



Kenmure Property Owners Association  
10 Kenmure Drive  
Flat Rock, NC 28731

## Rules and Regulations

Updated: August 22, 2021

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

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# 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 Owners Association.

*KRMC, KARC, and KSC* refer to the operating committees of the Kenmure Property Owners 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*.

# 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, modular units and manufactured homes 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. Metal roof accents of the standing seam type may be allowed up to 20% of the total roof area. Metal accent roofs must meet the following conditions: The system manufacturer warrants for at least seven (7) years against color or texture change, reflective sunlight glare, and warping or buckling. Only copper accent roofs may be left unfinished to weather naturally. All other metal accent roofs shall be coated with kynar 500, its equivalent or better, applied by the manufacturer. Except for copper, only non-reflective finishes will be approved.

**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 colors should be moderate and compatible with the forest setting.

**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*

*Revised and Approved by the KPOA Board of Directors – November 18, 2016*

*Revised and Approved by the KPOA Board of Directors – April 20, 2018*

*Authority: Declaration, paragraph 7,26,27*

# 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 Kenmure 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.*



## Exterior Alterations/Additions to Existing Houses, Condominiums, Villas, or Cottages and the Use of Dumpsters/Portable Toilets

(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)
- Tree Cutting and Shrub Removal (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)  
Flagpoles may be installed with the approval of KARC, and cannot exceed twenty feet in height measured from the surrounding natural ground area.
- Play Equipment, if visible from any street. (Form NEH 4)  
The installation and placement of basketball goals, soccer goals, racket nets, gym sets, etc., shall not be installed without the approval of KARC.

### Alterations to Condos—PORTABLE TOILETS/DUMPSTERS

When an alteration of any type to a condo requires a port-o-let and/or dumpster, the resident must notify the condo president on form NEH4. (Dumpsters include trailers or any other device used to store debris). The time limit for these objects to be on the property is a maximum of 60 days without special approval. These objects may not be placed on the right of way. When the time limit is up KARC may demand the removal of the objects. Failure to comply will result in a \$100 per day fine.

### Alterations to Existing Homes—PORTABLE TOILETS/DUMPSTERS

**When an alteration of any type to an existing house requires a port-o-let and/or a dumpster, the resident must notify KARC on form NEH4. (Dumpsters include trailers or any other device used to store debris). The time limit for these objects to be on the property is a maximum of 60 days without special approval. These objects may not be placed on the right of way. When the time limit is up KARC may demand the removal of the objects. Failure to comply will result in a \$100 per day fine.**

### Unattached Structures

Unattached structures are expressly prohibited without prior written approval from KARC. If an unattached structure is approved, it must be compatible with the style and color of the main house and it

is highly recommended that it be attached to the main structure by a covered walkway. No trailer, tent garage, shed gazebo, pergola or any other building or structure (temporary or permanent) other than the single-family dwelling is permitted on any lot without the approval of KARC.

*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*

*Revised and Approved by KPOA Board of Directors – May 15, 2015 Revised and Approved by KPOA Board of Directors – August 21, 2015 Revised and Approved by KPOA Board of Directors – August 17, 2016 Revised and Approved by KPOA Board of Directors – July 21, 2017 Revised and Approved by KPOA Board of Directors – April 20, 2018*

*Authority: Declaration, paragraph 7, 9*

# Exterior Lighting for both New Home Construction and Additions to Existing Houses, Condominiums, Villas or Cottages

(KARC-10)

## *Exterior Lighting Alterations/Additions/New construction*

It is KARC's responsibility to protect and preserve the natural beauty of Kenmure and the quiet enjoyment of life by its residents. All decisions by KARC, with regard to exterior lighting, will be based on how it impacts the community of Kenmure.

The purpose of this Rule is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, security, and enjoyment.
2. Minimize adverse offsite impacts of lighting such as glare and light trespass, and obtrusive light.
3. Curtail light pollution, reduce skyglow and improve the nighttime environment.

## **General Requirements**

The use of dusk to dawn light sensors for exterior lighting other than landscape lighting is prohibited.

All exterior lighting should be located to cause minimal impact to adjacent properties, roadways and street traffic. All fixtures attached to the building shall be of a traditional design consistent with the design of the structure and located at appropriate locations. All other outdoor luminaires shall be fully shielded. All exterior lighting shall not exceed the Kelvin color temperatures and lumen (wattage) output defined below. Opaque glass is recommended to reduce glare

Kenmure is a forested community, as such; the use of bright lights that disturb the natural surrounding is prohibited. When installing or replacing lights a Warm or Soft White bulb should be used, as defined a "warm white" bulb is usually considered to be below 3000K (3000 kelvin). This is the light color provided by an incandescent bulb (2700K) or halogen bulb (2850K). Soft White bulbs that provide light at around 3000K to 3500K may be considered "white" or "soft white" under this rule. Bulbs that provide light at around 4100K to 5000K are considered "Cool White" and these start to have a slightly blue feel to them. Bulbs that provide light at around 6500K are considered "Daylight Bulbs" and these have a definite blue and cool sensation to them. Bulbs in the Cool White and Daylight categories are prohibited.

## **Area Lighting**

Exterior light fixtures at entry doors, porches, post or carriage lights on walkways or at the foot of exterior stairways, low voltage landscape lighting and lights at the driveway entrance are considered area lighting and appropriate for safety. These types of fixtures shall have bulb lumens not to exceed 1,600 (100 watts). Where multiple bulbs are in a single fixture, the combined total wattage shall not exceed 1,600 lumens. Please see requirements for low voltage landscape lighting below. Area lighting is allowed at any time you or your visitors are outside after dark but should be turned off as soon as your outside activities have finished so as to not disturb neighbors or the natural surroundings. Area lighting, including wall sconces, but with the exception of driveway entrance and directly above entry doors to the house, should be extinguished not later than midnight. Driveway entrance and doorway lighting may be left on from dusk to dawn.

## **Landscape Lighting**

1. Landscape lighting must be aimed away from adjacent properties.
2. Landscape "up lighting" is allowed with the restriction that the bulb must be in a shrouded enclosure and installed facing the residence to avoid glare from the bulb that is visible from the neighbors or street traffic. This type of lighting should be extinguished not later than midnight.
3. Landscape lighting with shades that direct the light down toward the ground, mushroom type fixtures, may be used to light walkways, patios, and driveways. This lighting may be left on from dusk to dawn.
4. All landscape lighting fixtures shall use bulbs equal to 200 lumens (25 watts) or less.

## Security Lighting

If security lighting is desired, it must be installed so that the arc of the light faces downward and shielded so as to prevent line of sight of the bulb(s) from the street or neighboring properties. Traditional flood light fixtures may be used for security but must be in a fully shielded enclosure and use bulbs which do not exceed 1,600 lumens (100 watts) and have a maximum Kelvin rating of 4,000. Multiple bulb floodlight fixtures are allowed provided they are installed with each light positioned at least 90 degrees from the other and meeting all the other requirements above. Each bulb in the floodlight will be treated as a separate fixture. Shielded directional flood lighting must be aimed so that direct glare from the bulb is not visible from the street or adjacent properties. Security lighting may be motion activated but its duration should be set to 5 minutes or less. In all cases non motion triggered exterior security/floodlighting should be extinguished not later than 11:00 PM.

By definition, all floodlights will be classified as security lighting regardless of where installed on the house or property.

## Approval Process

1. For new home construction a completed exterior lighting plan which includes fixture location, type, lumens and directional reference must be included with the NH1 Home Design Application. Exterior lighting will be reviewed for compliance prior to the issuance of a Kenmore Occupancy Permit.
2. Changes to or additions to existing exterior lighting are considered an alteration and may be requested by completing a NH4 Alteration to Existing Home form and must include details of location, type, lumens and directional reference for all new lighting, including landscape lighting.
3. While existing lighting will be grandfathered, any lighting that causes annoyance complaints from neighbors will be investigated by KARC. If the complaints are well founded you will be required to correct the deficiency, which may include changing bulbs, repositioning the offending lights or changing the entire fixture.

**When replacing bulbs in existing lighting, Kenmore residents must not replace bulbs with rating higher than those listed in this rule.**

Lighting Plan Guidelines:

- The Lighting Plan should be depicted on a site plan, indicating the location of each current and proposed outdoor lighting fixture with projected hours of use.
- Type and number of luminaire equipment (fixtures).
- Lamp source type (bulb type, i.e. high pressure sodium), lumen output, wattage and kelvin rating.
- Mounting height with distance noted to the nearest property line for each luminaire.
- Total Lumens for each fixture.

According to the Department of Energy:

To replace a 100 watt (W) incandescent bulb, look for a bulb that gives you about 1600 lumens.

Replace a 75W bulb with an energy-saving bulb that gives you about 1100 lumens

Replace a 60W bulb with an energy-saving bulb that gives you about 800

lumens Replace a 40W bulb with an energy-saving bulb that gives you about 450 lumens.

*Adopted by the KPOA Board of Directors on May 21, 2021*

*Authority: Declaration, paragraph 7, 22*

# Landscape Guidelines and Rules

(KARC-07)

## EXISTING HOMES

A modification to existing landscaping disturbing more than 250 square feet of the existing landscaping requires KARC approval. Submit form NEH 1 and/or NEH2 (Tree Removal and Shrub Removal Form) with one copy of your landscape design plan to KARC for review.

Any proposed changes of existing materials or additions to the site involving fences, water features, lighting, outdoor structures, communication satellite devices, driveways, walks, statuary, and landscape structures must be approved by KARC.

All landscape design plans for existing homes must also comply with the guidelines outlined in the **New Home Landscape Guidelines and Rules for New Home Construction** (as outlined below).

## NEW HOME CONSTRUCTION

The forested environment of Kenmure is generally naturalistic and beautiful in its simplicity. Special care must be taken to protect the existing native forest, vegetation, topography and natural drainage. Therefore, all improvements should be planned to minimize the alteration of the land, as well as the impact to the environment while maintaining its natural beauty.

All areas of the lot disturbed as a result of construction must be landscaped. A landscape plan shall include all existing and proposed hardscape and softscape. Softscape is defined as all plant material such as trees, shrubs, ground covers, annual and perennial flowers, turf grasses and mulch. Hardscape refers to driveways, walkways, paths, planters, retaining walls, boulders, decks, arbors, pools, water features, irrigation, landscape lighting, etc.

KARC suggests a landscape architect or professional prepare the landscape design and construction documents. This assures that the drawing will be expressed in a standard graphic language that communicates the intent of the design in a manner that the committee will understand. If the submitted plan does not clearly communicate your proposed landscape design, the committee reserves the right to reject your plans and require that they be prepared by a professional and resubmitted.

The site plan is independent of the landscape plan and must be included with the architectural house plan submission. See the KARC Home Design Application NH1.

Landscape plans must be drawn to 1"=10' (min.) to 1"=2'-6" (max) scales with North indicator and must convey a scaled representation of all planting material. Symbols used on the drawing must have a schematic list identifying each symbol. Additionally, the plan must include a plant schedule (listing) identifying species, common name, variety, quantity, and size – trees in caliper of the diameter of the trunk with height indicated from top of root ball and plantings (shrubbery/bushes) in gallons. Plans shall also show the footprint of the house, location of landscape lighting, water features, HVAC units, satellite dish, walks, fences, pools, decks, patios, retaining walls, arbors, planters, etc. Adequate **evergreen** plant screening must be provided for generators, HVAC units, satellite dishes, gas and electric meters. Mulch must be organic ground hardwood or softwood and natural in color. Pine straw may also be used as mulch. Crushed stone or rock may not be used as mulch, but may be used for paths and walkways. The

contractor must be responsible for location of existing utilities before excavating. All tanks must be buried.

Landscape plans must be submitted to KARC for review no later than 90 days prior to requesting the Kenmure Occupancy Permit. All landscape construction and landscaping must be completed no later than 90 days after home construction is completed and the property owner has received the Kenmure Occupancy Permit. Refund of any portion of the landscape deposit will only occur after all landscape improvements have been completed within the 90-day time limit and inspected by KARC.

The landscape plan shall be robust and appropriate to the site with a goal of replenishing the disturbed land, native trees and shrubs. A generous proportion, size and mixture of plants, shrubs, trees and groundcover should be used.

Softening the impact of building foundation and support piers/posts (decks) with plantings is required. Planting the equivalent of 75 percent of the house footprint is preferred. Foundation planting must be a combination of one (1) to five (5) gallon plants with a minimum of fifty percent (50%) to be five (5) gallon size or at least five feet (5') in height. KARC may require additional selections of mature (larger) species or sizes of trees and shrubs depending on the scale of the home and disturbed area of the site.

Plant materials should be selected with consideration of their ultimate size and compatibility with native plants, tolerance to Kenmure mountain growing conditions, invasive potential, resistance to drought and potential damage by wildlife.

Storm water drainage systems in the immediate area of the site must be integrated into the overall landscape design. Poor drainage systems can create a variety of problems for homeowners, including water flowing into the home, wet walls in areas below grade, washout of plant material, and undermining of drives, walks and culverts. It is the homeowner's responsibility to ensure that landscape and building plans make provision for the control of storm water. The following are concepts that must be taken into consideration:

- Water must be directed away from foundations but water must NOT be directed onto neighboring properties and/or Kenmure roadways.
- Direct runoff should be designed to assist irrigation where possible.
- Gutters with captured downspouts are required and must direct water away from the foundation in buried pipes that daylight into rip/rap (rock) designed to prevent erosion.
- Direct water away from septic tanks and fields.
- Boulder retaining walls must utilize landscape fabric to prevent soil erosion and wall failure.  
\*Native sedimentary boulders found during site excavation may not be suitable for retaining walls as they breakdown when exposed to the elements.

*Approved by the KPOA Board of Directors – June 19, 2015*

*Authority – Declaration, paragraph 7B*

*Revised and Approved by KPOA Board of Directors – July 21, 2017*

*Revised and Approved by KPOA Board of Directors – August 17, 2018*

# Trees

(KARC-01)

It is KARC's responsibility to protect and preserve the natural beauty of Kenmure. All decisions by KARC, with regard to the trimming and/or removal of trees and flowering plants, will be based on how it impacts the community of Kenmure.

All statements/requirements under this policy apply to all properties in the community, including vacant lots (Unit), developer lots (Development Lot), existing houses, condominiums, villas, and cottages (Family Dwelling Unit), and KPOA common elements.

All requests for work must come from the property owner or, in the case of a condominium or villa, from its association and must be approved by KARC in writing, utilizing form NEH2 (available at kenmure.org) prior to the commencement of any work. Requests will not be accepted or acted upon from any other person or entity without signed written documentation giving that person or entity permission to act on behalf of the owner. In any event, it is the owner's responsibility to manage approved work and to ensure that the work performed complies with KARC's written approval. KARC will furnish the owner and contractor performing the work a copy of the completed NEH2 form outlining the approved work. Once a written agreement between KARC and the property owner has been signed designating approved work, no other work shall be performed without an additional written agreement between KARC and the owner. Any contractor that does work not approved by KARC may be suspended from doing any work in Kenmure for such period as determined by the Board or terminated as an approved Kenmure contractor.

KARC will generally reject the removal of native flowering trees and native flowering plants. Native flowering trees include, but are not limited to, magnolia, sourwood and dogwood. Native flowering plants include, but are not limited to, mountain laurel, azalea and rhododendron.

Clear-cutting is strictly prohibited. "Clear-cutting" is the cutting down and removal of every, or nearly every, tree in an area.

With regard to trimming of landscape shrubbery, non-native flowering plants and small ornamental trees (crepe myrtles, Japanese maples, dogwoods and the like) including the removal, trimming or shaping of branches in these trees, KARC considers this to be normal owner landscape maintenance and does not require KARC pre-approval.

Trimming up (limbing up) of trees requiring KARC approval is allowed only in the lower 2/3 thereof and must be approved by KARC in writing prior to the commencement of any work. **Trimming in the upper 1/3 of the tree is not allowed, unless specifically approved by KARC.** Topping, hat-racking, heading, rounding over, tipping and crown reduction of trees (The practice of removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs) is prohibited. (See [www.treesaregood.com/treecare/topping.aspx](http://www.treesaregood.com/treecare/topping.aspx) for more information)

Emergency situations that may cause injury or damage to person or property, such as hanging large, broken branches due to wind or ice are an exception, but must be approved by KARC in writing prior to the commencement of any work.

KARC approval is **not** required by the owner of a Family Dwelling Unit (any improved property used as a Single Family Residential Dwelling) for removal of trees **less** than a six inch diameter as measured two feet from ground level or less than twenty feet from a residential structure or less than ten feet from a driveway,

providing landscape modification does not exceed 250 square feet. Areas greater than 250 square feet require KARC approval. If there is doubt, it is strongly advised that KARC review/approval be obtained to prevent any misunderstanding.

KARC approval is required by the property owner for removal of trees having a six inch or more diameter as measured two feet from ground level or twenty or more feet from a residential structure or more than ten feet from a driveway or for native trees and native flowering plants. KARC approval will generally be given when, in its sole discretion, removal or trimming will prevent further damage if the tree, native flowering trees or native flowering plant is diseased, damaged or dying; is leaning toward the residential or other structure such as a deck, pergola or patio; or poses a threat to the residential or other structure. Trees authorized to be removed must be cut to ground level and removed from the lot or cut and stacked out of view, if the wood is to be used by the owner.

### **Removal or Trimming of Trees and Flowering Plants on Undeveloped Residential Lots (Unit) and Development Lots (lots owned and being offered for sale by Kenmure Enterprises)**

KARC written approval is required before subject lots can be cleaned up by clearing brush, fallen trees, and/or removing any trees. In the absence of specific building plans that have been approved by KARC in writing, all trees and native flowering plants (as noted above) and landscape shrubbery shall not be removed.

### **Removal or Trimming of Trees and Flowering Plants on Undeveloped Residential Lots (Unit) and Development Lots to Create Views**

In the absence of specific building plans that have been approved by KARC in writing, trees, including native trees and native flowering plants shall not be removed or trimmed. At such time as the lot owner has a septic permit issued by Henderson County and has staked the septic field and marked with tape trees, native trees and native flowering plants to be removed or trimmed, KARC will make an on-site inspection and may make a photographic record of the original property conditions. KARC generally will not authorize the removal of trees, native trees or native flowering plants unless they are within the designated footprint of the septic plan. When notified KARC may approve the removal of trees, native trees or native flowering plants in a portion of the primary septic field; however, in this case 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.

### **Removal or Trimming of Trees and Flowering Plants for Construction**

Prior to the issuance of a building permit, the contractor shall stake the footprint of the house (including decks and patios), driveway, septic field and construction parking area and mark with tape the trees, including native trees and native flowering plants to be removed or trimmed. When notified KARC will make an on-site inspection and may make a photographic record of the original property conditions. KARC approval, in writing, is required by the lot owner prior to the commencement of any work for removal of trees, including native trees and native flowering plants.

### **Removal or Trimming of Trees and Native Flowering Plants During or Upon Completion of Construction to Create Views**

Trees, including native trees and native flowering plants shall not be removed or trimmed to create a view without prior written KARC approval. At such time as the contractor shall have finished framing the home or thereafter, KARC will make an on-site inspection and may make a photographic record of the



current property conditions. The reasonable removal of trees, including native trees, and native flowering plants for creation of a view may be permitted when it will enhance the value of the property and have no significant negative impact on neighbors or the overall value and natural beauty of Kenmure. KARC may require that the owner, at the owner's expense, engage a registered/certified arborist to advise both the owner and KARC as to the appropriate trees, including native trees, and native flowering plants to remove or relocate to create or maintain a view and to provide for long-term maintenance of a view.

### **Removal or Trimming of Trees and Native Flowering Plants to Create, Maintain or Reclaim Views at Existing Houses**

Trees, including native trees and native plants, shall not be removed or trimmed to create a view corridor without prior written KARC approval. When notified, KARC will make an on-site inspection and may make a photographic record of the current property conditions. The reasonable removal of trees, native trees and native flowering plants for creation, maintenance or reclaiming of a view corridor may be permitted when it will enhance the value of the property and have no significant negative impact on neighbors or the overall value and natural beauty of Kenmure. KARC may require that the owner, at the owner's expense, engage a registered/certified arborist to advise both the owner and KARC as to the appropriate trees, including native trees and native flowering plants to trim, remove or relocate to create, maintain or reclaim a view corridor and to provide for long-term maintenance of a view. If native trees and native flowering plants are removed to create, maintain or reclaim a view, KARC also may require that the owner plant on the property other native plants and trees which will not encroach upon the view corridor.

### **Violations and Remedies**

Each tree, including native trees and native flowering plants removed, topped or trimmed requiring KARC written approval prior to work and for which such approval was not obtained by the lot owner, or which the owner has negligently or intentionally damaged, the owner shall, after written notice and opportunity to be heard, be liable to KPOA for a fine for each violation and as provided in Section 47F-3-102 (12) of the North Carolina Planned Community Act, and for replacement of each tree, native tree or native flowering plants so removed and remediation or replacement of those improperly topped or trimmed in accordance with the requirements of KARC. The fine for each violation shall be defined as an amount not to exceed \$100.00 a day per tree or native flowering plant and may also include the requirement that any tree(s) or shrub(s) removed shall be replaced with one or multiple tree(s) or shrub(s) planted equaling the same total caliper of trees or shrubs removed. Failure to complete the replacement and/or remediation plan prescribed by KARC shall constitute a continuing violation for which cumulative daily fines may apply.

*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*  
*Revised and Approved by the KPOA Board of Directors – June 21, 2013*  
*Revised and Approved by the KPOA Board of Directors – August 17, 2016*  
*Revised and Approved by KPOA Board of Directors – July 21, 2017*  
*Revised and Approved by KPOA Board of Directors – August 18, 2017*  
*Revised and Approved by KPOA Board of Directors – March 16, 2018*  
*Revised and Approved by KPOA Board of Directors – August 17, 2018*

*Authority: Declaration, paragraph 1*

## Fencing

(KARC-03)

In order to preserve the natural beauty of our community, there shall be no fences built in Kenmure unless

approved by KARC. Fencing requests must be submitted on Form NEH5 (Fencing Application) available in the Forms Section on the KPOA website. If applicable, condo association approval is required prior to KARC approval.

If approved, the fence must meet the following requirements:

1. Fence is minimally visible from Kenmure roads or nearby residences.
2. Fence is not taller than 4 feet (Exception: Fences bordering Kenmure community perimeter may be 6 feet high).
3. Fence is of acceptable fencing material: i.e., wrought iron, steel or aluminum in a dark color. (wood, chain link, or synthetic materials are not allowed).
4. Fence is screened with evergreen plants.

*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*

*Revised and Approved by the KPOA Board of Directors – June 19, 2015*

*Revised and Approved by the KPOA Board of Directors – October 16, 2015*

*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 be solid, moderate, compatible with the forest setting and blend with exterior color of the house or condominium. Stark white, off-white, patterns, stripes and pastel colors will not be approved.
- **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*

*Revised and Approved by KPOA Board of Directors – September 15, 2017*

*Authority: Declaration, paragraph 7*

## Wind Turbine (KARC-08)

Kenmure discourages wind turbines, both because inconsistent winds in this area do not generally support profitable operation and because wind turbines are inconsistent with the wooded atmosphere that is fundamental to Kenmure. However, they will be considered under the following limitations:

- requires special use zoning permit from Henderson County
- maximum height above roof peak of 10 feet
- maximum turbine diameter at blade tips of 6 feet
- manufacturer certification – no sound & no vibration
- at wind speeds above 42 MPH the blade unit must turn parallel with the wind direction
- unit may be pole or roof mounted. If roof mounted, the maximum wind load of each tripod foot connection shall not exceed 100 pounds (manufacturers certification)
- no more than one (1) turbine shall be installed on a single lot & that turbine must have a payout that makes practical sense
- must be consistent with North Carolina ridge law.

Submit with this application a lot plan showing the location of the proposed wind turbine and details concerning meeting the above limitations, including an approved Henderson County Special Use Permit. Include a description/specifications of material, showing color. Attach a photograph of the side of the house, or other location, where the wind turbine is to be installed.

On receipt of this application and required submittals, the KARC will review same at a regularly scheduled meeting, and give its decision for final action, normally within two weeks.

*Approved by the KPOA Board of Directors – January 5, 2012  
Authority – Declaration, paragraph 7, 17*

## Mailbox Replacement and Installation

(KRMC-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"> <li>· USPS Approved</li> <li>· Small or Medium Size</li> <li>· Metal or Plastic</li> <li>· Color - Black</li> </ul>	<ul style="list-style-type: none"> <li>· USPS Approved</li> <li>· Small or Medium Size</li> <li>· Metal or Plastic</li> <li>· Color - Earth Tone</li> </ul>	<ul style="list-style-type: none"> <li>· Box not USPS Approved</li> <li>· Box larger than 22"x8"x11"</li> <li>· Excessive weight</li> <li>· Bright or pastel colors</li> </ul>
Post	<ul style="list-style-type: none"> <li>· 4"x 4" wood</li> <li>· Optional cross arm</li> <li>· Optional paper slot</li> </ul>	<ul style="list-style-type: none"> <li>· 4"x4" extruded aluminum</li> <li>· Extruded / molded plastic (Color - Black or Earth Tone) anchored by 4"x4" wood post</li> <li>· 2-2 1/2" diameter pipe</li> </ul>	<ul style="list-style-type: none"> <li>· Wood post greater than 4"x4"</li> <li>· Wood cross arm greater than 4"x4"</li> <li>· Pipe post greater than 2-2 1/2"</li> <li>· Stone</li> <li>· Masonry</li> <li>· Concrete, stone or masonry base</li> </ul>

Location	<ul style="list-style-type: none"> <li>· Front edge of mailbox 8" to 12" from edge of road</li> <li>· Bottom of box 41" to 45" above road surface</li> <li>· Locate mailbox on same side of road as direction of the mail carrier route</li> <li>· If a corner lot, install mailbox a minimum of 100 feet from intersection</li> </ul>	<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*

*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 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*

## 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 18 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*

*Revised and Approved by the KPOA Board of Directors – January 26, 2018*

*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. In the event, RMC approves an exception, it will be the responsibility of the homeowner to fund the cost of installation and to maintain them in case of damage.

**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*  
*Revised and Approved by the KPOA Board of Directors – August 19, 2013*  
*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:

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

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 private golf carts and golf course maintenance vehicles 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 (mph) or such lower speed when indicated by appropriate markers or as may be required for prudent driving, such as during adverse weather conditions. The maximum speed for golf carts is nineteen (19) mph. Golf cart suppliers can install a "speed control device" that automatically limits golf cart speed, even when descending hills.

**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 traffic law or KPOA Rule or Regulation is considered to be operated in a reckless manner. Violations may be committed by 1.) property owner or renter, members of the households and/or guests, or 2.) contractors. Warning letters will be issued for the first and second violation per household or contractor. For violations in excess of two (2) violations in a twelve (12) month period, a fine and/or access restriction may be administered for each additional violation. If deemed to be a very serious violation, a fine may be administered immediately. A violation committed by a guest or renter of a Unit shall be attributed to the Unit Owner as well as to the actual violator. If the violation is committed by a contractor, a fine and/or access restrictions may be imposed. Proper documentation of offenses is required in all instances, and fines to be imposed must be consistent with the KPOA Declarations, Bylaws, 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.

## Private Golf Carts

Private golf carts may be driven on all Kenmure roads, maintained by Kenmure Property Owners' Association (KPOA), but must adhere to all the driving rules in Kenmure. You are permitted to drive your private golf cart on Kenmure Enterprises property ONLY if you are a Kenmure Country Club Member (KCC). All owners of private golf carts must review and sign the "Golf Cart Rules and Safety Precautions" form which is available in the KPOA Office at 10 Kenmure Drive and on the KPOA website.

## Motorcycles, ATVs and Bicycles

**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. The Motorcycle Use Permit 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 the Gatehouse and on the KPOA website.

**ATVs (All Terrain Vehicles)**, 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.

**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 on December 15, 2003*

*Revised and Approved by the KPOA Board of Directors – June 16, 2004, April 18, 2005, November 7, 2005,*

*November 21, 2008, February 17, 2017, November 17, 2017, November 25, 2019*

*Authority: Kenmore 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 construction. See KRMC-01 and KSC-01 for truck parking details.

## Moving Van and Large Truck 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 resale’s). The Moving Van Access Form is available on the Kenmure web site at [www.Kenmure.org](http://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 or the 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 road 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 may be parked in the lower Kenmure Enterprises Incorporated (KEI) Country Club parking lot assuming that KEI agrees that its property is available for use and for parking and the property owner submits a check payable to KEI for \$250.00 for

use of the parking lot. (KEI will issue a \$150 Food & Beverage Credit if you join KCC within 90 days of your move in date.) Smaller trucks are then 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*

*Revised and Approved by the KPOA Board of Directors - January 18, 2013*

*Updated – July 30, 2021 (KEI Parking Fee)*

## Real Estate, Estate/Garage Sale and Political Signs

(KSC-03)

### ***Kenmure Declaration***, paragraph 25

No signs, including "for rent," "for sale" and other similar signs shall be erected, placed, allowed or maintained on any Unit by anyone, including but not limited to a Lot Owner, a Realtor, a contractor or subcontractor, except as provided in Section 47F-3-121(2) or with the written approval of KPOA or as may be required by legal proceedings. If such approval is granted, KPOA reserves the right to restrict size, color and content of such signs.

### **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 a KPOA Security Officer at the Gatehouse at least two days prior to the event. Realtors must provide enough copies to the Security gate of specific written driving instructions of the route from the gate to the Open House for all expected visitors during the Open House period.
- The Public Open House activities (public is welcome) will be limited to Wednesday and Sunday afternoons between the hours of 1:00pm and 5:00pm. Realtors may also hold Listing Preview Open House events (only Realtors are invited) any weekday (Monday through Friday) between 11:00am and 6:00pm.
- Realtors must abide by the KPOA Declaration of Restrictive Covenants, Paragraph 25, regarding the prohibition of all signs with the exception of directional signs inside the community not to exceed 24" x 18" to the Open House during the hours of the event. Tent signs may be placed at the outside entrance to Kenmure, but shall not restrict visibility of drivers exiting Kenmure. All 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 & Garage Sales**

It is recognized that Kenmure has a large number of residents who will experience a lifechanging 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 Kenmore. Garage sales are considered to be a “not-by appointment” sales activity conducted by a resident or his agent.

### **Political Signs**

As defined by the North Carolina Planned Community Act (NCPCA), a "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

In accordance with the *North Carolina Planned Community Act*, 47F-3-121(2), political signs are permitted on a property owned exclusively by an association member. Political signs are not permitted in common areas, easements, rights-of-way, or other areas owned by others.

KPOA adopts the NCPCA's duration, number and size limitations on political signs.

Duration: KPOA prohibits display of political signs earlier than 45 days before the day of the election and later than seven days after an election day.

Number and Size: KPOA permits one political sign with the maximum dimensions of 24 inches by 24 inches on a member's property.

If Henderson County or the Village of Flat Rock regulates the size and number of political signs on residential property, KPOA adopts by reference that ordinance, if that ordinance is less restrictive than this KPOA Rule.

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

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

*Revised and Approved by the KPOA Board of Directors – May 19, 2017*

*Revised and Approved by the KPOA Board of Directors – October 10, 2020*

*Revised and Approved by the KPOA Board of Directors – August 20, 2021*

*Authority: Declaration paragraph 25; North Carolina Planned Community Act, 47F-3-121(2)*

# 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](http://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)

**Definition:** 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 5:30 pm. Saturday work is permitted from 8:00 am to 4:00 pm provided the contractor complies with the Saturday Work Rules, below. Contractors must be off property by 4:30 pm.

### 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. Contractors wishing to work after normal hours must contact the Gatehouse Security Officer to request approval. Security Officers will contact the KARC on-call member to obtain approval or disapproval. No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate after hours; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during those times.

### Saturday work rules

No outside noise-making activity by any contractor will be permitted on Saturdays with the exception of normal lawn mowing and blower clean up. Landscape work not involving power equipment is permitted. Fall leaf blowing and clean-up will be permitted on Saturdays between the hours of 8:00 a.m. and Noon only, and no extensions of this rule beyond Noon will be permitted. Examples of non-permitted activities 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 any Kenmure gate on 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 vehicles seeking entry to perform KPOA contracted work or extenuating circumstances and ONLY after a KSC member on call must be advised and give permission. 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. No trucks, trailers or other vehicles with tandem (double rear) axles will be allowed to enter any Kenmure gate on Sunday’s or Holidays; no trucks, trailers or vehicles with tandem axles will be allowed to operate on Kenmure roads during these days. Exceptions include vehicles seeking entry to perform KPOA contracted work or extenuating circumstances and ONLY after a KSC member on call is advised and give permission. Moving vans are not allowed on Sundays.

### Special allowed work/deliveries

During off-hours and on Sundays and holidays: US Post Office/UPS/Fed Ex/DHL package deliveries; medical services and emergency services/deliveries; convenience deliveries such as fast food and party providers will be allowed by the Security Officers. All other deliveries during these times and days 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/internet/cable 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.

## **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*

*Revised and Approved by the KPOA Board of Directors – May 18, 2012*

*Revised and Approved by the KPOA Board of Directors – November 20, 2015*

*Revised and Approved by the KPOA Board of Directors – July 21, 2017*

*Authority: Declaration paragraph 3D & 18*



## Fireworks, Fires and Devices Using Fire

(KSC-06)

Purpose: Fire is the **single largest threat** to the Kenmure community as a whole, and prevention of fire is a major concern for all homeowners. **Homeowners and KPOA insurance requirements may also be integral to this Rule.**

Approval and Enforcement: KARC is charged with all Approvals and KSC is charged with all Enforcement of this Rule.

Rule:

1. Use of fireworks or similar incendiary devices, setting of bonfires, or conducting outdoor burning is prohibited at all times.
2. Use of an open fire pit device on a deck or yard is prohibited except as follows:
  - a) Fire pits that are fueled by either propane or natural gas may be installed on non-covered decks or patios **contiguous to the residence**, provided that they are not subject to any overhang of trees or shrubs within 10 feet of such installation, or such that falling leaves or debris might land on such operating fire pit and cause hot fly ash dispersion,
  - b) Such Fire pits may be installed on covered decks or patios **contiguous to the residence**, provided that any overhanging roof is higher than 10 feet above such installation,
  - c) Fire pits must have a screen cover, a manual cut off valve, and an automatic timer switch installed on the incoming gas line in order to assure fuel cut off after a prescribed time as set by the owner. (See Fire Magic part 3090, less than \$100, as an example: <http://www.grillandpatio.com/fire-magic-accessories-76/fire-magic-barbecue-accessories-82/fire-magic-3-hour-automatic-timer-safety-gas-shut-off-valve-274.html>),
  - d) All fire pit devices must otherwise conform to the North Carolina Residential Code, the North Carolina Fire Code, and the North Carolina Fuel Gas Code and shall be installed per manufacturer's instructions. The URL link to the applicable codes is at the end of this rule for owners use.
3. Fireplaces and grills **without chimney** may be installed on non-covered decks or patios according to applicable North Carolina Codes and Manufacturer's Specifications. Fireplaces and grills **with chimney** may be installed on covered decks or patios according to applicable North Carolina Codes and Manufacturer's Specifications. All fireplaces must have a screen installed during operation. Residents of condos may be subject to prohibition or additional restraints based on North Carolina Codes or Condo Association rules. Consult with the Condo Association for their current rules.
4. It is the responsibility of the Owner to insure compliance with all applicable North Carolina Codes and Manufacturer's Specifications.
5. The attached form must be approved by KARC prior to any construction/installation of **fire pit** devices. This Form is to be used for New Home, Additional, or Modified construction. Condo and Cottage owners must get their Association's approval for the installation before submitting the document to KARC for final approval.

6 , Compliance to this Rule is required for all residents and property owners who have such devices currently installed (April, 2012).

7. Violators may 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 Revised and Approved by the KPOA Board of Directors – April 13, 2012 Authority: Kenmore Declaration paragraph 32C*

See North Carolina Residential Code, North Carolina Fire Code, Section 308, and North Carolina Fuel Gas Code, Sections 303 and 304, for more information.

Applicable North Carolina Codes may be found on line or in the KPOA Office.

[http://www.ecodes.biz/ecodes\\_support/Free\\_Resources/2012NorthCarolina/12NorthCarolina\\_main.html](http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html)

# Grounds Maintenance Upkeep

(GN-01)

## Rights-of-way

The right-of-way for the road system in Kenmore is generally 10 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 routine maintenance on unimproved lots including mowing, light trimming and removal of dead vegetation. Please see previous sections for information relating to tree and landscaping work requiring KRMC or KARC approval. For example, under brushing of an area exceeding 250 square feet requires KARC approval.

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*

*Revised and Approved by KPOA Board of Directors – August 18, 2017*

*Revised and Approved by KPOA Board of Directors – August 17, 2018*

*Revised and Approved by KPOA Board of Directors – September 21, 2018*

*Authority: Declaration, paragraphs 21, 22, & 24*

# Outside Play Equipment, Flags & Flag Poles, Antennae

(KARC-09)

## PLAY EQUIPMENT

All outside play equipment (basketball goals, soccer goals, racket nets, gym sets, etc.) cannot be placed so that it is visible from any street or neighboring unit without the approval of KARC.

## FLAGS & FLAG POLES

In accordance with the *North Carolina Planned Community Act*, 47F-3-121(1), display of the flag of the United States or North Carolina is permitted. The size of the U.S. or N.C. flag shall be no greater than four feet by six feet. Flags must be displayed, in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended. The term “flag of the United States” is defined in 4 U.S. C. §§ 1-3, i.e., the U.S. flag has thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

Under the Kenmure Declaration, paragraph 9: “No decorative features such as sculptures, bird baths, bird houses, fountains or other embellishments shall be permitted that are visible from any street unless approved in writing by KARC.” Flags other than the U.S. Flag or the North Carolina flag are embellishments. The following types of flags (no greater than four feet by six feet) are permitted:

1. The Kenmure flag,
2. Official U.S. Military Service Flags, including those flags representing military authority or command (See, [Flags of the United States Armed Forces](#) (*only Service flags and Personal flags*),
3. University and college flags, and
4. Garden Flags no larger than 12” x 18” with garden, nature, or seasonal motifs.

All other flags are prohibited unless approved in writing by KARC.

This Rule applies to owners of property who displays permissible flags on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others. Flag Poles may be installed with the approval of KARC and cannot exceed twenty feet in height measured from the surrounding ground area.

## ANTENNAE AND SUCH

Satellite receptacles, ham and citizen band antennas must be placed so as not to be visible from any Kenmure road or by any neighboring unit. KARC may approve installation providing a landscape plan of evergreen plants for hiding the equipment is submitted.

Approved by the KPOA Board of Directors – August 21, 2015

Approved by the KPOA Board of Directors – August 22, 2021

Authority – Declaration, paragraph 7, 9, 1. *North Carolina Planned Community Act*, 47F-3-121(1)

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# Argyle Lane Gate Access

(KSC 07)

## Purpose of Gate:

The purpose of the Argyle gate is to provide the following benefits to residents of Kenmure:

1. Emergency exit in case of certain fire, flooding, or other conditions that may require leaving Kenmure on an emergency basis.
2. Provide faster response by Emergency vehicles such as fire, law enforcement, or medical response teams, especially in Phases IV, V, and VI.
3. Provide general entry/exit to/from Kenmure for residents driving any approved vehicle at any time (see below definitions of approved vehicles).
4. Provide entry/exit to/from Phases IV, V, and VI for larger construction vehicles, either for roads or for residential construction; moving vans; etc., during approved hours (see below). This should save much wear and tear on Kenmure Dr., Elmridge, Berry Creek, and portions of Pinnacle Peak Lane.

**Note:** During extreme weather conditions (RED and/or ORANGE), the G4S Security Officers may close the upper iron gate and place two or three orange cones in the roadway at Hollybrook Dr. to indicate that the gate is closed to any use.

## Characteristics of the Gate:

The Argyle gate is equipped with automatic cross-arms, signage, lighting and cameras so that the Kenmure/G4S Security Officers may monitor this gate 24/7 from the Main Gate-house on Kenmure Drive. The cameras record all vehicles entering and leaving Kenmure, specifically capturing the license plates of each vehicle and recording this on a long term DVR recorder. There is also a camera and a keypad and communication system at the ingress side of the gate arms that can be used for communication to the Main Gate-house.

## Types of vehicles approved for ingress-egress, approved hours, and instructions:

### Vehicles Approved for Ingress:

Most **construction vehicles**, 24' moving vans and **residents** in autos, SUV's, light trucks, vans, etc., will be allowed access to Kenmure via Argyle Lane during approved hours. Until further notice, those vehicles classified as "semi's", large trucks pulling long trailers or "low-boys" with materials or equipment, and large motor-homes **will not** have access to Argyle Lane. These larger vehicles will continue to use the Kenmure Drive entrance. If there is **any doubt**, the vehicle should use the Main Gate on Kenmure Drive.

All Emergency Vehicles may use Argyle Lane for ingress/egress to Kenmure while answering calls to Phases IV, V, and VI. The ingress gate will open with the use of the Emergency Vehicle Yelp siren. Hours of permitted use are 24/7 for Emergency vehicles.

### Vehicles Approved for Egress:

Any approved vehicle may use Argyle for egress. The automatic cross-arm will activate when approaching from Hollybrook Dr. 24/7.

## Construction Vehicles Hours and Instructions:

Contractors, their sub contractors and trucks delivering supplies, concrete, materials, etc. in Phases IV, V, and VI will use this gate **when they are driving vehicles with dual axles with or without a trailer**.

Smaller construction vehicles and work crews in cars or pick-ups, etc. will **NOT** use Argyle; these vehicles will also continue to use the Kenmure Drive entrance. It will be the responsibility of the general contractors to notify all subcontractors and crews which gate to use according to KARC guidelines. KSC will provide these guidelines to G4S. Hours of use by contractors will be the same as for the Kenmure Drive gate - 7:00 AM until 5:30 PM, Mon.-Fri. and 8:00 AM - 4:30 PM Saturday. Temporary closure is possible for weather related conditions.

**Residents Hours and Instructions:**

Residents may use the gate 24/7 unless temporarily closed for weather related conditions. If there is any doubt, the Main Gate on Kenmure Drive should be used. Egress from Hollybrook Dr. is automatic and ingress from Pinnacle Mountain Road may be made by communicating with the Main Gate-house and providing proper identification such as name, address, phone number(s), and/or email address. There is an instruction panel just above the keypad, and those requesting entrance should press **001** on the keypad to call the Main Gate-house. Once approved for entry, the Security Officer will open the gate.

**Guests of Residents or KCC:**

All Guests of Kenmure residents or of the Kenmure Country Club must use the Main gate on Highway 225 at Kenmure Drive.

*Adopted by the KPOA Board of Directors on March 3, 2012  
Authority: Declaration paragraph 3D & 18*

## Unit Combination, Subdivision or Boundary Relocation

(GN-02)

A Unit combination, subdivision or boundary line relocation can be authorized with the prior written approval of KPOA under the authority of the Third Amended and Restated Declaration of Restrictive Covenants, Paragraph 5. (Units were referred to as “lots” under previous declarations and rules) Should a Unit owner (excluding Developer as set forth in the Third Amended and Restated Declaration) wish to combine or subdivide two adjacent Units, a written application must be submitted to the KPOA Board for approval. Once approved, before two Units may be combined, the lot owner must pay KPOA six times the then applicable annual assessment for an unimproved Unit. No fee is required for a Unit subdivision or boundary relocation. After KPOA approval, the payment of any fee, and the filing of a new deed with Henderson County, the Unit owner will be responsible for future annual assessments on any Units in place after the combination or subdivision.

The above rule replaces previous versions of GN-02.

*Adopted by the KPOA Board of Directors, August 27, 2014  
Authority: Declaration, Paragraph 5*



## Appendix I – Enforcement Process

### 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 *Kenmure Declaration* and the KPOA Rules and Regulations. 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 must be in writing and sent to the KPOA Community Relations Board Liaison and describe the specific violation of the *Kenmure Declaration* or KPOA Rules and Regulations, pertinent facts, and the name of the party making the report. In general, violations of a rule or covenant will be referred by the Community Relations Board Liaison to the responsible Committee.

#### Process for Handling Owner Violations \* see below

The North Carolina Planned Community Act, 47F--3-102 (11) and (12) and 47F-3-107.1 set forth procedures for fines and suspension of privileges. In accordance with the Planned Community Act, the Kenmure Restated and Amended Bylaws (dated August 5, 2013) outlines a two-step (Demand and Notice) process for handling violations. In an effort to quickly and amicably resolve violations, the KPOA Board has added an optional preliminary step.

Lot Owners are responsible to ensure that all dependents, guests, visitors, and service providers 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 this process:

- **The Optional Preliminary Step: Informal Demand**-The responsible Owner will be informed by email, phone or in-person of the complaint or violation as well as the corrective measures that must be taken. Phone or in-person contacts should be documented in writing. In this **Informal Demand**, the Owner will be made aware that a formal “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 Informal 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. If not abated, a Demand Letter will be sent to the Owner within 72 hours.
- **The First Step: Demand Letter** -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 suspension of privileges.
- **The Second 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 suspension of privileges 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 suspension of privileges 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.

Updated: June 19, 2020