



# **Reynolds Mountain Property Owners Association (RMPOA)**

## **Rules & Regulations**

**July 1, 2020**

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### **RULES AND REGULATIONS**

The unique designs and appearances of Reynolds Mountain homes are created through carefully crafted architectural and landscape plans that blend with the beautiful surrounding geography and encourage the comfort and joy of living for all residents. These Rules and Regulations are intended to bolster an environment of trust and cooperation among all concerned and to preserve and enhance the value of the properties. In these Rules and Regulations, the RMPOA has attempted to identify critical elements to serve as a guide for self-governance and community benefit.

Please be advised that it is neither possible nor practical to establish rules to cover all potential situations. Thus, a significant amount of the burden rests with our Owners and tenants to use good judgment and common sense in order to maintain the great quality of life we experience on Reynolds Mountain. The governing documents that are referred to throughout these Rules and Regulations can be found on the <http://Tessier.Appfolio.com> website. Specifically, Owners need to read and adhere to the following:

- The 2016 Amended and Restated Declaration of Terms, Covenants, Conditions and Restrictions for Reynolds Mountain and The Views at Reynolds Mountain
- Design Development Standards 4-2019
- RMPOA Rules and Regulations, dated July 1, 2020

As a reminder, in accordance with Article IX, Section 7, of the Master Covenants, all Owners are fully responsible for the adherence to the Master Covenants, the Design Development Standards, and these Rules and Regulations by their family members, guests, tenants, building contractors and sub-contractors. The RMPOA Board of Directors and its Committees will monitor the Owner's compliance, review written requests for changes, and advise Association Management of violations for enforcement. The RMPOA Board has the authority to assess fines for violations of any of the governing documents above, including these Rules and Regulations.

Questions regarding this information may be submitted to Tessier, our Association Management company, at [stephanie@tessiergroup.com](mailto:stephanie@tessiergroup.com).

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## **Section I: GENERAL INFORMATION**

- A. Trash and recyclables are collected by the City of Asheville and Town of Woodfin on the following schedule: The City of Asheville, currently every Tuesday (trash) and every other Tuesday (recyclables.) The Town of Woodfin: currently every Wednesday for trash and recyclables.
- B. In order to prevent animals from accessing the trash during the night, containers should be placed at the curb no earlier than 7:00 a.m. on pick-up day. Containers should be brought in as soon as possible after the trash and recyclables have been picked up. No containers are to be stored outside in a visible location.
- C. Any lawful trade or business conducted on the Owner's premises ("home office") which is not offensive and does not significantly increase traffic on Reynolds Mountain is permissible.
- D. The use of firearms (other than law enforcement officers), pellet guns, and fireworks is strictly prohibited by Owners, tenants, and/or guests. Open flame fires (bonfires or fires NOT contained in a structured fire pit or fireplace) are also prohibited. All fires must always be monitored.
- E. Except as required by law, or legal proceedings, no signs or advertising posters of any kind are permitted. For Reynolds Mountain homes on the market, Owners or realtors should review the Guidelines for Property Sales/Signs at Reynolds Mountain on the Tessier website.
- F. No Owner, tenant, or guest shall make or permit a loud and/or disturbing noise to emit from their property.
- G. Owners are responsible for complying with all valid laws, ordinances, and regulations if applicable governmental bodies have jurisdiction.
- H. The Views at Reynolds Mountain has a set of Rules and Regulations governing that sub-community. In the event of conflict between the two documents, nothing in the Reynolds Mountain Rules and Regulations will take precedence over that of The Views.

## Section II: PETS

- A. Unless approved by the RMPOA Board, a maximum of two (2) common household pets may be maintained in the home at one time. Prior to purchase of a lot or home on Reynolds Mountain, potential buyers may submit an exception to the number of pets via the Tessier website. The RMPOA Board will consider the number and type of pets involved on a case by case basis.
- B. All pets must be on a hand-held leash when outside of the residence and must be in the complete control of the person walking the pet.
- C. All pets shall be controlled so as not to create a noise disturbance, as defined by Asheville City Ordinance, Chapter 10, Article IV – Noise Regulation, Section 10-82, as follows: *“Noise means any sound or combination of sounds which, because of its volume or quality, tends to disturb reasonable persons of normal sensitivity or to interfere with normal human activity.”*

Barking dog(s.) The RMPOA understands Asheville is a dog-friendly town and many of our residents own dogs. It is not the intention of the RMPOA to aggravate anyone; however, in order to maintain harmony for all Owners, dogs who consistently bark outdoors cannot be tolerated.

For barking dog situations that have become a nuisance as defined above, there are several options for Owners to seek resolution to the problem:

- Approach the Owner of the barking dog in a professional manner to bring the barking to their attention
- Contact Tessier via email or phone call to report the problem
  - Tessier will follow the Enforcement Procedures and Dispute Resolution steps as outlined in Section IX of this document.
- Submit a formal complaint as follows:  
**City of Asheville:** Report a noise disturbance to the Asheville Police Department Communications: 828-252-1110. Or, complete a complaint form online; detailed instructions and the Noise Ordinance complaint form are available at:  
<https://www.ashevillenc.gov/service/file-a-noise-complaint/>.

**The Town of Woodfin:** Noise disturbances are handled by the Woodfin Police Department. There is not a formal online process; however, complaints are handled by calling the Woodfin Police Department Non-Emergency phone number: 828-253-4887.

- D. Pet Owners are required to immediately collect and dispose of the waste created by their pets.
- E. Pets may not be staked to property land.
- F. Pet shelters or dog houses may not be erected.
- G. All pets are required to be registered and inoculated as required by law.
- H. Tenants and visitors are required to adhere to these same regulations.

***For further information, please reference the Community Covenants, Article VII - Use Restrictions: Section 4, Nuisances and other Prohibitions, and Section 9, Animals and Gardens.***

### **Section III: VEHICLES, PARKING, and the PARADE OF HOMES**

The primary focus of the following Vehicles and Parking rules and regulations is to:

- Ensure the safety of Owners, Guests, Tenants of Reynolds Mountain
- Provide for immediate access for fire and emergency vehicles
- Provide the safe passage for vehicles entering and exiting the public streets located on Reynolds Mountain

A. Owners, Guests, Tenants, Builders and Contractors must abide by the laws set forth by the state of North Carolina regarding parking, as follows:

- Parking is not permitted at an intersection or within 5' of a driveway
- Parking is not permitted within 25' of an intersection
- Parking is not permitted within 15' of a fire hydrant
- Drivers should park on the right-hand side of the street whenever possible and not directly across the street from another parked car; safe passage for emergency vehicles must always be present.
- Witnesses to violations of these parking rules may contact local police for handling of the situation.

B. Parking may not interfere with community services (trash/recycling pick-up, mail delivery, lawn service, etc.) or otherwise endanger RM residents

C. Parking of unlicensed and/or inoperable vehicles shall not be allowed on Reynolds Mountain.

D. Owners, Tenants, or Guests may not park trucks, commercial vehicles, boats or any vehicles other than passenger cars on a long-term basis. However, such vehicles may be parked on the property within twenty-four (24) hours before and after such time as they are used.

E. Cars of guests may park on the premises for the duration of their stay.

F. All approved vehicles should be equipped with standard mufflers and related equipment in order to reduce noise and related emissions to a minimum.

G. Unlicensed vehicles (ATVs, golf carts - unless utilized for RM Committee tasks - and off-road vehicles) are not permitted on Reynolds Mountain or public streets within the Reynolds Mountain community.

#### H. The Annual Parade of Homes (POH) Event

The annual Parade of Homes (POH), sponsored by the Asheville Home Builders Association, is Asheville's largest showcase and tour of new residential homes. The POH takes place each fall over the second and third weekends in October.

If an Owner (and their builder) plans to participate in the annual Parade of Homes, they must ***submit a Letter of Intent to Participate in the Parade of Homes to Tessier no later than July 15 of each year.***

It is the Owner's responsibility to coordinate with their builder to ensure all parties adhere to the Vehicle and Parking Rules and Regulations and submit all information - within the proper timeframes - outlined on the Parade of Homes policy located on the owner's portal website <http://Tessier.Appfolio.com> .

***For more information, please refer to the Parade of Homes Policy located on <http://Tessier.Appfolio.com> .***

### Section IV: LEASES

- A. No home within the RMPOA shall be leased or rented for a period of less than twelve (12) months. Owner must provide a copy of a signed lease to the RMPOA (via the Management Company) within ten (10) days of initial occupancy.
- B. Along with the lease, the Owner must provide the telephone number of the tenants, and as to whether the tenant has been delegated rights to use "The Pavilion".
- C. Tenants should be provided a copy of these "Rules and Regulations" and be advised that they are required to abide by same.
- D. All leases must state that there shall be no sub-leasing of a home by the tenant.
- E. No Owner shall lease less than the entire home.



## **Section V: BUILDING EXTERIORS, ACCESSORIES AND DECORATIONS**

### **A. Exterior Lighting**

Private lighting installed on individual lots shall not cause distraction, nuisance, or spillover light to other lots. Decorative fixtures must be of high-quality materials and workmanship and be in scale and style with the residence. Sodium vapor lights are prohibited. Incandescent, low voltage incandescent, metal halide, LED, CFL's and quartz lights are acceptable. Fixtures for security lights are to be located so as to be as unobtrusive as possible in order that they are not visible from the street or other lots. It is recommended that they be mounted on a structure. Pole-mounted security lights on exterior property lines are prohibited.

### **B. Exterior Colors and Materials**

Any change to the exterior colors and/or exterior treatments must be submitted to the ARC for approval before any changes can be made. Like kind replacement (such as like roof for like roof) does not need ARC approval. Earth tone pallets and neutral roof colors are encouraged. Exterior Light Reflectance Values (LRV) shall not exceed 30. Wood must be stained or painted.

### **C. HVAC Equipment, Generators, External Equipment**

Use of rooftop and window HVAC equipment is not permitted. Condensers or other external HVAC equipment must be located on the side or rear of the house and must be screened from view with mature shrubs, opaque wood, masonry screens or other compatible building materials. Mechanical equipment should be strategically grouped to avoid visual and audio impacts to the community.

### **D. Pools and Spas**

Portable or permanent above-ground type pools are prohibited. In-ground swimming pools and small above-ground spas or hot tubs are permitted, provided above-ground spas incorporate skirting and blend into the natural landscaping of Reynolds Mountain. In-ground pools must avoid large exposed concrete faces and extensive backfill. Tree removal to provide clear space around the pool and decking shall be held to a minimum and will be reviewed by the ARC. All appurtenances (e.g., specialty features, sliding boards, skimmer nets and other long-handles devices, pool chemicals, filters, pumps, heater, plumbing) shall be screened from public view. Placement of either a pool or spa shall not be visible from the primary address street. Pool size and placement on the lot shall be subject to review and approval by the ARC. Maximum privacy screen height is

not to exceed six (6) feet above existing grade. Fencing material must be with masonry wall (compatible with the residence), or other approved screening material. Fencing shall not block the sight triangle of any street intersection.

**All state and local codes pertaining to swimming pools and spas must be met.**

#### **E. Fencing**

Fencing/walls may be erected at the option of the Owner. **ARC approval of all fencing/walls is required before any construction of fencing/walls takes place.**

Masonry walls such as brick, stone, or stucco should be designed as an extension of the architectural design of the home. Wrought iron-type fencing is acceptable but the ARC must approve the design of such fencing. 2-inch x 4-inch wire mesh may be mounted on the inside of the rail fences to secure pets. Pet fencing must be within established lot setbacks. Invisible dog fences do not require ARC approval. Fences may not be placed any closer than 8' to any roadway, trail or property line. **Cyclone fencing is not acceptable as a fencing choice.** Any cyclone fencing already in place must be landscaped from view from the community. Temporary fencing is not acceptable as a permanent fencing choice. Gates may be installed and shall be designed to be compatible and complementary to the wall/fence design.

#### **F. Accessory Structures**

**All accessory structures shall require ARC approval.** The only accessory structures that may be allowed are greenhouses, gazebos, trellis shade structures, detached garages, in-ground pools and cabanas. Other accessory structures will be considered on an individual basis (including, but not limited to, tree houses). Aluminum screen rooms, structures incorporating some type of corrugated roofing materials, and storage sheds will not be allowed. External TV antennae and/or satellite dishes over 1 meter in diameter are not permitted and are required to meet FCC requirements. Satellite dish(s) should not be visible from any road and be appropriately screened from neighbors and roads. Clotheslines are prohibited.

#### **G. Trash & Recycling**

Accessory outdoor equipment such as garbage cans and recycle bins should always be kept enclosed when stored. Acceptable screening methods should be used as necessary.

#### **H. Home Accessories and Decorations**

**Flagpoles** should not be located on residential lots visible from plain view. Flags may be displayed with the flag staffs attached to residences. No more than two flags should be exhibited on any residence at one time. Flag etiquette is to be observed. Advertising flags are strictly prohibited.

**Holiday Decorations** are acceptable but must not be in place more than 30 days prior to an event and must be removed 15 days after an event.

**Mailboxes** must meet all federal regulations. The street address should be prominently displayed either on the front post/structure or on both sides of the box to be seen in both directions. Mailbox design, style and color shall be submitted to the ARC for review and approval. Soft neutral colors are preferred.

## **I. Garden Accessories**

**Garden ornaments** are not acceptable within public view. Ornaments deemed unacceptable by the ARC will be required to be removed. In general, painted wood or plastic ornaments are unacceptable; stone, cast metal or ceramic ornaments are preferred.

**Planters** of clay or wood are acceptable. Natural clay, earth tone or pastel colors are acceptable; white and bright colored planters, especially those made of plastic, are not permitted.

**Garden structures** such as trellises and arbors are permitted.

*For further information, please reference the 2019 RMPOA Design & Development Standards, available on the owner's portal website <http://Tessier.Appfolio.com> .*

## **Section VI: GROUNDS AND LANDSCAPING**

In order to ensure the enhancement of our community as well as protect the value of our properties, it is important we have rules regarding our grounds and landscaping. The enhancement of our property surroundings is beneficial to all homeowners. While we welcome the creativity some Owners wish to apply to their home's surrounding landscaping, it is important we maintain a standard feel and appearance.

All landscaping changes and/or additions must have the prior approval of the landscaping committee through the management company.

Every property owner is responsible for preventing the development of any unclean, unsightly, or unkempt conditions of buildings or yards which shall reduce the beauty of Reynolds Mountain as a whole. In formal landscaped areas, bed and lawn areas must

be maintained. In natural areas, weed growth must be controlled.

Property owners shall adhere to ARC Guidelines and Rules to maintain all structures and the street views of each lot and landscaping in good condition and repair. These minimum standards shall include:

1. Repairing, painting and other appropriate external care of all structures.
2. Upkeep of lawns immediately surrounding homes, to include seeding and watering as needed and mowing at least every 21 days during the growing season. The height of such grass shall not exceed 7 inches.
3. Trimming of all hedges and shrubbery to provide unobstructed views of street traffic by motorists and pedestrians.
4. Fruit trees are discouraged as they attract bears and will eventually be mangled.
5. Vegetable and spice beds are permitted but may not be visible from street.
6. Invasive trees and plants cause harm to the entire community because they spread unchecked and threaten native plants and wildlife. It also costs Reynolds Mountain each year to remove them after they spread to the Common Areas. The eradication of invasive trees and plant species require property owner vigilance. The most serious invasives on Reynolds Mountain that require removal are: Kudzu, the Tree of Heaven and the Princess Tree. When invasive trees and plants are found on private property or vacant lots, the Reynolds Mountain Grounds Committee will notify the Board of Directors with the location and type of unwanted plant. The Board will then notify the Owners of the property in need of treatment and request the Owner contact a recommended contractor. The right of Reynolds Mountain to remedy "undesirable vegetation" is detailed in the Reynolds Mountain Covenants.
7. Timely removal and cleanup of dead trees which threaten buildings or are visible from street. Trees in Common Areas are the responsibility of Reynolds Mountain.
8. Adequate control of erosion and to manage water runoff on private property. Owners must direct runoff away from Common Areas, especially roads, and neighboring properties. An Owner who alters the original state of a lot is responsible for ensuring that natural drainage patterns are preserved or that modified patterns do not adversely affect neighboring properties or the Common Area. Any change in such natural drainage that might affect neighboring lots requires prior approval by the Architectural Review Committee.

Where the Owner fails to comply with these standards, the Board of Directors shall attempt to contact the Owner and arrange for an immediate resolution. If the Owner fails to rectify the situation within thirty (30) days of notice, the Board will arrange for a resolution at the Owner's expense.

As helpful input to Reynolds Mountain property owners, the North Carolina Native Plant Society provides an extensive list of plants that are both attractive and non-invasive: [https://www.ncwildflower.org/native\\_plants/recommendations](https://www.ncwildflower.org/native_plants/recommendations)

## **Section VII: USE OF THE OUTDOOR PAVILION AND PARK**

- A. The pavilion is available for the use of all residents, tenants (with the approval from the Owner) and their guests. Contact the property management company to obtain reservations.
- B. It is the responsibility of the pavilion users to ensure the facility is maintained and properly cleaned after use. Such cleaning should include:
  - All trash completely removed, and/or placed in trash receptacles.
  - All pavilion items restored to their original position.
  - Fireplace, grill and lights should be turned off.

## **Section VIII: METHODS OF COMMUNICATION**

- A. The lines of communication run through the committees to the RMPOA Board of Directors, and between the Board and Tessier, the Property Management Company. As much as possible, Owners shall direct their questions, comments, and suggestions to Tessier, which will then track the inquiry and refer it to the appropriate committee. The committees which are working to maintain the quality of life on Reynolds Mountain are: ARC (Architectural Review Committee), Landscape and Grounds Committee, and Social Committee.
- B. Requests for exterior changes, landscape changes, tree removals, fences, generators, renovations, driveways, additions to the property, and anything that will

affect the appearance of the property must be submitted in writing on owner's portal website <http://Tessier.Appfolio.com> . Forms are under "Architectural Review" section on the website.

- C. At any time, Owners may contact the property management company, Tessier, or current Board members to request information or clarification on matters that concern them in the community. Owners may also contact Tessier by telephone at (828) 254-9842 or by email at [stephanie@tessiergroup.com](mailto:stephanie@tessiergroup.com) . Tessier will follow up with the Board, as necessary.
- D. The owner's portal website has a wealth of material and information on all aspects of the Reynolds Mountain community. In particular, the Community Information tab has the governing documents for the community and these documents should be reviewed prior to submitting an inquiry. As a reminder, all Owners are responsible for reading and abiding by the covenants and restrictions as well as the Rules and Regulations.
- E. In accordance with Article IX, Section 3, of the Master Covenants, the Board and Owners are authorized to adopt new Rules and Regulations and modify or rescind existing Rules and Regulations by majority vote of the directors at any Board meeting. This is authorized in order to give us the ability to respond to unforeseen issues and changes affecting Reynolds Mountain. The Board shall send notice to all Members concerning any proposed Rule or Regulation change at least five business days prior to the meeting of the Board at which such action is to be considered. At any such meeting, Members shall have a reasonable opportunity to be heard before the proposed action is put to a vote. Article IX, Section 3, also gives Members/ Owners representing a majority of the vote in the Master Association the right to change the Rules and Regulations. A Rules and Regulations change shall take effect thirty days after the date on which written notice of the change is given to the Owners.
- F. The RMPOA Board is responsible for an annual, or an "as needed," review of the "Rules and Regulations." The process will include a review of any suggestions for changes or modifications from Owners, committee members, and the Management company.
- G. The RMPOA meets a minimum of twice a year. According to the guidelines set forth each Owner will receive information about the meetings prior to the date.

- H. The “Rules and Regulations” will be provided to each Owner, and to new Owners with a Welcome Packet of information. It will be posted on the management company website.
- I. Under no circumstances should Owners or residents use the RMPOA (Social) Directory to solicit neighbors. The Social Directory is not the official Reynolds Mountain POA Directory maintained by Tessier. It is published twice a year for the convenience of Reynolds Mountain Property Owners. Owners should not circulate this list or use it at any time for solicitation purposes, fundraising, religious, or political causes. Also, please remember to contact Tessier whenever your official contact information changes or when your property changes hands.

## **Section IX - ENFORCEMENT PROCEDURES and DISPUTE RESOLUTION**

- A. The RMPOA may fine an Owner or suspend privileges or services available to the Owner or the Owner’s Lot for any violation of the Master Covenants, the Bylaws, the Rules and Regulations or any directive of the Architectural Review Committee.
- B. Owners may notify the property manager of any violations of the Rules or Regulations and the Architectural Review Committee’s directives. Owners are asked not to directly confront the violator.
- C. The property manager will give written notice to both the Owner and the Board as to the reported violation.
  - The first notice will make the violating Owner aware of the violation or issue, and request the violation be corrected within a certain timeframe.
  - If required, the property manager will send a follow-up notice (via certified mail) to the violating Owner.
    - The notice will inform the Owner that a hearing shall be held before the Board or a Board-appointed panel to determine if the Owner should be fined or privileges or services suspended.
    - The Owner shall be given notice of the charge and an opportunity to be heard and to present evidence about the violation.
    - If the panel decides to impose a fine, the fine may not exceed \$100 for the violation and for each day more than five (5) days after the decision

that the violation occurs. Such fines shall be an assessment against the Owner that may be secured by a lien against the Owner's Lot. If a suspension of privileges is imposed, the suspension may be continued until the violation or delinquency is cured.

- The notice will inform the Owner of the amount of potential fine if corrective action is not taken.
- Owners will then have fifteen (15) days to dispute the judgment. The Owner may appeal the decision of a Board-appointed panel to the full Board by delivering written notice of appeal to the Board within fifteen (15) days after the date of the decision.
- If the Owner does not request a hearing, the fine will be applied to the Owner's account.

- D. The RMPOA has the right to charge interest on delinquent payments of fines, as well as hold the Owner financially responsible for any process and/or collection expenses (including legal filings, attorney's fees, etc.) pertaining to the fines.
- E. The Owner is responsible whether the violation is committed by the Owner, Builder, Sub-contractor, a family member, tenant, or guest.
- F. The property manager (Management Company representative) will review compliance with the published Rules and Regulations and the Architectural Review Committee's directives as part of the Manager's routine property visits.