

## **RULES AND REGULATIONS**

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*The By-Laws of the VZ Top Homeowners' Association authorizes the Board of Directors (hereinafter called the "Board") to adopt such uniform administration Rules and Regulations governing the details of the operation of the condominium, restrictions upon, and requirements respecting the use and maintenance of the units and of the common elements and limited common elements as may be deemed necessary to assure the enjoyment of all unit owners and to prevent unreasonable interference with the use of the units, common elements and limited common elements. The Rules and Regulations will be reviewed periodically by the Board and amended as necessary to better serve the homeowners.*

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## **SAFETY**

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*Safety is of the utmost importance at VZ Top. Please read the following sections carefully and be familiar with safety procedures.*

### **Access**

The Property Manager must have keys to all outside doors of each unit. If you have an electronic door lock, please provide the manager with the current code and all changes or updates.

These will be used in case of emergency and for periodic inspection when a unit is unoccupied. **Owners are required to supply new keys to the Property Manager anytime locks are changed or re-keyed.**

### **Driveways, Parking, Speeding**

Drive friendly. The speed limit on VZ Top property is 10 miles per hour. Excessive speed is dangerous to walkers, joggers, children and pets. The ring road is a ONE-WAY road. Please ensure guests and vendors are aware and follow the directional arrows.

Parking spaces are not pre-assigned to homeowners. When occupied, each of the 40 condominium units shall have the use of one parking space located in front of the unit's building on a first come, first served basis. **However, homeowners in each building may, by unanimous agreement, have assigned parking.** Owners may designate their parking space by a sign approved by the Association and Property Manager.

When all units in a building are not simultaneously occupied, the parking space for the unoccupied unit shall be available to the occupied units on a first come, first served basis. Each homeowner should endeavor to accommodate the parking needs of others in the building, particularly when all units are simultaneously occupied.

Additional parking is available near the Property Manager's office and at designated locations along the road when parking is at a premium. These are marked with guest parking signs. Automobiles should be parked in a manner to avoid blocking condominium entrances. Each

owner is responsible that their guests, tenants and employees observe these rules.

Overnight parking of large commercial trucks, U Hauls, boats, campers, oversized vans, trailers, and similar vehicles in any parking space is prohibited. Construction trailers or other large equipment used during winter months shall be removed between April 1 and November 30. Additionally, between April 1 and November 30 each year, construction vehicles (cars, trucks, vans and others) are limited to one parking space per unit. All other construction vehicles shall be required to park in guest spaces across from the Maintenance office.

**All parking shall be on the left side of VZ Top Road.**

### **Electric Vehicle Charging**

Electrical Vehicle Charger Request and Usage Policy

The Board has appointed the Architectural Review Committee (ARC) to accept and process applications from Homeowners (HO) for the installation of Electrical Vehicle (EV) Chargers and to make recommendations to the Board regarding final approval.

No permanent charging station will be allowed on the ring road at this time. The Board will allow the installation of an electrical outlet sourced from the homeowner's unit at street level for the purpose of charging an electrical vehicle. Where possible, the outlet may be installed in the homeowner's shed.

The following must be included in the submission to the ARC:

- Scope of Project - List of all equipment and design plan provided by licensed electrician; Provide plan to cover cord if requesting for it to remain permanently fixed outside a unit and provide sketches of the proposed installation;
- Copy of electrician's license;
- Indicate where the EV equipment will be located and stored;
- Specify how EV equipment will be secured/locked when the owner is not in residence;

- Sample pictures of conduit, charging stands and any other devices that will be visible from the street.
- Any other relevant details regarding the proposed project.

Cord placement while charging must be such as to not create a trip hazard. Cord must be locked and stored when not in use unless permanently affixed and covered by a licensed electrician.

After proposed project is approved by the Board and the work is completed, a copy of the electrician's license that performed the installation (if different from the electrician that performed the design for the application) and the electrician's invoice detailing the work performed must be submitted to the Board to ensure specifications were followed.

A copy of any governmental permit (if required) must be submitted to ARC before work begins.

The EV can only be charged while the owner or authorized guests are in residence. It cannot be used by renters, nor the unit advertised as having this amenity for renters' use. For example, if the charger is installed in the unit's shed, shed access must be locked to renters or the charger must be secured under lock inside the shed.

The HOA shall not be responsible for any work, repair or restoration of a unit's EV installation or de-installation.

The HOA must be named as an additional insured to cover any potential injuries or accidents caused by the EV charger.

The Board may invoke fines of up to \$1000 for any violations of the EV policy.

The Board reserves the right to amend or revise this policy at any time.

### **Homeowner responsibilities:**

Once approved and installed, the owner must shoulder the following responsibilities:

- Any maintenance, repairs, and replacements necessary for as long as the station remains in the common area or exclusive use common area;
- Any damages to the adjacent units, common areas, and exclusive common areas arising from the installation, removal, replacement, maintenance, or repair of the charging outlet;
- The disclosure of the EV charging outlet to potential homebuyers as well as the disclosure of the associated owner responsibilities falling under this section;
- Purchase and maintain a liability insurance policy with VZ Top Mountain Villas Condominium 1 named as additional insured.

### **Enforcement**

Homeowners should attempt to resolve complaints of a minor or personal nature neighbor-to-neighbor. Minor infractions reported to the Board will be referred back to the involved neighbors for resolution. Examples of minor/personal complaints include (but are not limited to) parking across lines or in space of homeowner in residence; spills from upper decks; leaks between units not part of common structure; etc. If the complaint is of a more serious nature and/or is in violation of the Rules and Regulations contained herein, the complaint should be reported in writing, to the Board. Complaints will be presented to the Board for adjudication and/or appropriate action through assessment of fines (defined herein) or with enforcement by civil legal process if necessary.

All fines assessed to any homeowner for any violation described herein will be billed to the homeowner through the HOA's accounting service.

## **Fire Safety**

VZ Top condominiums are far from fireproof and all occupants should be aware of the possibility of fire. Each person is encouraged to take whatever individual or collective effort necessary to prevent or contain a fire in their unit or surrounding area. Extinguishers are located outside each unit.

Each unit at VZ Top is equipped with both heat sensors and smoke alarms. These detectors are linked by telephone lines to our alarm service which is manned 24 hours a day and automatically notifies the Highlands Fire Department and emergency personnel in case of fire. An audible alarm bell, mounted outside each building, is also activated. Each building also has a red fire alarm reset button in case you need to report a fire. This signal is also tied into our alarm company system. If you accidentally trigger a sensor or smoke alarm, please **DO NOT** pull out the wiring to silence the alarm. Doing so shall result in a \$50 fine plus cost of repairs to the homeowner. Firefighters will already be on their way. **In case of a false alarm, please do the following as promptly as possible:**

1. Dial Highlands Fire Department 828-526-4131 and report the false alarm.
2. Turn off the alarm outside your building by pushing the silence on the alarm.
3. Reset the alarm by entering the numbers 1-2-3-4-1 TWICE. This will silence your alarm noise. Inform our maintenance personnel so that they can reset the alarm system
4. Call the Property Manager on his Cell phone 828-506-3049 to inform him of the issue so that he can check out all of the units in the building.
5. Dial the alarm company 828-692-6179 and report the false alarm. Give the code word "VZ Top" to the operator who will answer and inform him/her of the false alarm.

These instructions are posted outside of each condominium unit. Failure to report a false alarm will result in a false alarm charge by the

Highlands Fire Department (\$250.00 since 10/95) being assessed to the responsible unit owner.

If you do not know the location of the fire alarm reset button and the master cut-off switch in your building, take a few minutes to familiarize yourself and your family with where they are. Check the location and condition of your fire extinguishers. Fire extinguishers are professionally inspected and maintained yearly.

When using your fireplace, be certain that the damper is open.

When thoroughly cooled, fireplace ashes may be placed in plastic bags and put in roadside trash boxes. Ashes should never be placed in paper bags or cardboard containers and left inside your unit. The use of charcoal grills is prohibited. This rule is strictly enforced. **Gas grills must be pulled away from the walls when in use.**

### **Sewage System**

VZTOP owns and operates its own licensed waste treatment plant and sewer system. Because of the nature of this system, it is important that all occupants and owners are aware of the problems caused by flushing foreign objects down the toilets (such as sanitary napkins, tampons, tampon containers, panty liners, disposable diapers, etc.) The objects clog the pipes, burn out the waste grinding pumps, shut down the system and cause very expensive repairs.

Most of our previous problems have been caused by individuals who were unaware of our operation. **Please inform guests and renters and request their cooperation.** Please do not place any protein (animal fat) or oils down your kitchen drain. Please dispose of all oil in the trash, using a jar or container.

### **Trash Disposal**

Our Declaration of Condominium provides “All parts of the condominium property shall be kept clean and sanitary. No rubbish, refuse or garbage shall be accumulated, nor any fire hazard be allowed to exist. No owner shall make, or permit, any use of his unit or the common elements which violate these provisions.”



All trash and garbage not disposed of in the garbage disposal or the compactor must be placed in plastic bags; paper bags or cardboard containers are disallowed because of heavy dew or rain. The Association has arranged for the Town of Highlands to place a dumpster at the sewer plant. Garbage will be picked up from the trash bins on Monday, Thursday and Saturday on holiday weekends by our staff. Homeowners may take their garbage, and items that do not fit in the trash box, to the dumpster at other times. Be sure to secure the dumpster doors & and gate before leaving the area. Securely tied plastic bags containing trash or garbage should be placed in trash boxes each collection morning prior to 9:00 AM. Be sure you have properly secured the lid on the trash box to prevent wildlife from getting into the trash box. **If you find a trash box lock not working, please submit a work order request through Building Engines identifying the location of the box and the problem.**

#### **EMPLOYEES OF THE ASSOCIATION**

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*There will be employees and tradesmen working for the Homeowners Association on the grounds much of the time cutting grass, landscaping, making repairs, etc.*

Owners and renters are requested to avoid giving instructions to these people. If instructions are believed to be necessary, the Property Manager should be contacted. The Property Manager may be consulted by all owners, renters and guests; however, unless an emergency exists, his participation in the remedy of a problem within your individual unit should be confined to consultation only. Any subsequent personal employment of the property manager or other individuals should be limited to hours after normal HOA work hours. Payment for personal service is strictly between the employing homeowner and the employee. A Hold Harmless agreement must be completed by the homeowner.

**In the event a homeowner, guest or renter requires the Property Manager or Assistant Property Manger to come on-site on a weekend, on a holiday or after normal weekday work hours for the purpose of unlocking a unit due to loss of key, forgotten key or**

**otherwise not having the key to their unit in their possession, the homeowner shall be assessed \$200 per incident.**

## **SEASON**

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***VZ Top is open to all homeowners from April 1st to November 30th\****

\*This is referred to as “our season.” The off-season is December 1 to March 31.

### **Opening and Closing of Units**

Homeowners may schedule their spring opening for the season by notifying the Property Manager at least **two weeks** in advance through Building Engines (<https://www.buildingengines.com/login>). In the same manner, at the end of the season each owner must notify the Property Manager through Building Engines that their unit will no longer be in use so that he can schedule closing and winterizing.

Winterization will begin in the month of November, or upon request. This will involve the draining and blowing out of all pipes, anti-freezing all areas as required and any other procedures necessary to prevent freezing.

Once a unit is closed and winterized, a fee of **\$450.00** will be assessed owners **each time** that the unit is re-opened after initial winterization. Upon each departure, the unit shall be re-winterized. Units will not be allowed to remain de-winterized when no owner or guest is in residence. (In residence is defined as being in the unit at least ten hours per day.) **Only three units may be occupied at one time during the off season (December 1 – March 31). Limiting the number of open units to three ensures the property manager will be able to re-winterize the units in the event of a sudden and severe freeze.**

### **Winter Use**

A winter use policy has been in place since the 1979 annual meeting, and recognizes the following:

- a. Homeowners desire to have their unit available for winter use;
- b. There is significant risk of damage to the owner’s unit and neighboring units as well as the personal possessions of others

- when units are used between December 1st and March 31st;
- c. The design characteristics of the plumbing systems are unique and not designed for winter use;
  - d. Occurrences beyond the owner's control, such as power failure, units being inaccessible due to severe winter road conditions roads, are quite possible;

### **Policies for Winter Use**

1. **Only three condo units will be open at any one time.** Owners desiring to use their unit during the period December 1st through March 31st must register their dates in Building Engines at least one week before arrival at VZ Top. If there are more than three homeowners registered for any date, the first three registered will be able to occupy their condos. This limits the difficulty of winterizing multiple units in freezing temperatures and prevents damage to units. The Property Manager will prepare the unit as requested if the weather conditions permit. The decision on weather conditions will be final. If weather conditions change between the Homeowner's notification and arrival that prevent preparation, the Property Manager will notify the homeowner.
2. A \$450 charge will be invoiced to the homeowner each time a request to de-winterize the unit for occupancy is received during the dates of December 1 through March 31 after the initial winterizing is completed. Units will not be allowed to remain de-winterized when no owner or guest is in residence.
3. Because some buildings have water running through the circulating system when a unit is in use, it may be necessary for the Property Manager to insure there is heat in the areas of each unit where the circulating system is located. The owner of the unit in use will be responsible for the cost of electricity to provide heat in those areas if the Property Manager determines it is necessary.
4. Each owner using a unit between December 1st and March 31st will be responsible for all damage to other units should it occur between the time the unit is de-winterized and re-winterized. If

problems arise in this regard, the Board of Directors will make final determinations.

5. Except as noted in Paragraph 3 heat in the unit will be left to the discretion of each owner, since there will be no water in the unit after it is winterized. Owners who are not leaving the heat on should remove items that could freeze and/or break. All Association members will be required to allow the winterizing of their water pipes with antifreeze and will be responsible for damages caused by their leaking water pipes if not winterized by the Association's Property Manager.

As stated above, owners should notify the manager, through Building Engines, two weeks in advance of their spring arrival date (arrivals on April 1 and beyond). Arrival in March will still incur the \$450 winter use fee.

Please submit any questions regarding the VZ Top Winter Use policy to the VZ Top Board of Directors at [president@vztop.com](mailto:president@vztop.com) before occupying your unit between December 1 and March 31.

## **COMMUNITY LIVING**

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***To ensure the enjoyment of all homeowners the following have been adopted:***

### **Bird Feeders**

Most people like birds and provide feeders to attract them. But birds, and the squirrels which are equally prevalent, are not neat in their eating habits. Feeders on the upper decks of condominium flats should be well away from the outside railing, so that the seed hulls are not a problem for their neighbors below. All bird seed should be removed from units when they are closed for the season so rodents will not be encouraged to visit.

### **Business Use of Condominium**

Our Declaration of Condominium states: "Each unit shall be used for residential purposes only and no business of any kind shall be carried on therein." The use of the internet for business purposes is allowed.

## **Children**

We are concerned with the safety of all, particularly children. Parents and guardians are responsible for their safety and behavior.

## **Damage to Property**

Our Declaration of Condominium requires that each owner, at his own expense, keep the interior of his unit in good and sanitary repair. It also requires: Each unit owner shall also be responsible for all damages to any part of his unit, to any other unit or to any of the common elements or limited common elements, which may result from the neglect, negligence, misuse, or misconduct of such unit owners, members of his family, his or their guests, employees, agents, invitees or tenants, and the cost of any such damage shall be added to his next assessment billing.

If a situation develops during an owner's absence (fire, broken water lines, etc.), which causes damage, the Property Manager is empowered by the Board to enter the unit and take steps to correct the situation. Any corrective costs will be charged to owner's account.

## **Deck Use**

All decks and porches overlook a beautiful area and each owner or tenant is expected to play their part in keeping it clean and attractive. Occupants shall not allow anything to fall or be thrown from decks or porches. Also to be avoided is the use of decks or porches for purposes which may make them unsightly from the outside, such as the drying of clothing.

The use of charcoal for outside cooking is prohibited because this creates a fire hazard to our buildings and forest. **When using gas or electric grills you must have a fire extinguisher within reach.** Gas grills must be pulled away from the walls when in use. Please be considerate of your neighbors regarding smoke or cooking odors.

**Upper Units:** Plant saucers are **REQUIRED** under all plants on decks or rear porches to prevent water from dripping onto the flats below. Please practice this common courtesy!

### **Guests (Owner Not In Residence)**

Owners are asked to notify the Property Manager by using the on-line Guest Registration form found on the VZTop.com website of the arrival of guest when the owner is not in residence. This is for your protection to prevent unauthorized persons from occupying your unit and allows the management to notify them if an emergency situation occurs. The board president and secretary will also receive the notification.

It shall be the responsibility of the owners to ensure that their guests are provided a copy of the Rules and Regulations to which they are to conform during their visit. A copy of the Rules and Regulations for Renters and Guests is available in the guest registration link on the VZTop.com website.

### **Mail**

Individual units are assigned postal boxes located near the maintenance office. Please advise your guests and tenants.

Your address at VZ Top is: Your unit number, VZ Top Road, Highlands, NC 28741. In the event you lose your mailbox key, please notify the Property Manager. Do not pry open the mailbox as that is a federal violation.

### **Noise**

Our Declaration of Condominium states “No nuisances shall be allowed on condominium property, nor any use or practice which is a source of annoyance to residents, or which interferes with peaceful possession and proper use of the condominium property by its residents.” This prohibits disturbing noises such as a barking dog, loud TV or stereo, etc., by owners, guests, tenants or employees as well as other nuisances. It is recommended that occupants give consideration to the time of day when using washers and dryers. All other unnecessary noise such as loud conversation on balconies and in common areas should be avoided. Front load washers (in flats) should not be installed due to the excessive vibration they may cause.

## **Pets**

Our Declaration of Condominium reads in part, “No animals, livestock or poultry of any kind should be raised, bred or kept on any part of the property, except that dogs, cats or other household pets may be kept - if they do not endanger the health, or in the sole discretion of the Board, do not unreasonably disturb the owner of any unit or any resident thereof.” **Owners must clean up after their pets.** No homeowner of any dog shall allow the dog to soil, defile or defecate on VZ Top property without immediately removing and disposing of all fecal matter from the ground. Waste disposal posts with scoopers are found throughout the property. Please use them. Dog waste bags should be placed in the pet waste receptacle attached to the trash bins. **The Homeowner is responsible for conveying the rules regarding pets to all guests and renters who are required to abide by these rules.**

### **The dog owner must be in control by leash, chain or harness of their dog(s) at all times.**

1. During HOA functions on The Lawn dogs must be leashed.
  - Informal gatherings – any resident may request that a homeowner leash his/her dog.
2. At other times, dogs may be off the leash on The Lawn, but **MUST** still be in verbal control of the homeowner.
  - Cleaning up after your pet still applies to this area.

### **Leash Violations:**

1. 1st Violation – Request to keep pet leashed made by HOA board via phone call or email.
2. 2nd Violation – Formal letter sent to homeowner from HOA board.
3. 3rd Violation – \$50 fine, to be billed to the homeowner through the HOA accounting service.

## **Use of Firepit, the Lawn, Picnic Tables, and Games**

All homeowners are welcome and encouraged to make use of the firepit, The Lawn, picnic tables and games provided by the Association.

Prior to using the firepit, please ask the Property Manager for instruction in its use. Children **MUST** be accompanied when firepit is in use. **DO NOT** throw any ignitable materials into the firepit. If roasting marshmallows or other food items, please clean all residue from rocks and general area of firepit when done. Please **TURN OFF** the gas to the firepit before leaving the area. **DO NOT** leave an active fire unattended. Please replace all chairs and tables in an orderly fashion around the firepit on the slate skirt. **DO NOT** leave any trash or other discarded materials around firepit. Violations of any of the above shall result in a \$50 fine for each item (example, \$50 if left unattended; \$50 for leaving it on; \$50 for left dirty, etc.)

When using The Lawn, please be careful to leave it in the same condition in which you found it. This means, no holes should be dug; all pet excrement should be bagged and removed; all games should be re-housed; all furniture should be returned to the area and placed in the order in which it was found; and all trash and other debris should be removed. Violations of any of the above shall result in a \$50 fine.

Picnic tables should remain in their original location. If moved, please return them to their original location before leaving. All trash and other debris (including crumbs/residue) should be removed from tables when done. Violations of any of the above shall result in a \$50 fine.

Games are available for the enjoyment of all homeowners and their guests. They are stored in a Rubbermaid storage unit at the rear of The Lawn, the storage box near the firepit or the closet at the Lower Shed. If you are unsure how a game should be assembled, please ask before going with your assumptions. When done, please return all game pieces to their packaging (if packaging was available) and return to the storage unit. Please be sure the doors to the storage



unit are securely closed before leaving. Violations of any of the above shall result in a \$50 fine. Damage or destruction of equipment shall result in a fine of \$100 for each incident.

### **Use of Common Area**

Our Declaration of Condominium states, “No one may add to or alter, or take from, or store items in the common area except on the prior written consent of the Board of Directors.” Roadways, unit entries and other common areas of travel must not be obstructed in any manner and are to be kept free of any materials, which would be unsightly or hazardous.

## **EXTERIOR APPEARANCE**

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***Our Declaration of Condominium provides that there be “no fences, walls or changes to outside appearances of buildings or grounds except as approved (in advance) by the Board of Directors.” Also, outside changes, alterations or additions are prohibited except as approved by the Board. Spirit or decorative flags may be flown from the unit rear porch. Only American flags may be displayed curb side.***

### **Carpet on Entry Ways and Decks**

All carpet on the entry ways will be removed by the Association as non-skid paint is applied to the entry ways. Carpet will no longer be allowed on these entry ways.

All carpet on the rear decks must not be attached to the flooring. There must be at least 6 inches of space between each of the edges of the carpet and the walls of the deck. It must be removable. The carpet must be designed for outdoor use. All damage to the wood on the decks must be replaced at owner’s expense.

### **Ceiling of Rear Decks**

There is to be no exterior ceiling of any material applied to the rear decks except in those cases where the ceiling was part of the original building construction (i.e. under the building roof or under enclosed living areas). Any damage caused by the accumulation of water is to be repaired at the owner’s expense.

## **Flowers and Shrubs**

The Board wishes to encourage the growing of flowers and shrubs by owners; however, any significant effort by one owner should have general approval by the others in the building. Major changes must be submitted to and have the approval of the Board. Trees, flowers and shrubs planted by owners will be considered condominium property and cannot be removed when the owner sells the property.

## **Roofs**

Homeowners are not to attach anything to the roof. To do so voids the manufacturer's warranty and makes the homeowner liable for any problems (such as water intrusion) arising from the damaged area.

## **Satellite Dishes**

No satellite dishes may be attached to any part of the roof, chimneys, vinyl, or fascia of the buildings or to any surrounding tree. The installation shall provide a waterproof condition where the dish connects to the building. The installation location shall be approved by a member of the Board in writing. It should not be visible from the road.

## **ADDITIONS OR REMODELING**

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*In order to maintain the tranquility and peaceful setting for our homeowners during the majority of the season, and provide some time for homeowners to have an opportunity to conduct renovation projects, the Board has adopted the following:*

1. **All major additions, alterations or remodeling of a condominium unit must be approved in advance by the full Board and the homeowner's Accounts Receivable account (dues and fees) must be current before approval is granted.**
2. The Board has appointed the Architectural Review Committee to accept and process applications for construction and make recommendations to the Board regarding final approval.
3. The Board categorizes construction projects in two categories: Major Projects & Minor Projects.
4. No major construction project of any type may be conducted

between Memorial Day weekend (the weekend that includes the last Monday in May) and Labor Day (the weekend that includes the first Monday in September without special permission from the HOA board.

5. There shall be no construction work of either category on any Saturday, Sunday, or holidays at any time between Memorial Day and Labor Day. This does not apply to emergency repairs. Emergency repairs are defined as repairs that mitigate a serious safety issue or a situation that will result in significant damage to a residence(s) if not repaired.
6. All owners conducting major or minor projects that could create any level of noise or disturbance will discuss the project with their immediate neighbors to limit any concerns over this activity. Any unresolved concerns may be brought before the board for resolution.
7. All homeowners will be required to see that all construction debris from any work in their unit is removed from VZ Top property to the satisfaction of the Property Manager. No construction materials are to be disposed of in the VZ Top dumpster or trash bins.

## **MAJOR PROJECTS**

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Major Projects are defined as any structural or interior work that results in significant noise lasting for more than eight hours. Examples of major projects include:

1. Interior demolition
2. Moving, removing, or adding walls
3. Replacing sliding glass doors and significant picture windows.
4. Adding faux or thin rock face to fireplace
5. Installing wood or tile flooring
6. Major tile demolition or installation.
7. Changing/replacing back railing or deck flooring
8. Converting fireplace to gas
9. Converting exterior shed to bathroom

**When submitting a major project to the Architectural Review Committee for review, the following information must be included:**

1. Scope of the project - (List out all changes, i.e., flooring, tile work, doors, windows, etc. by room)
2. Installer or construction company information
3. A current Liability Insurance Certificate listing VZ Top Mountain amount of at least \$1,000,000/\$2,000,000
4. A current Workman's Comp insurance certificate in the amount of \$500,000

**Windows or Moving Walls**

If structural walls are to be moved or new windows/doors installed, the following shall also be required:

1. Name of window/door manufacturer
2. List of specific windows/doors to be replaced
3. Proposed window/door exterior color\*
4. Type of exterior material on windows/doors
5. New windows must meet the current code for this altitude

Currently there is no restrictions on the style of replacement windows or doors selected, whether casement, sliding or awning. Homeowners are encouraged to select a style that complements existing replacement windows in their building. The exterior color of all replacement windows and doors should be **white**, unless the full Board approves an exception\*. The exterior material must be aluminum clad, vinyl, fiberglass or a similar material that never needs painting with the exception of the front and storage unit doors. The HOA will paint the front doors to match the other unit doors.

***\*The Board will strive to maintain consistency in replacement window exterior color, especially in flats buildings 1, 4, 6 and 7.***

All structural work must be designed and inspected by the Association's structural engineer at the homeowner's expense. The engineer

must inspect the framing after the old doors/windows are removed. The engineer will determine if any Association work needs to be completed on the structure before new windows/doors can be installed. Many times, the Association must make structural repairs to damaged frames after they are exposed which is necessary for the safety of all homeowners. Final installation of windows/doors must be certified by the Association structural engineer.

### **Wood Flooring**

The board is revising the sound proofing guidelines required when wood flooring is being installed. At this time, please contact the ARC for advice and guidance before submitting your plans. When the guidelines are finalized they will be posted on the VZ Top website.

### **Sealing Holes in Under Sheathing**

ANY renovation work or repairs that involve creating holes for electrical, HVAC, plumbing, etc., in the under sheathing of the building: These holes must be completely sealed with ¼ " x ¼" heavy gauge mesh fencing material to prevent access to the building by rodents. The **homeowner** must arrange for a final inspection by the property manager once the holes are properly sealed.

### **Fines**

**Any major work conducted without Board approval shall result in a fine of up to \$5,000.** Work that continues into the High Season (Memorial Day weekend – Labor Day) shall also be subject to fines as determined by the board, not to exceed \$500/day.

### **MINOR PROJECTS**

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Minor projects typically can be completed in one or two days and include:

1. Painting
2. Cleaning or installation of carpets or flooring other than wood or tile flooring
3. Window treatment installation
4. Interior door replacement

5. Exterior door replacement – requires ARC & board approval.
6. Plumbing, electrical or other minor repairs and installations.
7. AC/Heat work
8. Installation of prefabricated counter tops and cabinets.
9. Installation of appliances.

### **Approval of Minor Projects**

**While most minor projects do not require Board approval, the Board and the Property Manager must be notified of the project in advance if the work requires the presence of contractors. ARC review and board approval is required before replacing the front exterior door of the unit.**

However, if the work is to be done between Memorial Day and Labor Day, any such project that will produce noise needs to have written approval of neighboring unit owners.

### **Hold Harmless Agreement**

Homeowners hiring the property manager or assistant manager to do work after hours must complete a Hold Harmless Agreement form and submit it to the association president. This form can be found on the VZTop.com website and is good for one year.

If unsure whether the desired project is Major or Minor, the question should be submitted to the Board for determination. All homeowners will be required to see that all construction debris from any work in their unit is removed from VZTOP property to the satisfaction of the Property Manager. No construction materials are to be disposed of in the VZ Top dumpster or trash bins.

### **Parking During Major and Minor Projects**

It is critical that all owners residing at their property between April 1 to November 30 period are able to use their designated parking space. The owner conducting such work must ensure that dumpsters, equipment, or porta-potties are not placed in the parking spots of adjacent neighbors. Please consult with the property manager for a location

for these items. The owner must also ensure that contractors are not parked in owners' parking spaces that are in residence. This will require verification with adjacent owners regarding their parking needs.

If it is determined that contractor(s) are using another owner's parking space without proper authorization and prohibiting an owner from parking at their unit, the Board has the authority to fine the resident conducting the major or minor work.

## **TREE CUTTING**

*The VZ Top Homeowners Association (HOA) has strict rules prohibiting the cutting of trees without authorization. All trimming must have the approval of the Board. Every request will be evaluated by the following standards:*

1. Maintaining the stability of the mountain
2. Health of the tree/s
3. View of the homeowner and neighbors

The current policy, approved by the Board on 9/5/2021, is detailed below and was updated 3/5/2023:

1. The HOA is responsible for all common areas and any trees that are a danger to the building's electrical wires, roads, or walkways.
2. Homeowners (HO) who wish to have view trimming done, must enter the request in Building Engines by August 1 to provide time for Board review and decision-making. View trimming is at the homeowner's expense. The HOA prefers selective thinning and raising the canopy.
3. HO's requesting tree trimming must review their request with immediate neighbors and obtain general consensus regarding the proposed scope of work. It is suggested you consult with your neighbors who might be interested in the same tree trimming to possibly share the expense. It is recommended that you seek advice from a professional landscaper or from the list of HOA Approved Tree Services (ATS) prior to entering the request into Building Engines.

4. The Property Manager (PM) and a Board member will meet with the HO at their unit to observe the view from their unit that would be impacted by the request. If the HO wants the Approved Tree Service present, they should arrange this for the day of the review with the PM and Board member. Trees desired to be trimmed must be tagged by the PM or ATS with ribbon as follows: (PM will provide the ribbon.)

- Green – selective thinning of branches
- Red – cut tree down due to damage/disease or danger to a building (HOA expense); or cut down for enhancement of view (HO expense)
- Yellow – top tree to enhance view

**Topping is strongly discouraged and will likely not be approved by the Board.**

5. The PM will continue to collect the requests and, along with a Board member, complete Step 3 with each HO. By September 1, the PM will submit a list of requests to the Board for approval. Homeowners will be notified that the preliminary list is posted on the website. Input from HOs regarding proposed tree cutting/trimming is due by October 1.

6. Following the homeowners' input, the Board will approve the final list, notify the homeowner of the decision, and publish the final approved list on the website by November 1. The HO is responsible for scheduling the work and making payment arrangements with the ATS.

7. **ALL arrangements between the tree service and the homeowner/s must be described in a written contract that is signed by all parties with a copy of the signed agreement provided to the HOA.** This agreement must include a statement that no work shall be performed by the tree service without the property manager or assistant property manager present on the property throughout the duration of the work.

8. **Any changes in the scope of the work must be communicated by the tree service to the HO.** The HO must inform the HOA president of the proposed changes in the scope of work before



proceeding and, if approved, the contract must be amended to reflect the agreed-upon changes.

9. The PM oversees the work of the ATS. Homeowner (s) will notify the PM via Building Engines of the date the Approved Tree Service will be on the grounds to do the approved work. **The PM will be present during all tree trimming work.** If available, a Board member will be present as well. Trimming should be done by April 30. Special permission is needed from the Board for work done after April 30th.

## **RENTING OR SELLING CONDOMINIUM**

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### **Renting/Leasing**

Our Declaration of Condominium provides that each unit be occupied and used by only the owner, his or her guests, invitees, or tenants, as a residence and for no other purpose. No rooms may be rented. The entire unit must be rented or leased. Lessees may not sublet or assign leases without lessor's approval.

### **Board Notification**

Homeowners shall inform the board president **annually by February 1** that their unit will be rented for either short-term rentals or a longer leasing period.

1. Homeowners must provide the name and contact information of the rental agency or internet service they use each year.
2. It shall be the responsibility of the owners to ensure that they or their designated representative provide to their renters or lessees a copy of the Rules and Regulations to which they are to conform during their visit. A copy of the Rules and Regulations for Renters and Guests is available in the renter notification link on the VZTop.com website.

### **Number of Rentals Allowed**

1. 5 rentals of the unit between July 1 and October 31 but no more than 2 rentals in a month.
2. 1 rental of the unit per month in April, May, June, and November.

## **Unit Capacity When Renting – No Exceptions**

1. 2-bedroom – Maximum capacity is 6 persons
2. 3-bedroom - Maximum capacity is 8 persons
3. No more than three vehicles may be parked overnight, two in guest parking spaces only.
4. Violation of this limitation will result in loss of renting for the remainder of the year.

## **Notification**

1. The HOA must be notified by the owner or rental agent using the online form on the VZTop.com website. Notification is required **at least 7 days** prior to the first day of the rental. Please ask your agent to fill out the form in its entirety before submitting. This notice is received by the property manager, the president, and the secretary.
2. Renters and guests (owner not in residence) will be provided a parking pass that must be displayed on the rearview mirror during their time at VZ Top.

## **Selling Condominiums**

Condominium owners intending to sell their unit, or any interest therein, **must give the Board written notice of such intent along with your realtor information** at the time of listing with a realtor or the time the sale of the interest is initiated. No information will be released to realtors until this notice is received.

1. The owner is required to provide the Realtor with information on how to obtain a copy of the Rules & Regulations, with the most current version available on the [www.vztop.com](http://www.vztop.com) website.
2. A Document Receipt, confirming that the new owner has read the Rules and Regulations must be signed at the time of the closing. It is also available for download on the VZ Top website.
3. The signed document should be emailed to the HOA secretary at [secretary@vztop.com](mailto:secretary@vztop.com).
4. A \$500 transfer fee is to be collected at the closing and mailed

to:

Dept #5968 VZ Top HOA P O Box 11407  
Birmingham, AL 35246-5968

5. The owner or Realtor is required to supply the Board the name and address of the buyer and such other information as the Board may reasonably request.
6. All obligations of the owner to the Association, such as the full payment of monthly maintenance fee, special assessments, etc., must be current at the time of closing.
7. The internet equipment is leased through the HOA and must be left in the unit. **Please do not remove it or return it to the Vyve office.**