

# TOXAWAY VIEWS HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

## Your Homeowners Association Board of Directors [WEBSITE LINK](#)

Your Board of Directors is comprised of six elected neighbors who have voluntarily agreed to help coordinate the management of the Toxaway Views community by researching, hiring, and interfacing with a community management company in accordance with our Declarations, Bylaws, NC General Statutes Chapter 47A Unit Ownership, plus superseding sections of Chapter 47C - Condominium Act. Additionally, we oversee all landscapers, utility, and other repairmen and/or contractors to maintain a functioning, attractive, and desirable community in keeping with the HOA responsibility as it pertains to common property and building exteriors.

**In accordance with Toxaway Views Declarations, Section 10.(M), The Board may from time to time promulgate reasonable rules and regulations respecting the restrictive covenants set out in this Section 10, but such rules and regulations shall be consistent with these restrictions and not in derogation or intended as amendment thereof.**

The Board Members put forth their best efforts for the benefit of the community and all who live here. Board Members are NOT the landscapers, custodians, police, firemen, locksmiths, your mother, etc., so we ask that all Owners assume responsibility to adhere to all TV Rules and Regulations and to ensure that their renters and/or guests do the same.

### One man's ceiling is another man's floor . . .

Please be respectful of all your neighbors - above, below, next door, and throughout the community. We are a small community, and we all rely on each other to make life in Toxaway Views enjoyable, and to keep the neighborhood clean and our property values up. Activities both in common areas, on decks/screen porches, and within units are often very audible to those in surrounding units and/or buildings, so please always be considerate of your neighbors!

### Community Management Company

Our current Management Company does not research, hire, or work with contractors for the community. Your Board has been handling these responsibilities largely since switching to Cedar Management Group (CMG) in January 2019, and exclusively since switching to Community Association Management (CAM) in the Fall of 2019. CAM does not have or hold any keys to any TV unit or garage. All Owners are responsible to provide access to their units in the case of an emergency. Owners are encouraged to install digital locks on their units and make them accessible if required by maintenance or responders for emergency access. [Link to Work Order Request Form.](#)

**Topic Index with links.** In most cases, you will find the information near the top of your screen.

<a href="#">Animals</a> <a href="#">Antennas</a> <a href="#">Architectural Review Comm</a> <a href="#">Awnings</a> <a href="#">Being a Good Neighbor</a> <a href="#">Building Exteriors</a> <a href="#">Cars</a> <a href="#">Car Washing</a> <a href="#">Center Circle</a> <a href="#">Changes to Common Areas</a>	<a href="#">Changes to Exteriors</a> <a href="#">Children</a> <a href="#">Common Areas</a> <a href="#">Courtesy</a> <a href="#">Decks</a> <a href="#">Dumpster</a> <a href="#">Entranceways</a> <a href="#">Fines</a> <a href="#">Firearms</a> <a href="#">Fireworks</a>	<a href="#">Firewood</a> <a href="#">Flags</a> <a href="#">Garbage</a> <a href="#">Grills</a> <a href="#">Hazardous Materials</a> <a href="#">Keys</a> <a href="#">On-site Maintenance</a> <a href="#">Music</a> <a href="#">Noise</a> <a href="#">Occupancy Limits</a>	<a href="#">Parking</a> <a href="#">Penalties</a> <a href="#">Pets</a> <a href="#">Pollutants</a> <a href="#">Pool</a> <a href="#">Rentals</a> <a href="#">Renters</a> <a href="#">Satellite Dishes</a> <a href="#">Screens</a> <a href="#">Signs</a>	<a href="#">Trash</a> <a href="#">Vacation Rentals</a> <a href="#">Vegetation Removal</a> <a href="#">Vehicles</a> <a href="#">Violations</a> <a href="#">Water Shutoff</a> <a href="#">Wildlife</a> <a href="#">Winterization</a> <a href="#">Work Order Requests</a>
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# RULES AND REGULATIONS

## I. Community Living

- A. No Unit may be occupied for overnight stays by more than the maximum stated herein, including adults and children. Unit Occupancy: One-BR units have a maximum unit occupancy for overnight stays of four (4) people. Two-BR units have a maximum unit occupancy for overnight stays of six (6) people. Units larger than two BR have a maximum unit occupancy for overnight stays of eight (8) people.
- B. No Unit Owner shall make or permit any disturbing noises that might interfere with the rights, comforts, or conveniences of other Owners. This pertains to Owners and/or Renters, pets, family members and/or guests, employees, agents, and licensees. As such, playing any musical instrument, or operating any audible equipment, including TVs, between the hours of 10:00 pm - 8:00 am is restricted if deemed a disturbance or annoyance to other residents. Additionally, no vocal or instrumental practice, nor vocal or instrumental instruction of any kind is permitted within Toxaway Views.
- C. Nothing shall be allowed to be swept from, thrown from, or to fall from the windows, doors, decks, or balconies of the premises, nor shall anything be thrown, dropped, or swept onto steps or walkways or into common area corridors, halls, ventilators, or elsewhere in the buildings or upon the grounds. No linens, cloths, clothing, curtains, rugs, or mops may be shaken or hung from any of the windows or doors, or in common areas.
- D. Decks, front and back, are defined as limited common elements. As such, TV HOA is responsible for its structural integrity. However, the HOA does *not* maintain the aesthetics thereof. Owners may pressure wash as necessary, but are to first coordinate with all Owners or residents below and remediate any resulting debris washed down on lower decks, building walls, doors, and windows.

Painting of any deck or deck railing/bench is prohibited; however, staining/sealing in accordance with ARC requirements is permitted. During such a process, the Owner is required to take measures to prevent and/or remediate any dripping onto the decks/railing of units below.

- E. No trash/garbage shall be kept anywhere outside units. Additionally, no garbage or storage containers, supplies, refuse, firewood, grills, or other articles shall be placed in the halls, entries, (or) on or under the staircase landings, or anywhere on the common grounds; nor shall anything be hung from the windows or balconies or placed upon the windowsills. Front and back decks (limited common elements) are to remain free of any garbage or debris, and firewood is not to be stored directly on any deck. A supply of firewood may be stored on the back deck only if on an appropriate firewood rack
- F. No radio or television antenna or satellite dish may be installed which is not in compliance with the Association's Requirements for the Installation of Satellite/TV Antennas, adopted by TVHOA BODs as amended. [LINK](#). Any such radio or television antenna or satellite dishes erected on the roof or exterior walls of the building, or that are not properly identified, without complying or receiving prior HOA approval are subject to being removed without notice; removal costs may be billed to the owner. No Unit Owner shall purport to give any easement or right of way to

any utility or cable/satellite Television Company.

G. No outdoor grilling is allowed on the foyers or front decks of the units or anywhere on the common areas of the property, other than the concrete pool deck as designated by the HOA. Only electric grills and small gas grills specifically designed to use disposable LPG tanks (not exceeding 1 pound) are permitted on the back decks of the units. Storage of large grills or propane tanks larger than 1 lb. - empty or not - are not permitted on the property.

H. No flammable, combustible, or explosive fluids, chemicals, or substances may be kept in any unit or on **or under** any deck.

I. No Unit Owner or Tenant shall allow any insecticide, paints, solvents, or other pollutants to flow into any septic system, stream, or lake adjoining the property, nor block the flow of any stream or drainage area, or interfere with, or offend another owner.

J. Absences/Water Shut-off: Due to the type of piping and valves in our buildings, washing machine hose rupture, and previous problems experienced, Owners must turn off the water at the building source level during any absences of longer than 3 days, at any time during the year.

K. Winterization requirements for the winter season, defined as November 1 through April 1, are mandatory for all units during periods that the unit is not occupied on consecutive days. Requirements for winterization are defined in the Association's Winterization Policy, adopted by TVHA BODs, as amended. Please refer to the Winterization Policy here. [\(LINK\)](#). Annual certification of winterization is required for all units, vacant or occupied.

## **II. Pool**

TV HOA Community Pool Rules are in addition to any posted signage at the poolside. Please refer to the POOL Rules and Policy document provided. [\(LINK\)](#)

## **III. Common Areas and Building Exteriors**

A. Toxaway Views' Architectural Review Committee - [ARC LINK](#) - must be consulted and/or grant permission to any Owner considering any alterations of structural or other exteriorly visible aspects of their unit, or of any trees or other vegetation in common areas prior to work commencing. Follow the link for further details and [ARC Request Form](#).

Owners who, with prior ARC approval, trim trees or vegetation are responsible for the proper removal/disposal and cost thereof of any vegetation debris.

B. The discharging of firearms and/or fireworks anywhere on the property including all common areas is strictly prohibited.

C. Sidewalks, entrances, passages, vestibules, stairways, outside corridors, and halls must not be obstructed or encumbered, or used for any purpose other than ingress and egress to and from the premises without the prior written consent of the Association.

D. No baby carriages, bicycles, or other such objects shall be allowed to stand in the halls, passageways, or other common areas of the building.

- E. No sign, advertisement, notice, or other lettering shall be exhibited, inscribed, painted, or affixed by an Owner or Resident on any part of the outside or inside (which may be viewed externally) of the premises without the prior written consent of the Association.
- F. No awnings or other projections shall be attached to the outside walls of the buildings and no blinds, shades or screens shall be attached to, hung in or used in connection with the outside of any window or door of the premises, without the prior written consent of the Association.
- G. Children shall not play in the common halls or breezeways. Children under 10 years of age shall not be allowed in the common areas unless accompanied by an adult.
- H. Vehicles are not to be washed anywhere on the premises, except by the designated car washing area located on the lower Pool Road across from the basketball hoop. Persons using the car wash area are required to turn off the water and neatly roll up the hose and hang it on the hose rack when finished.
- I. The display of any flag, banner, or like an item from any area of Toxaway Views Association's property (common and/or limited common areas included) is prohibited with the exception of the United States of America or the North Carolina state flag, of a size no greater than four feet by six feet, which is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States.

**IV. Trash**

There are a number of recycling stations and dumps for larger items within close proximity of TV - in Brevard/Rosman and also in Glenville. We encourage the community to Reduce, Reuse, and Recycle whenever possible, thus reducing our trash hauling costs and helping to preserve our environment.

- A. No trash is to be kept anywhere outside.
- B. All discarded food and food containers must be placed in tied plastic garbage bags - 13 gallon sized or larger—and placed in the dumpster located in the center circle. Please make your best effort to toss your trash towards the back of the dumpster, *not simply drop it in blocking the doors*. No trash is to be left next to, on top of, or near the dumpster - only securely *inside* of it. Dumpster side doors must be closed and latched at all times except while accessing.
- C. Bulk items such as furniture, building materials, and non-flattened cardboard boxes or large pieces of Styrofoam, are not permitted, and it is the responsibility of residents to make arrangements for the removal of those items. All parts of the property shall be kept in a clean and sanitary condition.

**Please do your part to help keep the Toxaway Views Community clean and attractive for all!**

**IV. Animals**

- A. No animal shall be kept on the Condominium Property, except for small household pets. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint as necessary to prevent them from being or becoming obnoxious or

offensive on account of noise, odor, unsanitary conditions, or another nuisance. No savage or dangerous animal shall be kept or permitted on the Condominium Property. No more than two household pets may be housed within a unit without the written approval of the Board.

- B. Dogs are not allowed to run at large in the common areas of the Community. Dogs exhibiting aggressive behavior toward any other pet or person must be immediately removed from TV premises. Dogs are not allowed outside of owners' units unless leashed and under the control of the owner. In no event are pets other than service animals ever permitted in the pool area.
- C. All pet owners must pick up after their pets immediately. Pet waste bags are to be used, sealed, and properly disposed of.
- D. Pets are not to be left unattended on porches or balconies, nor left inside to incessantly bark and disturb neighbors.
- E. Guests of homeowners are permitted to bring a small pet provided that the homeowner is in residence concurrently.
- F. Renters may NOT have pets within the Toxaway Views. In certain cases, an Owner with a full-time tenant who has remained in good standing for at least 6 months may petition the Board for the said tenant to have a pet that meets the above standards of the Toxaway Views community. In these cases, the Owner is required to provide Management with a copy of the lease, certify that the tenant has a copy of the HOA Declarations and Rules & Regulations, and acknowledge responsibility for the tenant's conformance. The TVHOA Board reserves the right to reverse this exception should the TVHOA policies not be followed.

#### V. **Parking**

**All parking spaces are defined in the Declarations as "common areas" and are not assigned to individual units. Because some buildings have fewer building-adjacent parking spaces than units, please consider your neighbors when parking.**

**Parking Permits are to be displayed on your vehicle dashboard. Each unit will be provided with one (1) parking permit. The parking permits are in the best interest of our community to ensure that we all adhere to our parking policies.**

**Vehicles without parking permits are required to park in the center circle. Please remind your guests that they should utilize the center circle parking area. If there are vehicles occupying unit parking without a permit, please contact an HOA member via phone, text, or email. If you have any questions or concerns, please contact an HOA member; we are here to assist. Parking violators are subject to towing at the owner's expense.**

- A. Unit Owners or their Tenants, including their Visitors/Guests are allowed no more than one (1) vehicle in the building-adjacent parking spaces. Any additional vehicles over one per unit must be parked in the Center Circle and are not permitted to use parking spaces in another building's adjacent spaces.
- B. Posted "Compact Cars Only" spaces are restricted to maintain adequate clearance for

fire trucks. According to the EPA, compact cars have a combined passenger and cargo interior volume between 100 and 109 cubic feet.

- C. A parked vehicle shall not occupy more than one space.
- D. Oversized and/or commercial vehicles, with or without lettering on them, are NOT permitted to park in the designated building parking spaces overnight.
- E. All vehicles parked at Toxaway Views must be in good repair, shall not drip oil or coolant onto pavement, and must display a current valid tag. Vehicles or trailers of any type shall not be parked in any location on the property, designated parking or otherwise, that might hinder emergency or service vehicle access or passage.
- F. No repair of vehicles is to be made on the Toxaway Views property, except in case of an emergency. Any such emergency repair must be completed within 24 hours, or the inoperable vehicle must be removed.
- G. Vehicles such as, but not limited to, motor homes, trailers, RVs, oversized and/or commercial/service vehicles with lettering on them, shall NOT be permitted on the premises at any time, except temporary permission is granted for those involved in the active repair or maintenance of the units, buildings, or common areas during daytime working hours. All vehicles parking in the center circle shall park radially in an orderly fashion around the outer edge of the circle - not haphazardly. No vehicle may be parked in any manner to block access to the dumpster. All vehicles on the property must display a current valid license tag.
- H. Owners' utility trailers, not to exceed 20' overall, and trailered boats, not exceeding 25' overall, *may* be permitted, with prior written HOA approval, to temporarily park in the center circle for a period of up to 90 days. Trailers must display a current valid tag, and boats must display a current valid registration decal.
- I. RVs are permitted on the property for the purpose of loading/unloading for a 24-hour period only.
- J. Full-time residents and tenants using commercial/service vehicles with lettering on them are required to park them overnight in the center circle.
- K. All short-term maintenance vehicles and/or required equipment or building/construction materials must be parked/stored short-term in the NW area of the center circle (to the left of the circle entry) when not actively in use. This area is to be totally contained, neatly maintained, and not interfere with any other vehicle or pedestrian traffic in the circle.

## **VI. Rentals**

- A. Owners are responsible for providing a copy of the written rental/lease agreement to Toxaway Views HOA to [provide the information](#) required by the Declarations, i.e., Section 10.N.: Leasing of Units.
- B. Owners and/or their Real Estate Agents are to notify prospects/renters as to the requirements of the Declaration and the Bylaws and shall provide lessees and renters with a printed copy of the current Rules and Regulations and Pool Rules of Toxaway Views Homeowners Association, to be conspicuously posted in the rental unit.

- C. Toxaway Views Declarations Sec. 10.N Leasing of Units states "No unit owner shall be permitted to lease his unit for transient or hotel purposes (US Department of Housing and Urban Development specifies that "rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days." Owners are prohibited from offering shorter-term rental (less than 30 days) accommodations on/in any media, i.e., advertised by print, on websites such as, but not limited to, Airbnb, VRBO, or by any rental agents. No unit owner may lease less than the entire unit. Any lease agreement shall be in writing and shall provide that the terms of the lease shall be subject in all respect to the provisions of the Declaration and the By-Laws and that any failure by the Lessee to comply with the terms of such documents shall be in default under the lease."

Owners shall provide all guests with up-to-date Rules & Regulations, insure that said R & Rs are adhered to by renters, and assume all liability for same. Renters are prohibited from having pets of any kind anywhere on the property.

- D. Owners are responsible for all keys - front door, mailbox keys, and garage keys for their tenants.

## **VII. Violations, Penalties, etc.**

- A. Every Owner and occupant shall comply with these Rules and Regulations as set forth herein, any and all regulations which from time to time may be adopted, and the provisions of the [Declaration](#), [Bylaws](#), and [Articles of Incorporation](#) of the Association, as amended from time to time.
- B. If any unit owner, tenant, or guest is not complying with Toxaway Views HOA current Rules and Regulations, the provisions of the Declaration, Bylaws, and Articles of Incorporation of the Association, as amended from time to time, the unit Owner will receive notice of the rule infraction. Should the rule violation not be cured or is being repeated, the unit owner will be subject to a fine not to exceed one hundred dollars (\$100.00/event) which may be imposed for the violation, and without further hearing, for each day more than five days after the Board of Directors' decision and notification that the violation occurs.
- C. Toxaway Views Homeowners Association will notify Owners of any violations of the Declaration and the Bylaws and/or these Rules and Regulations. Any charges owed to the Association as a result of fines for violations or damages to common and/or limited common areas shall be paid immediately. (Any amounts owed which are 90 days overdue shall be grounds for relief including without limitation an action to recover sums due for damages, injunctive relief, foreclosure of the lien, or any combination thereof. Such relief may be sought by the Association or, if appropriate, by an aggrieved Unit Owner.)
- D. The HOA is authorized by NC State Statute 47C-3-107.1 to impose fines for violations of these Rules and Regulations as set forth herein, any and all regulations which from time to time may be adopted, and the provisions of the Declaration, Bylaws, and Articles of Incorporation of the Association.

### ***§ 47C-3-107.1. Procedures for fines and suspension of condominium privileges or services.***

*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 after the decision that the violation occurs. Such fines shall be assessments secured by liens under 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. (1985 (Reg. Sess., 1986), c. 877, s. 1; 1997-456, s. 27; 2005-422, s. 14.)*