a member of the Board of Directors or ASM if you need to make arrangements for parking outside of these parameters.
3. All vehicles parked on-site must have valid and current tags/license plates.
4. No major automotive repair shall be performed anywhere on the property. Any automotive fluid spill must be immediately cleaned up using absorbent material and NOT flushed with water according to state, county and city regulations.

***\*Any vehicle parked on the premises in violation of the above rules may be towed at the owner's expense.***

## 8. Pool Rules

1. Pool hours are 8:00 a.m. – 9:00 p.m.
2. Use of the pool is limited to the residents of the Gardens Condominiums only.
3. Residents may be accompanied by up to two (2) guests PER UNIT.
4. No glass or pets are permitted in the pool area per county and city Health/Safety Code.
5. Unaccompanied children are not permitted to use the pool.
6. Proper swim attire must be worn in the pool.
7. No diving, pushing, shoving, running, or horseplay is allowed.
8. No loud music. Please be respectful of other guests.
9. Swim at your own risk. There is no lifeguard on duty.
10. Please clean and return pool furniture to its original position.
11. The Board of Directors, in their discretion, may close the pool for maintenance, safety, or health concerns.

## 9. Fitness Room

1. Please clean and sanitize any equipment you use.
2. Advise Atlantic Shores Management immediately if any equipment is broken.

## 10. Clubhouse

Any resident may reserve the clubhouse by contacting Atlantic Shores Management. A seventy-five and no/one-hundredths dollars (\$75.00) refundable deposit is required. Bookings may be made up to three (3) months in advance.

## 11. Violation Procedure

By purchasing or renting a home in a community association, each Owner (or Member of the Association) agrees to abide by the Covenants, Bylaws, and any Board-Adopted Rules and Regulations, and also to monitor the community for the same. No owner may permit any violation of these governing documents to be maintained or carried on upon any unit or any common areas belonging to The Gardens Owners Association, Inc. Any Member of the Association may report a violation of the Covenants, By-Laws, or these Rules and Regulations to a member of the Board of Directors or to Atlantic Shores Management. Please be aware that ASM **will conduct** on-site inspections from time to time.

***The violation of any of these rules which may warrant reporting to local law enforcement will result in the same, and further result in punishment under city, county, and state criminal codes.***

Violations of the Declarations, the By-Laws, or the Rules & Regulations of the Association may result in fines or suspension of Membership privileges pursuant to NC GS 47C-3- 102(11). The Board of Directors, in their sole discretion, shall ask the Management Company to notify an Owner or Member of a violation. The Member will receive a Notice of Violation letter which provides the violation, the remedy to cure it, and the time to comply without sanction. If the violation remains uncured past the time given to comply or if the violation is of an urgent nature, including but not limited to: Sections 1 a, b, c, Section 4 a, and Section 5 a, b, and d, the Board of Directors may invite the owner to attend a Violation Hearing where fines may be imposed. This procedure is pursuant to that outlined in NC GS 47C 3-107.1. At this Hearing, the Member is granted fifteen (15) minutes to present any evidence or facts to support their case that a violation of the governing documents has not occurred. After the Member is heard, the Board will render a decision and may impose a fine. Even in the owner's absence, the Board may impose a fine of up to one hundred and no/one-hundredths dollars (\$100.00) for each day the violation occurs, beginning five (5) days after the Hearing. Once a matter has been heard, another Hearing is not required. Any time the same violation occurs, the owner may be fined up to one hundred and no/one-hundredths dollars (\$100.00). Any unpaid fines are subject to the rules of delinquency and shall be assessed secured by liens under NC GS 47C 3-116.

***\*\*Board-adopted March 8, 2023\*\****