

**Kenmure Property Owner's Association
10 Kenmure Drive
Flat Rock, NC 28731**

**Rules and Regulations
Updated November 2011**

Approved by the KPOA Board of Directors to be promulgated to residents.
Any questions or comments should be addressed to any member of the Board

RULES AND REGULATIONS

Preface

The KPOA Board of Directors has officially adopted the Rules and Regulations contained in this publication. The Declaration of Restrictive Covenants for Kenmure (Paragraph 44) provides the following statements relative to the establishment and enforcement of Rules and Regulations:

Rules and Regulations Must Be Consistent with the Declaration

The Board may from time to time promulgate reasonable rules and regulations respecting the restrictive covenants set out in this Declaration, but such rules and regulations shall be consistent with this Declaration and not in derogation of or intended as an amendment thereof.

Rules and Regulations Will Address the Use of Common Elements

The Board may from time to time promulgate reasonable rules and regulations respecting the use of the Common Elements, including exclusive use of part of the Common Elements (such as picnic facilities, if any) by a Lot Owner and his or her guests, which exclusive use may be conditioned upon, among other things, payment of a fee.

Rules and Regulations Are Subject to General Powers of the Board

The Board may from time to time, without the consent of the Members, promulgate, modify, or delete rules and regulations applicable to Lots and Family Dwelling Units, Common Elements, administration and management of Kenmure, or Kenmure as a whole. Such rules and regulations shall be binding upon all Lot Owners, guests of Lot Owners, tenants of Lot Owners, contractors and other guests until and unless overruled, canceled, or modified in a regular or special meeting by the vote of Members holding a majority vote in the Association. Such rules and regulations may be enforced by the Association in accordance with the Act, this Declaration and Bylaws, to include but not be limited to the imposition of fines and penalties pursuant to Sections 47F-3-102 (11) and (12 and 47F-3107.1 of the Act, after notice and an opportunity to be heard.

Common Definitions and Acronyms

KPOA refers to the Kenmure Property Owner's Association.

The Board refers to the Board of Directors of the Kenmure Property Owner's Association.

KRMC, KARC, and KSC refer to the operating committees of the Kenmure Property Owner's Association, which are the Kenmure Road Maintenance Committee, Kenmure Architectural Review Committee, and the Kenmure Security Committee and will be used as such in this document.

Kenmure Enterprises, Inc. is referred to as **KEI**.

The *Declaration of Restrictive Covenants Governing Kenmure* is referred to as **Declaration**.

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Grounds Maintenance Upkeep

(GN-01)

Rights-of-way

The right-of-way for the road system in Kenmure is generally 15 feet from the edge of the pavement. KPOA owns or controls all rights-of-way on roads that the KRMC has accepted for maintenance. The KRMC has the responsibility for maintenance of those rights-of-way subject to the following exceptions:

Mowing- Grass on the shoulders will be mowed, in general, to a width of 6 to 8 feet from the edge of the pavement.

Improvements-Lot owners may make approved improvements in the right-of-way. KRMC Must approve all improvements made in the right-of-way prior to the commencement of any work. Once improved, it is the responsibility of the lot owner to maintain those improvements except for damage done by KPOA during maintenance.

Unimproved lots

Unimproved lots are those which have been platted and for which neither KRMC nor KARC have approved any building or other plan. Lot owners may do maintenance on unimproved lots including mowing, under brushing, general policing, and removal of dead vegetation so long as such maintenance does not require the approval of KRMC or KARC.

The unapproved removal of trees is in violation of the tree policy. The piling of debris is not permitted. Such activity is subject to correction by the owner and/or fine if not rectified within a reasonable time.

Improved lots

An improved lot is one that has had a proposed plan submitted to and approved by KARC and KRMC. While generally a precursor to the building process, a lot may also be deemed an improved lot if an owner receives permission to make certain improvements to a lot, such as putting in a drive for the purpose of maintaining the lot, or making improvements on the right-of-way. Once an approved plan has been executed, the lot owner must maintain the improved portion of the lot to acceptable standards unless the owner receives approval of KARC for a revised landscaping plan.

A lot may be partially improved with the balance of the lot left in a natural state. A lot or portion of a lot left in a natural state is not deemed to be in violation of the covenants; however, the improved portion of the lot must be acceptably maintained.

Noxious weeds

Lot owners must insure that noxious weeds, those covered by Federal and State noxious weed laws and those deemed a local problem, are not allowed to encroach onto adjacent properties. KPOA reserves the right to implement control, at the expense of property owner, of such weeds if lot owners do not take adequate control measures to prevent encroachment. Local weeds deemed as problems include but are not necessarily limited to kudzu, poison ivy, Chinese Sumac (“Tree of Heaven”), poison oak, and poison sumac. *(The latter two are generally not found in this area.)*

Fire hazards under extremely dry conditions

KPOA may, from time to time when conditions are extremely dry, require owners to implement vegetative control practices and other programs designed to protect property from becoming a fire hazard. The lot owner is responsible for such maintenance, but KPOA may decide that action is needed and has the right to enter vacant lots to perform such maintenance; lots owners will be charged for the same.

Adopted by the KPOA Board of Directors – July 21, 2003

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration, paragraphs 21, 22, & 24

Lot Combination

(GN-02)

Lot Combination can be authorized by the KPOA Board under the authority of the Second Amended and Restated Declaration of Restrictive Covenants Governing Kenmure, Paragraph 5. Should a lot owner (excluding the developer) wish to merge two adjacent lots, a written application must be submitted to the KPOA Board for approval. Once approved, before two lots may be combined, the lot owner must pay KPOA six times the then applicable annual assessment for an unimproved lot. After this payment is received and a new deed is filed with Henderson County, the owner of the newly combined lots will be liable for future annual assessments at either the improved lot rate for one lot or the unimproved lot rate for one lot so long as the combined lots remain unimproved. Once combined the lots cannot be later subdivided. This Regulation is effective one week after the KPOA July 2009 Newsletter is mailed.

Adopted by the KPOA Board of Directors, June 19, 2009

Authority: Declaration, Paragraph 5

Trees

(KARC-01)

New Construction

Removal or cutting of trees on vacant lots-In the absence of specific building plans that have been approved by the Kenmure Architectural Review Committee (KARC), trees cannot be removed without prior written approval of KARC, and any such unauthorized removal will be subject to assessments or fines. It is KARC policy to only work with property owners relative to tree cutting.

Removal or cutting of trees for pre-construction-Prior to the issuance of a building permit, the lot owner and/or contractor will stake the footprint of the house (including decks and patios), along with the driveway, septic field, and construction parking area. This will be done by staking and marking trees to be removed with spray paint or tape. The owner will notify KARC so that an on-site inspection can be made. KARC will make a photographic record of the original conditions. A written agreement between KARC and the owner/contractor will be reached on trees or flowering plants to remove. No other trees or flowering plants may be removed in the building process unless an additional written agreement is reached with KARC.

Removal of Trees to Create Views-In lieu of removing trees, removing branches will be encouraged. Trimming shall be limited to the lower 2/3 of tree. Topping of trees is strictly prohibited.

Contractors will finish the framing of the house prior to the owner requesting approval of KARC for removal or trimming of trees solely for views. In the case of an owner desiring to create a view on a vacant lot, KARC will review the area covered by a septic permit issued by Henderson County and mark the trees in the field or lane across the field that will be permitted to be removed. The owner must commit in writing to maintain the septic permit in an active status and to include this requirement in any conveyance of the property to a new owner.

The reasonable removal of trees for creation of a view may be permitted as a variance to the tree policy when it enhances the value of the property and has no significant negative impact on neighbors or the overall value and natural beauty of Kenmure; however, removing of trees to create a view must be approved in advance and in writing by KARC (Form NEH 2). Any other removal will be subject to the assessments or fines stated in the *Declaration*, paragraph 13.

Tree removal for the purpose of enhanced landscaping will be treated similarly to the above.

Removal of Other Trees-Trees less than 6 inches (2 feet from ground) or within 20 feet of a structure may be removed; however, it is suggested that the owner obtain KARC approval to prevent future misunderstandings.

KARC will approve the removal of trees greater than 6 inches (2 feet from ground) in diameter and more than 20 feet from a structure when, in the committee's opinion, removal will prevent future damage if a tree is diseased, leaning toward the structure, or poses a threat to the structure. KARC may approve the removal of diseased, dying, or damaged trees. Trees must be cut to ground level and removed from the property, or wood should be cut and stacked out of public view if the wood is to be used by the owner. KARC will consider the type and size of the tree and will normally reject the cutting of specimen trees. KARC will consider the impact cutting will have on neighbors and the natural beauty of Kenmure and will normally reject tree removal when it would cause a significant negative impact.

Existing Residences

All statements under the Kenmure Tree Policy above are also applicable to existing houses, condos, villas, and cottages.

Adopted by the KPOA Board – July 18, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by the KPOA Board of Directors – April 17, 2009

Authority: Declaration, paragraph 1

Residential Building

(KARC-02)

General Construction

Uniform construction standards apply to all homes being built in Kenmure. These standards are detailed in this section.

Building materials-Log cabins are not permitted. Exterior wall materials must be predominately natural wood, cement plank, stone, brick, or stucco. Synthetic, cultured, or prefabricated stone and certain precast concrete materials may be used as accents on exterior surface areas. Vinyl or aluminum siding will not be permitted. Roofs constructed of metal material will not be permitted.

Exterior colors-Exterior house colors should be moderate and compatible with the forest setting. Stark white, off-white, and pastel colors will not be approved.

Roof attachments-Roof stacks, sheet metal flashing, metal chimneys, and plumbing vents should be painted to match roof color (except if copper or lead) and shall be located on roof slopes away from main streets. All fireplace vents, furnace stacks and other roof penetrations 4" in diameter and larger shall be disclosed on the elevation drawings for review by the KARC.

Roof Pitch-The pitch of a roof should not be less than 6 inches vertically in 12 inches horizontally (6/12), unless there are special design considerations which KARC concludes would justify slightly less pitch.

Attached structures-All decks, posts, rails, and similar attached structures shall be painted or stained to match the exterior color or trim of the house.

Concrete surfaces-All exterior surfaces of poured or precast concrete foundations and retaining walls shall be covered with stucco.

Similar Architectural Designs-Identical or nearly identical houses will not be permitted within the lesser of line of sight or one-quarter mile from each other.

Adjacent or Attached Structures-In an effort to maintain the attractiveness of the community and to address the concerns of neighboring properties, KARC has established standards for adjacent or attached structures to the dwelling.

Driveways and outside equipment-All driveways and parking areas must be paved with asphalt or concrete paving, unless the KARC in writing approves another paving material before construction begins. All play equipment shall be placed so that it is not visible from any street. Tree houses are considered separate structures requiring KARC approval. Outside clotheslines should not be visible from any street or neighboring family dwelling unit.

Electrical requirement-Each house must have a minimum 200 AMP electric service supplied by Duke Energy or its successor who normally supplies electric service to Kenmure.

Screening requirements-All window air conditioning units must be screened from roads and from neighboring lots. Compressor units shall be ground mounted. Approved fencing or plantings can screen compressor units. Fencing of any kind or purpose shall be submitted to the KARC for approval and specific conditions apply. Please see Fencing Rules KARC-03. Firewood shall not be stored in front yards and shall be shielded from view from adjacent lots.

Dams for streams-KARC may permit construction of dams on existing streams as long as the dam does not exceed 12" in height from the original stream bed, and no water flow control measures are installed. No applications for a dam will be approved by KARC unless accompanied by written approvals from the Army Corps of Engineers and the North Carolina Department of Natural Resources.

Construction Completion and Occupancy

In order to obtain an **Occupancy Permit**, an owner must submit documentation for each of the following to KARC:

- A **Certificate of Occupancy** issued by Henderson County; if the dwelling is within the Village of Flat Rock, owners must also provide a **Certificate of Occupancy** issued by the Village.
- A **Moving Van Access Form** (Form NEH 10) will not be issued until Occupancy Permit has been issued.
- Evidence that **permanent power** is being supplied to the home.
- An **approved landscape plan**, including a final driveway plan and provision for drainage. This must be submitted to KARC not less than two (2) months prior to the home construction's anticipated completion.
- An **installed mailbox** meeting KARC and KRMC requirements with readily visible street numbers on the mailbox or conspicuously posted on the home.

*Adopted by the KPOA Board of Directors on July 18, 2005
Revised and Approved by the KPOA Board of Directors – November 21, 2008
Authority: Declaration, paragraph 7,26,27*

Fencing

(KARC-03)

Kenmure has historically believed in forests and not in fences. Kenmure is a community that is known for its wooded atmosphere – this environment provides reasonable opportunity for walling in or walling out with planted landscaping. Therefore, Kenmure will continue to discourage fences.

However, we recognize that some circumstances exist that suggest fencing is an appropriate action. Therefore, the philosophy for fences in Kenmure shall be:

There shall be no fences built or replaced in the future in Kenmure, other than those that meet one or more of the following:

When they may be visible from Kenmure roads or nearby residences:

1. bordering Kenmure Community perimeter (may be up to 6' high)
2. required by law
3. previously permitted in purchase contracts by KEI
4. that meet the “absolutely needed” provision (e.g. parking barriers required to protect vehicles on drives with steep drop off)

When they shall not be visible from Kenmure roads or nearby residences

5. to meet the personal freedom needs of residents without upsetting residents who dislike fences (e.g. decorative fences that provide enjoyment for a resident, but cannot be seen from roads or nearby lots).

In all cases, fences must be requested on **Form NEH5** and approved by KARC. **Form NEH5** is available at the forms section on the KPOA website ([Fencing Guidelines](#)).

Adopted by the KPOA Board of Directors – August 18, 2003

Revised and Approved by the KPOA Board of Directors – Nov2, 2008

Revised and Approved by the KPOA Board of Directors – Aug 22, 2011

Authority: Declaration, paragraph 7B

Awnings

(KARC-04)

Because outside decks are often exposed to direct sunlight and heavy rainfall, awning protection is permissible.

Requirements for awnings

The following requirements must be met before awnings are approved:

- **Type**-Retractable awnings, if practical, are recommended
- **Material**-Material shall be a cloth-type fabric. Aluminum or vinyl is not permitted.
- **Color**-Color shall blend with exterior color of the house or condominium.
- **Placement**-Awnings over swinging doorways or windows are not permitted. Awnings must maintain the present elevation profile and not extend more than 12” beyond existing deck structure.

Approval process for awnings

Awnings require the prior written approval of KARC. An application showing the floor plan with the location of the proposed awning is required and shall include a sample of the awning material, showing color and quality. A photograph of the side of the house, condominium, villa, or cottage where the awning is to be installed shall be attached to the application.

Adopted by the KPOA Board – August 18, 2003

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration, paragraph 7

Exterior Alterations/Additions to Existing Houses, Condominiums, Villas, or Cottages

(KARC-05)

Exterior alterations or additions

Any exterior alterations or additions, other than landscaping within the general scope of the original plan, require written KARC approval prior to implementation. Submit changes to KARC, in writing, on the indicated Form prior to any alteration. KARC, at its sole discretion, may require a refundable deposit of \$1,500 for any exterior alterations or additions requiring the use of significant amounts of heavy equipment. These changes include but are not limited to the following:

- Major landscape alterations (Form NEH 1)
- Removal of rock outcroppings (Form NEH 2)
- Awnings (Form NEH 3)
- Fencing (Form NEH 5)
- Major Mailbox alterations (Form NEH 6)
- Paint Color (except when repainting with original color) - only subdued tones which are moderate and compatible with the forest will be approved. (Form NEH 4)
- Exterior Walls and Stonework (Form NEH 4)
- Roof Color and Material (Form NEH 4)
- Exterior Wall Materials (Form NEH 4)
- Windows and Doors, except direct replacement (Form NEH 4)
- Any new building or other structure, attached or unattached (Form NEH 4)
- Patios and Decks (Form NEH 4)
- Driveway Relocation (Form NEH 4)
- Decorative Features, if visible from any street (Form NEH 4)
- Play Equipment, if visible from any street. (Form NEH 4)

Accessory Building and Major Additions

An accessory Building may include a private garage and/or guest quarters, providing the use of such accessory building does not overcrowd the site. A major addition is defined as an addition to an existing dwelling unit of a one or more car garage or an addition of a room or enclosed patio, requiring any change or addition to the foundation.

The construction of an accessory building or major addition will require the approval of KARC. The procedure to obtain KARC approval will follow the guidelines for a Residential Building, including the submittal of forms NH 1 and NH 2. A KPOA refundable deposit of \$1,500 will be required. Approvals by KARC and RMC will be required prior to issuance of a refund.

Adopted by the KPOA Board – July 18, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by KPOA Board of Directors – May 19, 2009

Authority: Declaration, paragraph 7, 9

Construction Approval

(KARC-06)

Kenmure Architectural Review Committee (KARC) shall approve, in advance and in writing, all construction and exterior building alterations. The Kenmure Road Maintenance Committee (KRMC) shall approve, in advance and in writing, all alterations to rights-of-way.

Driveway/Entrance rules and standards

- **Entrance lights**-Driveway entrance light posts and/or lights must be located a minimum of 10 feet from the edge of the road surface and must be shown on the site plan.
- **Curbs or impediments**-No driveway curbing, large rocks, culvert headers, or other impediments may be placed in the right-of-way as part of the driveway construction or landscaping. Driveway curbing cannot be within 24 inches of the road.
- **Culverts**-Every driveway access shall use a size 15-inch diameter culvert under the driveway at a location specified by the RMC, with a minimum length of 20 feet of corrugated metal pipe or H20 loading double-wall plastic pipe, unless otherwise noted on the approved site plan. It is also the owner's responsibility to keep the culvert clean of leaves and other debris.
- **Mud Mats**-The contractor must install a gravel mud mat and gravel driveway as soon as the driveway is cut. An adequate level of gravel must be kept on the mud mat during construction to keep mud off the roadway. The gravel shall be 2 ½ aggregate or larger at the mud mat. If mud is tracked onto the roadway, the contractor shall remove it by the end of the workday.

Drainage rules and standards

- **Drainage ditch**-All lots at or above the grade of the road must have a drainage ditch constructed by the contractor along the front of the property line to allow water to drain off of the right-of-way. Corrective measures must also be utilized to prevent the flow of mud or silt or other debris onto either the roadway or adjoining properties.
- **Lot drainage**-The contractor and the property owner are responsible for constructing the home in such a way that drainage from the lot, and from the road and unpaved right-of-way, does not adversely affect the owner's property, the road and unpaved right-of-way, or any adjacent property. The contractor shall consider the natural flow of water from the owner's lot, from the road, and along the unpaved right-of-way when designing the home location on the lot, installing the driveway, and constructing other structures near the right-of-way.
- **Drainage responsibility**-The KPOA does not assume any responsibility for owner, architect, or contractor failure to properly or adequately address drainage issues at the home site. Where no drainage problems existed prior to the building of a home, neither KARC nor KRMC is responsible for correcting drainage problems created by construction or which appear after the home is completed.
- **Structures to prevent damage from water flow**-Where the natural flow of water from the lot, or from the road and along the unpaved right-of-way, would be altered by home and driveway construction, the contractor and the property owner are responsible for installing culverts, ditches, driveway curbing, and other structures to prevent that flow of water from damaging the road, the unpaved right-of-way, or adjacent properties, including the owner's property.

Construction parking rules and procedures for use of right-of-way

- **Parking location**-Parking by the contractor and all sub-contractors must be accommodated on the lot. If overflow parking is required on the right-of-way, the KRMC must first be contacted for approval. KRMC will designate where parking will be allowed. Both traffic lanes must be open at all times.
- **Damage repairs**-Any ruts created by parking on the right-of-way must be filled in, raked, seeded, and covered with straw prior to return of the refundable deposit or remaining portion thereof. Any damage to asphalt road surface is the responsibility of the contractor and will be either repaired by the contractor to KRMC specifications, or arrangements made to pay the KPOA through the KRMC for the estimated cost or repairs.
- **Construction equipment placement**-Except as permitted by KARC, construction equipment, building materials, and portable toilets are prohibited on the right-of-way and must be placed on the lot. Construction vehicles, including trailers, may not be parked on the right-of-way outside of authorized contractor working hours. Dumpsters must be placed a minimum of 10 feet from the edge of the road pavement.
- **Parking Regulations**-Construction parking must follow KPOA General Parking Regulations listed in the Kenmore Security section of this document.

Approved by the KPOA Board of Directors – March 17, 2003

Revised and Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C, 18, 19, 23.

Mailbox Replacement and Installation

(KRM-01)

The Kenmore mailbox standard is based on USPS Regulations and AASHTO Guidelines aimed at consistency and uniformity of materials used and at preventing serious injury or property damage. This standard will be enforced on all new home construction AND mailbox replacement installations. Key elements of the standard include mailbox location, box weight/size, size & permanence of the post and its installation.

Recommended Mailbox Configuration

Approval will be based on “substantial compliance” in meeting the safety intent of this standard. Non-conforming mailboxes must be corrected.

<u>Item</u>	<u>Recommendation</u>	<u>Substantial Compliance</u>	<u>Not Permitted</u>
Box	<ul style="list-style-type: none"> • USPS Approved • Small or Medium Size • Metal or Plastic • Color - Black 	<ul style="list-style-type: none"> • USPS Approved • Small or Medium Size • Metal or Plastic • Color - Earth Tone 	<ul style="list-style-type: none"> • Box not USPS Approved • Box larger than 22"x8"x11" • Excessive weight • Bright or pastel colors
Post	<ul style="list-style-type: none"> • 4"x 4" wood • Optional cross arm • Optional paper slot 	<ul style="list-style-type: none"> • 4"x4" extruded aluminum • Extruded / molded plastic (Color - Black or Earth Tone) anchored by 4"x4" wood post • 2-2 1/2" diameter pipe 	<ul style="list-style-type: none"> • Wood post greater than 4"x4" • Wood cross arm greater than 4"x4" • Pipe post greater than 2-2 1/2" • Stone • Masonry • Concrete, stone or masonry base
Location	<ul style="list-style-type: none"> • Front edge of mailbox 8" to 12" from edge of road • Bottom of box 41" to 45" above road surface • Locate mailbox on same side of road as direction of the mail carrier route • If a corner lot, install mailbox a minimum of 100 feet from intersection 	<u>Must Comply</u>	<u>Must Comply</u>
Post Hole Backfill	Backfill and tamp post hole with soil, no concrete or stone	<u>Must Comply</u>	<u>Must Comply</u>

Request for approval of a replacement mailbox

The KPOA Mailbox Standards and a form to request approval of a replacement mailbox are available at the Forms link (Mailbox Guidelines) on the KPOA website: <http://www.kenmure.org/forms.asp>

KRMC or KARC approval must be received before installation of a replacement mailbox.

Procedures for mailbox replacement damaged by a KRMC Contractor

Should a mailbox conforming to the above standards be destroyed in the course of ordinary maintenance of the road and right-of-way, KRMC will reimburse the property owner up to the cost of a standard replacement mailbox, not to exceed \$100.

Approved by the KPOA Board of Directors – March 15, 2004

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by the KPOA Board of Directors – November 18, 2011

Authority – Declaration, paragraph 3C

Right-of-Way Landscape Alterations

(KRMC-02)

While property owners are encouraged to help beautify the unpaved right-of-way adjacent to their property, no projects can be undertaken that would affect drainage, safety, or aesthetic without the written approval of a plan submitted to the KARC and KRMC. KPOA retains ownership and/or control of the right-of-way, regardless of owner enhancements.

Standards for alteration of the right-of-way

Project scope-Projects include all changes or alterations to the right-of-way from its original condition, including removal or addition of trees and other vegetation, addition of landscaping/permanent structures, rocks, sprinkler systems, and the initial planting of grass or initial spreading of mulch.

Material placement-No plantings shall be added that will grow to within 4 feet of the edge of the road. Low growing shrubbery with a maximum height of 24 inches at maturity may be planted in the right-of-way, but it must be no closer than 4 feet from the edge of the road.

Size of material-New trees and shrubbery larger than 24 inches tall at maturity may be planted in the right-of-way, but they must be a minimum of 10 feet from the edge of the road.

Material height-Any grass or sod planted in the right-of-way cannot be higher than the road and must slope away from the road by 1 inch for each foot planted.

Approved by the KPOA Board of Directors – August 18, 2003

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Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C

Right-of-Way Maintenance

(KRMC-03)

Projects or alterations completed in the right-of-way by the owner are the sole responsibility of that owner, and *the owner* will be responsible for all maintenance and damage repair expenses associated with the alterations.

Procedures related to right-of-way maintenance

Questions concerning right-of-way maintenance responsibility will arise, especially from new owners of homes resold in Kenmure. New owners may be unaware of inherited responsibility; however, homeowner improvements in the right-of-way pass to subsequent owners. The following procedures apply to right-of-way maintenance.

Culvert maintenance-Property owners are responsible for keeping their driveway culvert free of obstructions.

Leaf removal-KRMC collects and removes leaves that have fallen in the right-of-way and may impede natural drainage along the right-of-way. Leaves deposited in the right-of-way by owners are the responsibility of the owners to remove. If the KRMC is required to remove the leaves because of the owner's failure to do so, then the owner will be billed for the cost of removal.

Right-of-way restoration-The property owner may be required to restore the right-of-way to its original condition if it has been altered without the prior written approval of the KARC and KRMC. If the owner fails to restore the right-of-way, then KRMC will bill the cost of restoration to the owner.

Utility companies working in the right-of-way- Utility companies who periodically do work in the right-of-way, such as telephone, power, gas, water, and television companies, are to identify the area to be worked to the gate house security force. Kenmure Security will then notify the right-of-way repair person on KRMC of the work to be done. During their normal rounds, Kenmure Security will monitor the work being performed and notify the right-of-way repair person on the committee of any problems noted. Kenmure Security will log the utility company work in their log, noting approximate start and completion times. The right-of-way repair person on KRMC will periodically check the work site. If unsatisfactory conditions are noted, they are to be discussed with workers' supervisor. Any right-of-way damage that occurs is to be corrected by the utility to "as found" or better conditions.

Property owner's right to forgo right-of-way maintenance-If an owner wishes to forego maintaining an owner-improved right-of-way, KRMC will describe its right-of-way maintenance responsibilities and then-current procedures. The owner will be made aware that KRMC repair or maintenance procedures MAY result in reduction or elimination of landscaping enhancements in order to facilitate regular KRMC maintenance procedures. Upon written owner agreement, KRMC will perform regular repair and maintenance within the right-of-way in accordance with maintaining a structurally sound and safe road system. However, this will NOT include the repair or maintenance of any landscaping enhancements installed by the owner or predecessors. KRMC reserves the right to bill an owner for the cost of restoring the right-of-way to a KRMC-manageable condition.

Approved by the KPOA Board of Directors – August 18, 2003

Revised and Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C

Right-of-Way Dead and Fallen Trees

(KRMC-04)

In the event that a tree falls from an owner's property onto a Kenmure road or the right-of-way, the owner is responsible for the cost of removing the tree.

Procedures related to dead and fallen trees

- Any such tree that blocks the road will be cut and moved at least 3 feet off the edge of the road by KRMC, and the owner will be billed for the associated cost. Removal from the roadway will be done immediately in order to maintain road safety.
- Where practical, KRMC will attempt to notify the owner that the tree must be removed from the right-of-way within 3 days. If the work is not completed within 3 days, or if the owner cannot be reached, KRMC will contract to have the tree removed, and the owner will be billed for the associated costs.
- In unusual circumstances, such as the tree's being too large or insufficient shoulder is available such that the tree cannot be moved at least 3 feet off the edge of the road, the KRMC will cut and remove the tree in order to eliminate dangerous driving conditions. The owner will be billed for all the associated costs.
- In the event that a tree falls from the right-of-way onto a property owner's property, KRMC will remove the tree at KPOA expense.
- Because property owners are responsible for the removal of dead trees on their property that have the potential of falling onto the right-of-way or the roadway, KRMC will notify the owners in writing if such a situation is discovered in the course of routine right-of-way inspections. This will provide early warning to assist property owners in disposing of possible safety hazards.

Revised and Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C

Curbing and Water Diversion

(KRMC-05)

Curbs, or structures installed along the edge of the driveway, and water diverters (typically asphalt, curb-like additions installed across a driveway to prevent water from running down the drive) must be installed at least 2 feet from the edge of the road surface and must not direct water onto the road or adjoining property.

No curbs are to be installed along the road without specific approval of Kenmure Road Maintenance Committee. Normally, such curbs will not be approved because they interfere with road plowing.

NOTE: It is UNLAWFUL to channel water onto adjacent property.

Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C

Right-of-Way Reflector

(KRMC-06)

Preferably, reflectors should not be placed in the right-of-way; however, it is recognized that residents may have a need for reflectors to protect KARC and KRMC approved owner improvements in the right-of-way.

When approved, reflectors placed in the right-of-way must comply with KRMC standards.

Standards for Reflectors

- Reflectors must be red in color.
- Reflectors must be a maximum of 3 inches in diameter, including frame.
- The stem should be no higher than 12 inches above the ground or grass.
- The stem should be 3/16 inch in diameter, must be breakaway, not set in concrete, and without rock or wood posts for support.
- Reflectors should be set a minimum of 12 inches from the edge of the road and be spaced a minimum of 20 feet apart.

Approved by the KPOA Board of Directors – November 21, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority – Declaration, paragraph 3C

Winter Storm Management

(KRMC-07)

Purpose of Storm Management

During winter storm situations, Kenmure Road Maintenance and Kenmure Security will use a coordinated plan to

- Allow Kenmure roads to be cleared in a timely fashion
- Maintain a safe driving environment
- Provide sufficient information in order for people to make well-reasoned decisions with regard to travel.

Snowman Responsibilities

During winter storms, the KRMC “Snowman,” or his alternate, will be the decision-maker and leader of the response plan. His responsibilities include the following:

- Calling in and directing the plowing and sanding contractor
- Establishing the condition of roads within Kenmure and the level of response needed
- Communicating Kenmure road conditions to the guards at the front gate as well as residents

Notice of Road Conditions

In order to provide consistent reports, Kenmure Road Maintenance and Kenmure Security have defined the following road conditions:

GREEN	Normal road conditions. Drive with usual care.
YELLOW	All roads are wet, with potential for icing/slick conditions.
ORANGE	All roads snow or ice covered – slippery conditions in many locations. Impassable in spots.
RED	All roads are icy and slippery - very treacherous and impassable. ROADS ARE CLOSED!

A status indicator will be posted at the gate to alert returning residents of current road conditions. In addition, a message stating current road conditions will also be posted on the Kenmure Emergency Information Line (696-8805).

Kenmure Gate Responsibilities Related to Color Designations

When Status is “Yellow”-Homeowners, guests, and contractors will have normal gate access. If asked about road conditions by homeowners, guests or contractors entering Kenmure, the guards will advise them of the following:

- Roads are wet with packed snow in many areas, but are passable
- Drive with care on snow-covered sections
- Be wary of scattered icy spots and falling temperatures that may cause icing
- Latest road status can be obtained by calling the Kenmure Emergency Information Line (696-8805)

When Status is “Orange”-Kenmure Security Guards will close the outer entry gate and direct all incoming traffic through the inner entry gate. Guards will call “Snowman” every two hours with report of abandoned cars and/or road conditions they have discovered either during routine patrol or by input from

cars leaving Kenmure. As homeowners, guests, or contractors enter, guards will advise them of the following:

- Snow is on all roads, icy conditions in many locations
- Roads are treacherous and impassible in spots, especially on steep grades
- It is recommended that drivers stay off the roads until conditions improve
- If drivers must enter, please proceed with extreme caution
- Latest road status can be obtained by calling the Kenmure Emergency Information Line (696-8805)

When Status is “Red”-Kenmure Security Guards will close the outer entry gate and direct all incoming traffic through the inner entry gate. Guards will turn away all nonresident/contractor/guest traffic except for emergency vehicles, snow removal contractor, and KEI staff. Guards will tell returning homeowners that all roads are temporarily closed because they are icy, treacherous, and impassable. If returning residents insist on entering; guards will note their name, license tag, time of entry and destination. The guards will then allow them to enter.

KRMC will communicate with Emergency Management Chair to determine if a community wide emergency declaration is needed. Guards will give returning homeowners a copy of the following “Kenmure Roads are Temporarily Closed” notification.

**Kenmure Property Owners Association
Winter Storm Emergency**

KENMURE ROADS ARE TEMPORARILY CLOSED!

- **ALL roads are icy and slippery.**
- **ALL roads are very treacherous and impassable.**
- **Returning residents are encouraged not to enter until conditions improve and snow removal is completed.**
- **Consider finding temporary shelter offsite.**
- **Latest road status can be obtained by calling the Kenmure Emergency Information Line at (696-8805).**
- **If you choose to enter, you do so at your own risk, as well as risk to others.**
- **Abandoned vehicles may hamper road-clearing efforts or impede first-responder emergency personnel.**
- **If your vehicle is abandoned and impedes snow removal or creates a safety concern, it will be towed away at your expense.**

Adopted by the KPOA Board of Directors, March 3, 2003

Revised and Adopted by the KPOA Board of Directors – November 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration paragraph 18

Kenmure Roads and Traffic Safety

(KSC-01)

The motor vehicle laws of the State of North Carolina shall apply as rules and regulations with respect to roads and drivers within Kenmure. Under these laws all drivers in Kenmure [residents, visitors, contractors, and Kenmure Enterprises, Inc. (KEI) employees] are to be licensed, all vehicles operated in Kenmure are to be licensed, and all vehicles must have at least state-required minimum levels of insurance.

Only golf carts and golf course maintenance vehicles operated on the golf course and related facilities are exempt from State motor vehicle regulations. However, the operators of golf carts and golf course maintenance vehicle must be at least 16 years of age and possess a valid driver's license. Such vehicles must give right of way to other regulated motorized vehicles operating on Kenmure roadways.

Moving Vehicles

Speed-The maximum speed limit on the roads within Kenmure is twenty-five (25) miles per hour or such lower speed when indicated by appropriate markers or as may be required for prudent driving, such as during adverse weather conditions.

Cell Phone Use-The use of a cell phone by drivers of motor vehicles is prohibited when the motor vehicle is in motion on Kenmure roadways.

Repair-All vehicles shall slow in any area where construction, general maintenance, or utility personnel are working. Signals from flagmen must be obeyed at all times.

Side of the road-All vehicles shall be operated on the right-hand side of the roads within Kenmure. Crossing of centerline is prohibited except when turning.

Passing vehicles-Passing another moving vehicle in Kenmure is prohibited. Automobile drivers should take care when overtaking a golf cart on a Kenmure road. Whenever it is safe to do so, golf cart drivers are asked to pull off onto the shoulder and stop to let automobiles pass.

Violations-Any vehicle being operated in violation of any law or regulation is considered to be operating in a reckless manner and its driver may be subject to enforcement action. If deemed to be a very serious violation, a fine or access restriction may be administered immediately. Proper documentation of offenses is required in all instances, and fines to be imposed must be consistent with the KPOA Declarations, By-laws, Rules and Regulations.

Damage responsibility-Drivers (residents, contractors, KEI staff, or visitors) are responsible for any damage done by their vehicles to roads, shoulders, signs, mailboxes, or resident's property.

Parking-Parking is not permitted on the roadways within Kenmure. Construction activity may not block the roadways.

Jobsite parking-Contractors and subcontractors should park on the jobsite and not on the road or road shoulder. The Kenmure Road Maintenance Committee shall approve which side of the road shoulder may be used for overflow parking if it becomes necessary. Parking is not allowed on both shoulders of the road. Violations may be subject to enforcement action.

Activities blocking the road-If the loading/unloading or parking of trucks and trailers necessitates a blockage or partial blockage of a Kenmure roadway, the contractor, owner or resident will be required to have persons (flagmen) in the roadway at a reasonable distance in front of and to the rear of the blockage to direct traffic during the entire time of the blockage. The driver should also place cones and warning signs an appropriate distance in front and behind the blockage to warn oncoming vehicles. Failure to do so can result in fines and/or restrictions on future work in Kenmure.

Motorcycles and ATV's

Motorcycles shall be licensed and equipped with the most recently approved noise control devices. Kenmure residents and visitors must have a permit and must operate according to the KPOA Motorcycle Rules below.

Motorcycle Use/Permit-This application form is required and states the rules for the use of motorcycles within Kenmure. It must be signed and approved prior to the operation of the vehicle in Kenmure. This application form is available in the KPOA Office at 10 Kenmure Drive and at the Gatehouse.

Conditions governing motorcycle use:

- The motorcycle is registered and licensed.
- The motorcycle may be operated only on designated roads between the gate and the applicant's home (or the residence being visited) and Kenmure facilities such as the golf course, tennis courts and fitness center. Use beyond these points is prohibited.
- The operator will make utmost effort to operate the motorcycle in a quiet manner.
- The applicant must obtain a Visitor's Pass (or a bar code sticker by residents) to facilitate entry at the gate.
- Any visitor arriving on a motorcycle, after obtaining his/her pass, must travel to his/her final Kenmure destination directly and the visitor must conform to traffic and other rules and regulations in effect.

This permit may be revoked at any time if any of the conditions above are violated or if the motorcycle is operated in an unsafe manner or in violation of any of the covenants, rules and regulations in Kenmure.

_____ Date _____
Applicant Signature

_____ Date _____
Site Supervisor Approval

Copies of this permit shall be distributed to the motorcycle driver (to be retained and available if requested by KSC), Kenmure Gatehouse and the KPOA office.

- All terrain vehicles (ATV's), Segway-type vehicles, motorized dirt bikes, mopeds, and small foot/motor propelled scooters are prohibited from use on Kenmure roads.
- Bicycles shall be equipped with lights and the most recently approved safety devices; they may be operated only on the roads and driveways in such manner as not to obstruct traffic.

Adopted by the KPOA Board of Directors on June 16, 2004

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration paragraph 3D

Heavy Vehicles-Guards at the Gatehouse will determine when vehicle loads are potentially damaging to the roads or to the safety of others on the roads, such as when roads are icy or snow covered or when the vehicle load is deemed unsafe for some roads. Trucks or trailers may then be required to break down the cargo into smaller trucks if possible, to use restricted routes deemed suitable, or to wait until road conditions improve. Special restrictions governing the use of roads may be imposed when trucks are transporting large, heavy objects. Moving Van Rules (KSC-02) may also be applied.

Assumption of Risk-All persons using the roads in Kenmure do so at their own risk and are subject to the published rules and regulations and penalties levied for any violations. KPOA will not be responsible for delays, breakdowns, damage to personal property, personal injury, or death occurring on said roads. It should be clearly understood that the roads within Kenmure are private roads, owned and controlled by KPOA as common areas, and as such are not necessarily built, nor maintained, to State public road standards.

Reporting Accidents and Violations-In the event of a vehicle accident, persons involved should notify Gatehouse Security immediately.

- Driving under the influence of alcohol or other drugs that impair the ability to control a vehicle in a safe manner will result in an unsafe driving incident report being filed. Law enforcement may be called if circumstances require. If persons observe unsafe driving behavior, they are asked to contact the Gatehouse and report the incident, including: date, time, place, vehicle description, description of the driver (to the extent possible), license tag number, and description of the unsafe driving observed. The guards will log all such reports, and incident reports will be prepared for those incidents.

Enforcement-Where warranted, the on-call KSC member or the KSC Chairman will be consulted regarding violations. KSC will review incident reports on a regular basis to determine if and what action is required.

Adopted by the KPOA Board of Directors – December 15, 2003

Revisions with KPOA Board Approval on April 18, 2005 and November 7, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Kenmure Declaration, paragraphs 18, 19, 20

Moving Van/Large Trucks

(KSC-02)

Purpose

It is recognized that Kenmure property owners and residents will, on occasion, require moving vans or other large trucks to deliver or collect household items from their residences. These guidelines are meant to provide advance notice to property owners/residents and their agents of the requirements for such large truck access. The objectives of these guidelines are to protect Kenmure roads from damage and to ensure traffic safety within Kenmure while avoiding excessive cost and inconvenience to resident/owners. These general rules apply to large trucks and also cover trucks used for home instruction. See KRMC-01 and KSC-01 for truck parking details.

Moving Van and Large Vehicle Requirements

- **Advance notice**-Advance notice to the Kenmure Gatehouse Security Site Supervisor or Senior Security Officer of any major move into or out of Kenmure is required. Notice should be given using the “Approval for Moving Van Access” form. Note: A Moving Van Access Form (Form NEH 10) will not be issued until Occupancy Permit has been issued by KARC (Occupancy Permit is not required for resales). The Moving Van Access Form is available on the Kenmure web site at www.Kenmure.org, the Kenmure Gatehouse, or at the KPOA Office. This form should be submitted to the Gatehouse at least 72 hours before the intended delivery or pick-up. It is to be approved by the Kenmure Security Site Supervisor or Senior Security Officer on day shift from 7:00 am to 2:30 pm weekdays. Deliveries or pick-ups without pre-approval of the form above will not be allowed. In the event the Site Supervisor or Senior Security Officer is not available for approval, the form may be submitted to the Kenmure Security Committee member on call for approval.
- **Road damage**-The resident/owner is fully responsible for any damage done to Kenmure roads, rights-of way, common property, Kenmure Country Club property or other resident’s property during or as a result of the delivery and pick-up.
- **Vehicle size**-Vehicles, including the length of any trailer/van that is less than 35 feet long will be permitted anywhere in Kenmure for moves of household goods or any other service; except on Tarnhill Drive, between Pineholt lane and Tall Oak Lane. On Tarnhill Drive, vehicles are restricted to two axles and no trailers or pulled vans are allowed. Vehicles longer than 35 feet will often be permitted on Kenmure roads depending on the roads needed for use and access restrictions of the entrance to the residence or lot. The size of the truck permitted on Kenmure roads will be determined by the Security Site Supervisor or Senior Security Officer. After discussing size with the Moving Company agent/driver or the driver for the construction/delivery company, and after safety considerations and a possible drive-through of the route are made, permission may or may not be granted for the trip.

Note: A Moving Van with a trailer length of 26 feet is close to 35 feet in total length, including the cab, so the Moving Van Access Form wording still applies.

- **Restricted entry**-In a discussion with the Security Site Supervisor or Senior Security Officer, the local agent or driver should determine whether the truck involved can reach the delivery address, park without impeding traffic, and return to the gate without damaging Kenmure roads or rights-of-way, without excessively impeding traffic or endangering resident or traffic safety. If the agent and Security Site Supervisor or Senior Security Officer determine that delivery truck/moving van access to the delivery site cannot be achieved safely, then the delivery

truck/moving van is to be parked in the lower Kenmure Country Club parking lot and smaller trucks are used to shuttle the household goods to the owner's location.

- **Cul-de-sac delivery**-For delivery to cul-de-sacs, large trucks should reverse down the cul-de-sac to the delivery location since the turnaround may not be large enough.
- **Pilot vehicle requirement**-For large trucks that are going beyond the lower parking lot, where width and turn radius present a problem for vehicles coming in the opposite direction, but are still deemed to be safely passable on the roads to be used, a lead "pilot" vehicle must precede the truck to warn oncoming traffic and to ensure that the truck can make a wide turn to avoid road or right-of-way damage.
- **Blocking the road**-If during loading/unloading the van or truck blocks any part of a Kenmure roadway, the owner/resident or contractor will be required to hire two private flagmen to direct traffic for the entire time that the truck/van is blocking the road. The owner/resident or contractor must arrange in advance to hire and pay the flagmen. The driver should also place warning cones at appropriate distances in front of and behind the truck to warn oncoming traffic.
- **Hours for deliveries and pick-ups**-Deliveries and pick-ups should be scheduled for Monday through Saturday. No Sunday or holiday deliveries or pick-ups are allowed. Additionally on some days deliveries/pick-ups may be restricted if the lower Kenmure Country Club parking lot must be used because of scheduled Club events. Security Officers who approve moving forms will know, in advance, if a move is possible. If special hardship circumstances exist, the KSC member on call must be contacted in advance to determine if an exception will be made to the rules above, such as extending moves beyond normal work hours. Delivery can begin no earlier than 7:00 am Monday-Friday, and moves must be completed by 5:30 pm; on Saturday they must begin no earlier than 8:00 am and must be completed by 4:30 pm.

Adopted by the KPOA Board of Directors – June 16, 2003

Revised and Adopted by the KPOA Board of Directors – November 7, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by the KPOA Board of Directors – June 19, 2009

Authority: Declaration paragraph 3D, 6

Real Estate, Estate and Other Sales

(KSC-03)

Real Estate Open Houses-Kenmure is a residential community, and the sale of new or existing residences via real estate Open Houses will be permitted and shall not be considered a commercial undertaking as prohibited in the covenants. Real estate Open Houses, however, shall conform to the following regulations:

- A realtor will register an Open House with KSC through the Kenmure Sales Office at least two days prior to the event. Realtors must provide enough copies of specific written driving instructions of the route from the gate to the Open House for all expected visitors at the time the open house is registered.
- The Open House activities will be limited to Wednesday and Sunday afternoons between the hours of 1:00 pm and 5:00 pm.
- Realtors must abide by the KPOA *Declaration of Restrictive Covenants*, Paragraph 25, regarding the prohibition of all signs, with the exception of small directional signs to the Open House during the hours of the event. Signs may be placed at the outside entrance to Kenmure, but shall not restrict visibility of drivers exiting Kenmure. Directional signs must be removed when the Open House activity ceases for the day.
- Individuals attending the Open House shall follow the normal visitor access procedures and policies of Kenmure.
- Abuse or noncompliance with these rules by the realtor may result in limiting or denying future Open House activities in Kenmure.

Estate Sales-It is recognized that Kenmure has a large number of residents who will experience a life changing event while living in the community, such as a divorce, a death of a spouse/partner, or a move from Kenmure; thus, they may choose to reduce their ownership of personal property through an estate sale. An estate sale, in order not to be considered a commercial activity, must conform to the following regulations:

- The resident or agent must register the planned sale activity with the KSC for review and approval at least five business days prior to the event.
- Only one estate sale, covering not more than two consecutive days, will be permitted at the same street address in any 12-month period. Only one estate sale within Kenmure will be permitted each day.
- The sales activity will be “by appointment only.” The names of the appointment holders shall be provided to KSC and guards at the Kenmure Gatehouse by 9:00 am of the day of the event. Only those individuals whose names have been provided will be admitted into Kenmure. Individuals attending the estate sale shall follow all visitor regulations.
- The resident or agent must provide specific, written directions from the gate to the resident’s location for appointment holders. Vehicles must be parked on the driveway of that residence; parking on the shoulder of the road or any road right-of-way is prohibited.
- Estate sale activity shall be limited to the hours of 10:00am through 5:00pm on Monday through Saturday.
- At no time will items be displayed from an open garage, adjacent lawn or property, or from any portion of the property visible from the street.

-Garage sales are not permitted within Kenmure. Garage sales are considered to be a “not-by appointment” sales activity conducted by a resident or his agent.

Adopted by the KPOA Board of Directors on April 21, 2003

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration paragraph 3D, 6

Gate Access

(KSC-04)

In order to maintain Kenmure as a safe and secure community, KPOA has adopted a gate access policy.

Homeowners, lot owners, and others

Bar Code requirement-All homeowners and lot owners are to use bar code stickers installed on their vehicles to gain gate access. Bar code stickers may be obtained by submitting a "Request for Bar Code Decal" form, which is available from the web site at www.kenmure.org or from the KPOA Office in the Kenmure Sales Office. A \$25 fee is charged for each bar code sticker. If the owner disposes of an existing vehicle, the old bar code must be scraped from the vehicle and the number reported to the KPOA Office for deactivation. There is no charge for a new bar code sticker, unless the vehicle purchased is an additional vehicle, not a replacement.

Proof of vehicle ownership-Owners and leasers of vehicles must present proof of ownership or lease of the vehicle when needing a new or replacement bar code. The proof of ownership or lease can be the vehicle registration card or a bill of sale. They must also supply the license plate number, year, make, model, and color of the vehicle.

Problems with bar codes-Gatehouse guards are instructed to grant access only to owners with a bar code sticker. Previously issued Kenmure decals are no longer valid for entry. If a bar code sticker fails to work, the Security Officer will request the driver contact the KPOA Office and determine the nature of the problem after recording the driver's name and license plate number for cross checking in the GateSure system. Vehicles without working bar codes should not be waived through the gate. Habitual offenders will be referred to the Chairman of the KSC for regulation enforcement discussions. If a vehicle without a bar code sticker approaches the outer entry gate, the guard will request the vehicle enter through the inner gate, because manual operation of the outer entry gate is limited to emergency situations and large trucks only.

Non-residents issued bar codes-It is possible for other drivers to be issued bar codes.

- **Renters** who have leases of one month or more may obtain bar codes for up to two vehicles registered to them. Renters who have leases of one month or more may obtain bar codes for up to two vehicles registered to them. The cost of each Bar Code is \$25.00. If a renter is a repeat renter each year, the bar codes may be reactivated each year at no charge.
- **Non-resident Kenmure Country Club members** may purchase no more than two bar codes. These bar codes are red in color, designating KCC membership, and cost \$25.00 each.
- **KEI Employees.** Once the GateSure system is installed, it is planned that all KEI employees with vehicles registered in their names used to drive to work in Kenmure will be issued bar codes.
- **Others**-It is possible that other categories of drivers will be issued bar codes in addition to the above. These categories will be decided by the KSC with KPOA Board approval.

Gate Access for Visitors

Contractors-All contractors are to sign in at the Gatehouse and obtain a temporary pass. Temporary passes may be issued for up to one week for regular contractors and sub-contractors. The temporary passes are to be returned to the Gatehouse upon exit of Kenmure, or when the pass expires. Access is granted on the condition that current KPOA Rules and Regulations are followed.

Visitors-All others wishing to obtain access to Kenmure and who do not have bar code stickers will be considered a visitor and must sign in at the Gatehouse and follow the established security procedures for Kenmure visitors. Residents, lot owners, specified KEI employees, or renters may pre-register guests for admittance into Kenmure by informing the Gatehouse when the guests are expected and providing the

necessary registration information. The temporary passes issued to visitors are to be returned to the Gatehouse upon the visitors' final departure from Kenmure. If a visitor arrives whom the resident, lot owner, KEI employee, or renter has not registered and the individual being visited is not available by phone to clear the visitor, the Security Officer will not allow the visitor to enter.

Residents may wish to allow certain family members, friends or regular service employees to pass through the Front Gate to visit them at any time. They must request in writing or by e-mail to Kenmures@bellsouth.net or by entering this information (permission) into their GateSure website. They should state how long the individual(s) have permission to enter; up to 1 (one) calendar year. Each January Security Officers will re-validate the list of approved visitors for anytime access. Upon entry, the valid pass must be available and displayed in the windshield; otherwise a new pass must be obtained.

Approved by the KPOA Board of Directors – March 3 & 18, 2003

Revised and Adopted by the KPOA Board of Directors – April 18, 2005 and November 7, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Declaration paragraphs 3D & 18

Contractor Work Hours

(KSC-05)

Contractors are individuals who do work under written or verbal contracts with residents, lot owners, or KEI management. They are either individuals who perform work related to new home construction or major home renovation and fall under KARC oversight authority, or they are individuals who perform lawn maintenance, delivery service, utility operators, or resident requested services. The first category will be referred to as “KARC contractors,” and the others as “delivery/service/utility operators.” Refer to KSC-01 “Enforcement”.

Normal work hours-KARC contractors and delivery/service/utility operators in Kenmure are allowed to work Monday through Friday from 7:00 am to 5:00 pm and must be off property by 5:30pm. Saturday work is permitted from 8:00 am to 4:00pm provided the contractor complies with the Saturday Work Rules, below. Contractors must be off property by 4:30pm.

Extended work hours-Work, and deliveries, on weekdays before 7:00 am or after 5:30 pm or on Saturday before 8:00 AM or after 4:30 PM require special approval by the KSC member on call. Permission will be given only in unusual or “hardship” situations and only for specified and limited work hours. The length of the extension, name of the KSC member who approved the extension and the reason for the extension must be entered in the Security Staff’s daily log for record purposes. Extensions will not be given for contractors who fail to complete the job by 5 pm. Project completion must wait until the new work day. KARC contractors wishing to work after normal hours must call the Front Gate Security Officer before 3:00 pm to request approval. Security Officers will contact the KARC on-call member to obtain approval or disapproval.

Saturday work rules

- No outside noise-making activity by a contractor will be permitted on Saturdays. Examples of such non-permitted activity include, but are not limited to: lot clearing, stump or tree removal, use of chain saws or chippers, nailing with a pneumatic or cartridge nail gun, installation of siding, roofing or decking, power washing or other use of compressors, and resurfacing of driveways.
- No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter the gate Saturday or after hours on weekdays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times. Exceptions include lawn maintenance vehicles or vehicles seeking entry to perform KPOA contracted work. Moving vans may also be allowed on Saturdays after approval by the Security Site Supervisor or KSC Member on call.

Sunday and Holiday work-No work is permitted on Sunday or holidays. Holidays include Memorial Day, July 4, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day.

Special allowed work/deliveries-During off-hours and on Sundays and holidays; convenience deliveries, such as pizza, party providers, medical services, or special Mail/UPS/FedEx type deliveries will be allowed by the Security Officers. All other deliveries during these time periods require approval by the KSC on-call member or KSC Chair.

Exceptions to Saturday and Sunday work

- Residential emergencies such as plumbing and HVAC problems, electrical outages, and roof leaks will normally be granted exceptions.
- Hardship situations will be considered on a case-by-case basis by the KSC member on call.

- Any emergency work is to be approved by the KSC member on call, and the approval, including the name of the person granting the approval and reason for the approval must be entered in the Security Staff's daily log for record purposes.

Enforcement Procedures

- After 5:30 pm weekdays and after 4:30 pm Saturdays, Security officers will monitor the exit gate to ensure that all KARC contractors and delivery/service/utility operators have left Kenmure. They will also conduct a drive-by of construction sites between 5:00 pm and 6:00 pm on weekdays and 4:00 pm and 5:00 pm on Saturdays to insure work has ceased at these sites.
- If any contractor leaves Kenmure after normal hours, Kenmure Security Officers will deliver a verbal reminder concerning the rules to the offender; obtain the individual's name, the name of the contractor, vehicle license number, and owner/name/address where the work was being done. This information will be logged into the security record and the violator's supervisor, where applicable, will be advised of the rule's violation. The violation will also be reported to KSC. If the individual is a KARC contractor or sub, the general contractor and KARC contact will also be notified of the violation by the Security officers.
- Delivery/service/utility operators who violate these work rules a third time may be denied access to Kenmure for a period of time by the Security Committee if approved by the KPOA Board. If repeated violations occur and KARC contractors or the sub-contractors of their suppliers for a new home are responsible, the Security Site Supervisor will contact KARC, who may then elect to take action against the contractor/lot owner through a reduction of the refundable building deposit. KARC will take the lead on enforcement action against general contractors and their employees, rather than the KSC.
- The general contractor is responsible for employees, subcontractors, and all persons who supply material and labor for the fulfillment of the general contractor's contract observing Saturday work rules. Any failure to comply by employees, subcontractors, and/or material and labor suppliers can be charged against the general contractor. Any failure to comply by an employee of a sub-contractor or by an employee of a material and labor supplier can also be charged against the employer of that employee. The ultimate responsibility remains with the property owner.

Adopted by the KPOA Board of Directors on March 3, 2003

Revisions adopted by the KPOA Board on April 18, 2005 and November 7, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by the KPOA Board of Directors – July 15, 2011

Authority: Declaration paragraph 3D & 18

Fireworks and Fires

(KSC-06)

Use of fireworks or similar incendiary devices, setting of bonfires, conducting outdoor burning, or the use of an open fire pit device on a deck or in a yard is expressly prohibited at all times. Violators will be subject to fines in accordance with Section 11.3 of the KPOA Bylaws.

Adopted by the KPOA Board of Directors on June 23, 2004

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Authority: Kenmure Declaration paragraph 32C

Appendix I

Enforcement Overview

Purpose

The Kenmure Property Owners Association (KPOA) is staffed and managed by property-owner volunteers. The KPOA does not have traditional police functions or powers. The Association is, however, responsible to follow-up on complaints and reported violations. The purpose of the Enforcement Procedure is to provide the KPOA Board and its Committees guidance in the timely and consistent handling of complaints or reported violations of the KPOA Procedures, Rules and/or the *Declaration*. KPOA Rules & Regulations apply to all persons while on Kenmure property. This includes owners, their dependents, guests, visitors, and service providers. All KEI employees, non-owner Club members, contractors/subcontractors, and service providers must also abide by these rules.

Documenting Complaints or Violations

Complaints or violations will be in writing and include the specific violation, pertinent facts, and the name of the party making the report. In general, violations of a rule or covenant are handled by the responsible Committee.

Process for Handling Owner Violations * see below

Lot Owners are responsible to insure that all dependents, guests, visitors and servants abide by KPOA rules, regulations, and covenants. The handling of owner violations, or those of their family, guests, visitors, or service providers, will be handled in a three-step process:

- **The First Step: Verbal Demand**-The responsible Owner will be informed of the complaint or violation as well as the corrective measures that must be taken. In this **Verbal Demand**, the Owner will be made aware that a “Demand Letter” and possible “Notice Letter” will follow if the situation is not abated. In the case of violation posing an immediate danger to persons or property, or a significant nuisance, the Verbal Demand will be made in person or over the phone as soon as the Board or Committee is aware of the violation. The Owner shall be informed that they must immediately abate the violation or be subject to a fine or sanction. A Demand Letter will be sent to the Owner within 72 hours (see Second Step).

- **The Second Step: Demand Letter Overview of KPOA Enforcement Procedure-**In the event the responsible Owner fails to abate the situation, a **Demand Letter** will be sent which documents the violation, and explains what action (or failure to act) on the part of the Owner resulted in the violation. The Demand Letter will inform the Owner that failure to take corrective action within a stated period of time may result in a fine or sanction.
- **The Third Step: Notice Letter-**If the responsible Owner fails to take corrective action in response to the Demand Letter, a **Notice Letter** will be sent informing the Owner that a fine or sanction is being imposed. The Owner will be notified of the right to request a hearing by the KPOA Judicial Committee within 10 days of the date of the Notice Letter, as provided in the Declaration. If the Owner does not request a hearing within these 10 days, or if a hearing confirms that a fine or sanction should be imposed, the Owner shall be informed in writing that the fine or sanction shall take effect. Fines may be up to \$100 for each violation, and for each day the violation continues (or is repeated beyond five days of a decision by the Judicial Committee confirming that a fine or sanction should be imposed or, beyond 15 days of the date of the Notice letter if a hearing is not requested).

*The Enforcement Procedures for non-owners differ from those relating to owner violations. Non-owners include service providers, contractors / sub-contractors, KEI employees and non-owner Club members. Contact any KPOA Director with questions regarding KPOA Enforcement Procedures.