

# **The Valley Homeowners Association, Inc.**

## **RULES AND REGULATIONS**

Pursuant to Article VII, Section 1 (a) of The Valley Homeowners Association, Inc. (VHA) By-laws, adopted June 24, 1982, the VHA Board of Directors has formulated the following Rules and Regulations for the protection and general welfare of the neighborhood. Owners and Residents of the Valley are expected to conduct themselves and to maintain the common property and their individual lots in a manner to ensure that the community remains a desirable neighborhood. These rules and regulations are intended to supplement the provisions of the Declaration of Covenants, Conditions, and Restrictions of the Association and to ensure a safe, sanitary, and pleasant environment for all Owners, Residents and their Guests.

The Board of Directors may amend any policy. Failure by the Association or any Owner to enforce any of the policies or procedures herein contained shall in no event be deemed a waiver of the right to do so thereafter. Invalidation of any one of these policies or procedures by judgment or court order shall in no way affect any of the other policies and procedures, which shall remain in force and effect.

Owners are asked to report concerns and any damage to the common property to the Board or the Management Company. Please submit the request in writing, as this will insure good documentation, review and timely response.

These rules were approved November 1988 and **were last amended on December 13, 2023.**

## **COMMON AREAS AND SANITATION**

1. **Trash & Recycling Collection:** Curbside trash pickup is provided by the City of Durham on Tuesday of every week and curbside recycling pickup on Tuesday of every other week. Bins are furnished by the City and should be put out only on scheduled pickup day. If you are out of town, please ask a neighbor to remove your bin from the street.
2. Detached outside storage buildings are not permitted.

## **MONTHLY MAINTENANCE FEE**

Owners should pay the monthly maintenance fee on time. Please make payable to The Valley HOA and mail or deliver as noted below. **Monthly ACH draft service is also available.**

### **By Mail**

Allenton Management  
P.O. Box 3250  
Durham, NC 27715

### **In Person**

Allenton Management  
3500 Westgate Drive, Suite 800  
Durham, NC 27707

## **ARCHITECTURAL DESIGN AND CONTROL**

1. Owners are not permitted to make any additions or changes to any part of the exterior of their home unless submitted in writing to the Architectural Control Committee appointed by the Board or Directors and approved in writing by the Board. Verbal requests will not be considered. The Architectural Control Committee and the Board of Directors will have thirty (30) days to approve the request from the date the Owner submits it. A submittal form is provided on the management company's website.
2. All existing landscaping is to be left undisturbed unless approved in writing by the Architectural Control Committee or Board of Directors. All requests for additions or changes to the landscaping must be submitted to the Architectural Control Committee in writing. No verbal requests will be considered.
3. Antennas, solar heating devices, and Satellite Dishes consistent with the Telecommunications Act of 1996, i.e., 21" or less, are acceptable, PROVIDED THAT THEY ARE NOT VISIBLE FROM THE FRONT OF THE HOME.
4. Exterior painting of homes is permitted with existing color only. The Architectural Control Committee must approve color changes.

## **BUILDING EXTERIORS**

1. Signs:
  - When selling, only one for sale sign is permitted and it is to be located on the property, directly in front of your home.
  - Signs advertising "for rent" or "for lease" are prohibited in The Valley. No other sign advertising the property or giving directions to it may be used elsewhere in The Valley.
  - Open house signs are permitted, provided that are placed no earlier than the morning of the open house and removed no later than one hour after the scheduled open house.
  - Security signs no more than 12" by 12" are permitted.
2. Exterior decorations such as seasonal or holiday decorations, including decorative exterior lights, shall be limited, modest and unobtrusive. Garden ornaments such as statues, model animals, etc. that are visible from the front of the home are not allowed unless approved in writing by the Architectural Control Committee.
3. Temporary storage containers (PODS) that are used when moving or for repairs/renovations are permitted for thirty (30) days and may only be placed in the Owners driveway. Any damage to the road, landscaping or pavement caused by the placement of the container on The Valley property will be the responsibility of the Owner to repair.
4. The location and length of time a dumpster may be placed on a lot for repairs or renovations, must have prior approval in writing from the board of directors.

## **LANDSCAPE MAINTENANCE**

**The Valley Homeowners Association is responsible for landscape maintenance. All complaints, comments or questions relating to grounds maintenance should be directed in writing to the Grounds Maintenance Committee Chairman or to the Management Company.**

1. Initial landscaping at a new residence is the responsibility of the developer and builder, with all such installations subject to the prior approval of the Architectural Control Committee.
2. All proposed additional planting or landscaping, removals or pruning must be submitted in writing by the Owner to the Architectural Control Committee, which shall have the right to approve or disapprove and the right to refer the proposal to the Board of Directors for final approval. An Owner shall also have the right to appeal the Committee's decision to the Board of Directors.
3. No special maintenance will be provided for rose gardens, grass different from that generally planted, exotic plants, shrubs, flowers, bulbs, etc., that are planted by an individual Owner, even after said Owner has received prior approval of the Architectural Control Committee.

#### **PARKING AND MOTOR VEHICLES**

1. Parking for approved vehicles is permitted in The Valley, provided they are properly licensed and inspected by the NC Department of Motor Vehicles for that purpose. An **"approved vehicle"** shall include any conventional automobile or van specifically designed and manufactured for private passenger use only. Pick-up trucks and motorcycles owned by residents in The Valley must be parked in the Owner's garage or driveway.
2. Owner vehicles leaving a chemical/oily residue on streets are responsible for cleanup.
3. The operation of a motor vehicle by anyone other than a licensed operator is prohibited.
4. Owners may routinely park only one vehicle on the street directly in front of their home. All other vehicles must be parked in Owner's garage or driveway.
5. Commercial vehicles of any type are specifically prohibited in any area of The Valley, except temporary service vehicles working on or at homes.
6. The storage of boats, inoperative automobiles, mobile homes, trailers, trucks, recreational vehicles, etc., is prohibited. Exceptions to this rule will be made for guests visiting at the residence of an Owner for a period of not to exceed one week.
7. Parking is prohibited on all grassy area. Parking along streets should be limited to guests and/or service vehicles. In any event, streets should be left unobstructed for emergency vehicles to pass through when necessary. Any damage caused by a guest or service vehicle to any public area of the VHA grounds shall be the sole responsibility of the owner of the property where the guest or service vehicle had visited to repair.
8. The Board of Directors reserves the right to enforce towing, at the expense of the Owner or Residents, for any parking violation.

## PETS

1. Definition of Pet: For purpose of this rule, a "pet" includes (but is not limited to) any of the following: dogs, cats, reptiles, livestock, birds or poultry.
2. Only three inside house pets are allowed in The Valley. A pet belonging to an Owner must not at any time be allowed to roam loose and must be on a leash or under voice command at all times when it is outside of the Owner's residence. Any pet running loose shall be considered a stray and may be reported to the Animal Services Division of the Durham County Sheriff's Office at 919-560-0630 between the hours of 8:30am and 5:00pm. A pet is considered a stray when it is off the property of its Owner and not under -restraint by means of a leash, or other device or under voice command. Please note **this provision also applies to cats. Emergencies such as animal attacks and dangerous animals should be reported to the Durham County Sheriff's Emergency Communication Center at 919-560-0900.**
3. No pet(s) can be kept in any form of an outside house, pen, cage or fenced area. Also, no pet(s) can be permanently tethered outside of an Owner's residence.
4. The feeding of wild animals or strays, (except for birds) is prohibited.
5. **Landscaping is expensive and can be easily damaged by pets when not properly supervised. When walking your pet, excrement is to be cleaned up immediately. There is no area in the Valley that this does not apply. This requires all Owners to carry a scoop or plastic bag in which to place the excrement when you walk your pet. Violators should be reported to the Grounds Maintenance Chairman or Management.**
6. Do not leave unattended pets, tethered or hooked on common property or any area accessible to the Ground Maintenance Contractor. Any resulting damage to equipment or injury is the pet owner's responsibility.
7. All pets should be vaccinated and properly licensed with Durham County.
8. The Board of Directors shall have the right to order any person whose pet is a nuisance and who does not comply with the above rules to remove such pet from the premises.

## NON-RESIDENT OWNERS, TENANTS AND RENTAL OF PROPERTY

The Valley is a residential community of private single-family townhomes. While renting for any reason is discouraged, the Board recognizes that personal circumstances do change and Owners may find themselves contemplating renting their units for a period of time. Before making the decision to rent and certainly before having a rental agreement drawn up, Owners need to be aware of the following:

1. **All leases must be for a minimum of one (1) year.**
2. The lease should address these matters of interest to the Homeowners Association:
  - The right of the Association to enforce all the governing documents and more specifically the Policies and Procedures against both Owner and Tenant. The Owner is responsible for supplying Tenant with a copy of these prior to signing of the lease.
  - The responsibility of both Owner and Tenant to maintain the grounds, common areas as well as private property.
  - The liability of the Owner and Tenant for any damage to property and common areas owned by the Association.

- The responsibility of Owner for all Homeowner dues and assessments, regardless of what arrangement Owner and Tenant may make between themselves for payment of these monies.
- A provision prohibiting subletting.
- **Short term room rentals of any kind (such as Airbnb) are prohibited.**

### GENERAL

1. Any suspicious activity should be reported to the Durham Police by calling 911.
2. Door-to-door sales persons are prohibited in The Valley. All solicitations are prohibited.
3. Every Owner agrees that all residence employees, invitees, guests, etc., will be fully informed as to the content of all rules and regulations and assume responsibility for their strict adherence to same. Should an Owner lease his residence for a period of any duration, the written agreement between the Owner and the lessee must contain a provision subjecting the lessee to the Declarations, By-Laws, Rules and Regulations and to other such decisions governing the use of the common areas and facilities.
4. No professional or commercial activities shall be conducted in or from any residence in The Valley. This rule is not intended to preclude individuals from working from their residence as long as there is no commercial traffic, including deliveries, client visits, outside employees, etc.
5. No yard or garage sales shall be conducted in, from or on the private residences, lots or common areas in The Valley. A one time, invitation only estate sale may be allowed with written permission from the board of directors.
6. Owners expressly agree to indemnify and save the VHA harmless from any and all loss or damage caused by the Owner, the Owners contractors, agents or employees to curb, gutter, sidewalks, street paving, water lines, sewer lines, storm drains, telephone lines, power lines, utilities or otherwise, in the course of the Owner constructing or improving his or her property. The Owner further is responsible to cause his contractor, agents and employees to enter into a similar agreement with the Owner prior to commencing any construction. The Owner is also required to indemnify and save the Association harmless from any and all attorney fees and court costs incurred by the Association in enforcing its rights under this clause.
7. No rules or regulations contained herein, or amendments and additions or resolutions added and/or adopted hereafter, shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches that may occur.
8. All personnel hired by the Board or Management Company shall be the responsibility of the Board or Management Company. Any related concerns should be directed to the Board of Directors or to the Management Company for action.
9. No Owner or resident shall direct, supervise or in any manner attempt to assert any control over any employees or service personnel of the Association, nor shall any Owner attempt to send any of such employees or service personnel upon private business for such Owner.
10. Please respect the privacy and peace and quiet for your neighbors at all times and especially between the hours of **10:00 PM and 7:00 AM, as per the City of Durham**

**noise ordinance.** Owners shall not cause or permit any unusual or objectionable noise to be produced upon or to be emitted from their residence. The term "unreasonable noises" shall be deemed to refer to frequent or long continued noises, whether from barking of animals or otherwise, which disturbs the comfort and repose of any Valley Owner or Owners.

**FINES AND REMEDIES**

**Any Owner or Resident found in violation of any of these rules and regulations will be notified in writing prior to any fines or remedies by the Valley Board of Directors.**

**IN ADDITION, THE VALLEY DIRECTORS MAY IMPOSE  
FINANCIAL PENALTIES, AS SET FORTH IN THE  
NORTH CAROLINA GENERAL STATUTE: 47C – 3 – 102, SECTION a (11).**