**Oak Bluff at Brandywine Bay Condominium Association, Inc.**

**Rules, Regulations and Guidelines**

**For Landscape, Architecture and Communal Living**

Revised March 2021

Oak Bluff Condominiums is a single-family community. These rules and regulations are guidelines

for safe, pleasant and considerate living in a communal environment. The purpose of which is to provide

a superior living environment, protect and preserve the property assets of Oak Bluff, and minimize the

applicable Association and homeowners’ costs.

The Architectural, Landscape & Rules Committees (hereinafter referred to as the Committees) are

responsible for establishing, maintaining, and ensuring compliance with the Rules, Regulations and

Guidelines of the Oak Bluff community. The Committees develop and update this document subject to

the approval of the Oak Bluff Board of Directors. These Regulations apply to both permanent residents

and tenants. Lessors (homeowners) are responsible for their tenants’ compliance with all the Rules,

Regulations and Guidelines and also any violations thereof.

 Because we know that each homeowner is interested in living in harmony with their neighbors and

because many of the guidelines are common courtesy, we do not expect that any homeowner would

willfully disregard them. However, in the event that violations occur, the process for resolving those

violations is outlined at the end of the document.

**Guidelines**

**1) General**

• Each homeowner is responsible for the conduct of his or her family members, tenants, guests,

and service personnel and subject to the Rules, Regulations and Guidelines of both Oak Bluff

and Brandywine Bay Association.

• Security is the responsibility of each resident. Notify the Property Manager or one of the law

enforcement agencies of any suspicious people or activities on the property.

• Personal items may not be left or stored on any of the common grounds and walkways.

• Association’s agents, contractors, or workmen may enter any dwelling unit, patio, or courtyard at

any reasonable hour of the day for any purpose permitted under the Association Documents.

Except in cases of emergency, entry will be made by prearrangement with the homeowners.

• The rocks on the bluff overlooking Bogue Banks are off limits to all.

• Reasonable supervision of children by a responsible adult should be maintained at all times.

* Private events (such as a wedding, affinity group gathering or other events) involving 15 or more

people may be held on the bluff with the approval of the board. Please contact the Entertainment

Committee Chairperson. Be aware that other homeowners may still use the bluff and/or the pier

during your event. Two groups will not be scheduled for the same time.

**2) Facilities**

• Water and other common utilities should not be used or left running for unnecessary or

unreasonable periods of time.

• No one should interfere with the normal operation of watering apparatus or lighting devices in

the common areas. All exterior post lights should be maintained in the “on” position – automatic

sensors will turn these lights off during daytime hours.

**3) Noise**

• Loud parties and high volume from televisions, computers, radios, cell/cordless phones, stereos,

or musical instruments are prohibited – quiet time is from 11:00 PM until 9:00 AM.

• The use of explosives, firearms, fireworks, or other hazardous devices is prohibited on Oak Bluff

property.

**4) Trash**

• All residents are expected to share in the responsibility of maintaining clean grounds throughout

the common areas.

• All trash or garbage MUST be put in plastic bags, tied, and placed in the dumpsters provided.

The dumpsters are for domestic garbage ONLY. The dumpsters are not for pickup of furniture,

appliances, hazardous materials or any other items that are not considered to be normal

household garbage. It is the responsibility of the individual homeowner to remove all other

items other than domestic garbage from the premises. No items should ever be left on the

outside of the dumpster for pickup.

* Recyclables are to be placed in the recycle dumpster located in Corncake Circle. Please refer to

your list of items that can be recycled.

* Trimmings, yard debris, fallen branches, etc. can be placed in the debris container located in

Corncake Circle. The debris container is the left side of the same dumpster cage as the

recyclables.

**5) Plumbing**

• Sewer backup inside of a unit may be the responsibility of Carolina Water/Utilities, Inc. Call 1-

800-348-2383 and they should respond, evaluate problem, call their plumber and clear or repair

the outside piping problem at no cost to homeowner if they are liable. If Carolina Water is

deemed responsible for the back up and there is inside damage, please follow up with them to

address that damage as well.

• Any damage to a unit or building resulting from misuse or neglect of toilets or other plumbing

apparatus (including pipes bursting, etc.) will be the responsibility of the unit owner in which

the problem was created.

* Our HOA insurance policies require that all units be heated to 55 degrees in the winter to avoid

burst pipes. Burst pipes occurring due to heat being off will nullify the insurance policy. All

damage related to burst pipes under these circumstances will be the responsibility of that homeowner.

**6) Hazardous Materials**

• Homeowners are responsible for seeing that no hazardous materials are placed in any areas

within Oak Bluff.

• No homeowner should use or store any flammable oils or fluids such as gasoline, kerosene, or

other hazardous material/explosives inside any dwelling.

**7) Exterior Appearance**

* Please refer to Architectural/Landscape Guidelines section for more specifics.

• No one, without the approval of the Committee, should alter or install any item in the stucco on

the exterior of a unit or building.

• Clotheslines, equipment, garbage cans, woodpiles or storage piles, must be kept within the service courtyard.

• No one, without the approval of the Committee, should alter, modify or install any fixtures,

monuments, decorative items ( such as flags, birdhouses, bird feeders ), trees or shrubs in any

common area. Owners may place plants in pots and other small items in the immediate area around their back patio, however, no items should be placed in the grass or common area that would prevent the landscape crews from accomplishing routine maintenance.

• Propane tanks and HVAC units must be enclosed within a structure approved by the Architectural

Committee.

* Interior window treatments visible from the parking lot side of the unit must be white or off-white. Window treatments visible from the back side of the unit may also include other neutrals,

such as beige or wood tones.

* Torn and worn out window screens must be removed, they may be replaced if desired.

• Nothing should be hung from the lampposts.

• Chimineas and similar portable heat sources using real or synthetic wood are prohibited. Propane gas fire pits/bowls, gas grills and charcoal grills are acceptable if used at a safe distance from structures and other combustible materials. Propane tanks must not be left in open sight when not in use.

• No For Sale/For Rent signs are permitted in yards or windows.

**8) Balconies**

• No clothing, linens, towels, etc. may be hung on balcony railings, porches or windowsills.

• Avoid putting glass top tables on balconies unless the tops are securely fastened to the table

frame.

• When absent for an extended period of time, secure your unit by removing all outside

furniture, plants, etc., from balconies and patios.

• No grills are to be stored or used on balconies.

• In the event of strong winds and hurricanes, remove all outside items from the balcony areas.

Homeowners will be responsible for all damages to their units as well as any other units caused

by personal items left on balconies or patios.

**9) Patios & Parking Lot Entrances**

• Plantings or alterations of existing plantings, except flowers immediately around back patio, must be approved by the Landscape Committee. **(Please refer to Architectural/Landscape Guidelines**

**for more specifics.)**

• Vegetables are not allowed to be planted in the ground.

• Neglected brick patios may be cleaned, weeded, and/or repaired by the Association, and the

individual homeowners will be billed for the expense. Unpaid bills will be treated like any other

unpaid assessment. A lien for the cost plus late fees may be filed against the property until the

amount is paid and the matter is settled.

• No storage buildings or similar structures (other than structures housing propane tanks) are

allowed on patios or in any other external areas, other than service courtyards.

• Only removable items such as plants, patio furniture, storage benches, and grills are permitted on

patios.

• No towels, clothing, linens, or other related items may be placed upon privacy walls separating

patios.

* Parking lot entrances may not be used for storage of any kind (such as coolers, skate boards, sporting equipment, pet crates etc.)
* A patio chair, small table, or bench may be placed in the parking lot entrance as well as plants in planters and doormats. Plants in pots are not allowed in the common areas at the front entrances. Beach or lawn chairs and and/or plastic furniture are not allowed in the parking lot entrance.

**10) Service Courtyards**

• Maintenance (including clean up, placing ground cover such as rocks, pine needles, etc. on

surfaces) of service courtyards is the responsibility of homeowners.

• Utility buildings may be constructed at homeowners’ expense, but these structures must not

exceed the height of the exterior service walls **and require approval of Architectural Committee.**

**11) Parking**

• There are enough parking spaces at each building for each unit to utilize 2 spaces. The exception

is Corncake Circle, which is short one space. ***There are no assigned spaces.***

• Temporary parking is available in the community parking area by the swimming pool with

permission of BBA. There is NO ADDITIONAL PERMANENT PARKING.

* No commercial vans, commercial trucks, trailers, boats, or personal watercraft are to be parked

overnight in the residential areas (An exception with regard to contractor vehicles may apply –

see Contractor Guidelines). Vehicles in violation will be towed at owner’s expense.

**12) Contractor Guidelines**

* Contractors should park in designated parking spaces only.
* Contractor trucks or trailers may remain on site for a limited time with permission while home

improvements are being made. The property manager must be contacted for permission and kept

informed.

* Contractors need to clean up all debris, residue, etc. that they generate from the job. Every effort

should be made to not send chemicals or debris down the parking lot drains as these go out to the

Sound.

* While working for the HOA, contractors will use common utilities. Only with a homeowner’s

permission should they use utilities paid for by an individual homeowner. When working in a

specific unit, contractors should use the utilities of that unit.

* Contractors should take with them all debris generated from the job. Dumpsters are for regular

household garbage, not demolition debris.

* No contractor may perform any exterior repair or modification without the Board’s knowledge

and approval. Please refer to Architectural Guidelines.

* There will be no contractors invoicing the HOA for services performed at the request of an

individual homeowner.

**13) Leases**

• An amendment for leasing of units was approved in 2009. Homeowners interested in leasing a

unit must comply with this amendment. Legal action may be taken to enforce adherence to

leasing amendment. Please contact the property manager if you need a copy of the amendment.

• Lessors (homeowners) are responsible for their tenants’ compliance with all the Rules,

Regulations and Guidelines and any violations thereof.

**14) Pets**

• Dogs and cats must be “under control” in accordance with the Carteret County Code of

Ordinances, Chapter 3: Animals.

***(https://www.municode.com/library/nc/morehead\_city/codes/code\_of\_ordinances?nodeId=PTIIC***

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• Pet owners MUST clean up deposits after their pets. Proper clean up means complete removal of

deposits, bagging and disposal in the dumpster.

* Dogs must be kept on leash at all times when outside.

**15) Dock/Pier**

• Children up to 10 years old must be accompanied and supervised by an adult at all times.

• Absolutely no diving or jumping from pier due to shallow water.

• Fishing is permitted. Fish cleaning/bait cutting must be on a board or at cleaning station, and all

residue must be thoroughly washed away.

• All equipment, floats or other recreational items must be removed from pier and not left

overnight. Any items left on the dock may be removed and disposed of by the Association.

• Secured dock carts may be left on boat slip finger until boat owner returns.

* Boats can be docked at your own risk and only when homeowner is in residence to monitor

current weather conditions. The Association is not responsible for damage or theft.

* Kayaks may be left tied on the designated kayak racks of the pier during the season.

Homeowner should monitor the weather and remove the kayaks in advance of coming storms.

Homeowner will be responsible for any damage to the pier caused by the kayak. The

Association is not responsible for damage or theft.

• Ropes and lines must be short cleated (no excess rope lying on dock).

• Homeowner is responsible for any damage to the dock/pier as a result of improper docking or

failure to monitor boat, kayak or floatable.

• Boat docking is not allowed on T-dock. T-dock is only for pick-ups and drop-offs.

• Crab pots are not to be placed in boating area.

• Only homeowners or tenants and their guests are allowed to use dock/pier.

* No grills of any kind are permitted on the pier.
* Ladders at T-section of pier are to be returned to the “up” position when not in use.
* Please close the gate when entering or leaving the pier.

• Parking in spaces in front of Buildings 1 & 2 is not permitted by pier users. Please unload and

return your vehicle to your parking lot.

• As a homeowner, you may reserve the gazebo area for an event involving 15 or more people.

Please contact the Entertainment Committee Chairperson. Be aware that other homeowners may

still use the pier during your event. Two groups will not be scheduled for the gazebo area at the

same time.

**Architectural/Landscape Guidelines**

**Revised March 2021**

The Architectural, Landscape and Rules committees are responsible for regulating and

Preserving the architectural integrity of the building exteriors, the exteriors of the individual homeowner units, and the grounds of Oak Bluff. The committees regulate the external design, appearance, use and condition of the buildings in order to preserve and enhance property values, maintain a harmonious relationship among structures, landscape, and topography; and try to minimize the cost of ongoing maintenance. These guidelines represent a combination of requirements contained in the By-laws of the Oak Bluff Homeowners Association and resolutions approved by the Oak Bluff Board of Directors (both past and present).

**Guidelines**

1. No improvements, alterations, repairs, change of exterior paint colors, plantings, grading,

excavations, and/or tree removal which in any way alters the exterior of any unit/building, front

entrance (parking lot) walkways, and patios shall be made without the prior written approval of

the respective committee. (Exception: homeowners may plant flowers or small bushes in the

immediate areas around their back patios, and/or replace a dead or dying shrub of like kind, without approval.)

2. Any homeowner desiring to make any improvement, alteration or change to architecture or

landscaping shall submit plans, specifications, and drawings showing the nature, kind, shape,

materials, plantings, and location of the improvement to the respective committee for evaluation.

***A Request for Approval form must be completed and submitted to the Committee for review.***

3. In the event the Committee fails to approve or disapprove in writing a request or application for improvements within thirty (30) days after the plans and specifications in writing have been

submitted, approval will be deemed granted.

4. As a condition to the granting of approval of any request or application for improvements, the

Committee may require that the homeowner requesting such improvements be liable for any cost

of maintaining or repairing the approved project. If such condition is imposed, the homeowner

shall evidence his consent thereto by a written document in recordable form satisfactory to the

Committee. Thereafter, the homeowner and any subsequent homeowner of the improvement, by

acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to

covenant and agree that any cost of maintenance and repair of such improvement shall by the

responsibility of the homeowner.

5. No fence or projection from a structure (whether of a temporary or permanent nature, and

whether or not such structure shall be affixed to the ground) shall be erected, maintained, or

improved without the prior written approval of the Committee.

6. Homeowners must not insert any fasteners and or other objects (including hurricane protection

measures) in or on any exterior unit/building structures without the approval and direction of the

Committee. Any holes allowed in exterior structures MUST BE sealed with an Oak Bluff

approved sealant.

* Hurricane shutters may be installed at the homeowner’s expense with approval of the

Committee. The Committee has an approved color, style, manufacturer, and installer for

hurricane shutters. Please contact the Architectural Chairperson for this information.

* Hurricane shutters may be put in place once a named storm is deemed a threat. Shutters should

be removed within 48 hours of the storm passing and no longer considered a threat.

9. Propane tanks on patios must be enclosed in a structure approved by the Committee.

 Propane tanks not on patios, and also HVAC units must be enclosed in a structure approved by the Committee. Any exterior enclosures must be maintained by the homeowner and kept in good condition. The enclosure should be painted the same color as the exterior walls of the buildings.

10. All exterior windows and doors on units (including sliding glass, front entrance, and storm

doors) must adhere to the established design and color schemes for doors throughout Oak Bluff.

Only approved windows and doors may be installed – sources for these items may be obtained

from the Property Manager.

11. The replacement or repair of individual unit balcony railings, patios and front (parking lot)

entrance walkway surfaces, and underground wiring for exterior post lights is the responsibility

of each homeowner. Any such replacement or repair must be approved by the Committee.

12. Homeowners’ storage buildings or other similar structures are only allowed in service courtyards and not on patios or in any other external areas. No part of these structures may exceed the

height of the exterior service courtyard walls.

13. Signs identifying homeowners’ units must be placed on the designated outside service courtyard wall (all signs in same location). These signs must also conform in size, shape, design, and color to existing signs. In addition, they must contain either the last name(s) of the individual(s)

owning the unit along with the unit number in numeric format (example 127), or just the unit

number in alpha format (example: one twenty seven). Signs are made and installed at

homeowners’ expense***. Contact property manager for ordering.***

14. Permanently installed awnings are allowed only on 3rd floor balconies and on entrances to

kitchens from the service courtyards. Awnings must conform in color, design, shape, size and

appearance to those awnings already approved and installed. Damage to any homeowners’ units

due to awnings becoming detached from their installed locations or damage from awnings for

nay other reason is the responsibility of the homeowner who owns the awning.

15. Homeowners are encouraged to maintain (watering, weeding, etc.) the plantings within the

immediate vicinity of their units to promote a pleasing grounds appearance and minimize the

costs to the Association.

16. Landscape clean up on brick patios not maintained by individual homeowners will be handled by the Association at the homeowner’s expense.

17. Groundcover around front entrance walkway and patios must be either plantings approved by the Committee, pine needles, or both ( rocks are only allowedin the service courtyards and within the “limited common area” of the patios.) No rocks should extend beyond the brick patio area into the common use area of Oak Bluff.

18. Homeowners are required to adhere to the guidelines and are asked to advise the Committee of any observed violations.

19. Committee members will periodically inspect exterior units, buildings, and grounds in an effort to monitor adherence to the guidelines. Homeowners that do not comply with the guidelines will

be notified in writing via letter or email and will be held responsible for rectifying any improvements or changes requested by the Committee.

**Report any problems to the Property Manager, Dion Sutton, via email: theoakbluff@gmail.com**

**and phone number 252-646-0897. In an emergency, also report the problem to a Board member.**

**Violation of Rules, Regulations and Guidelines:**

**Process for resolving violations**

1. Notice of the violation will be sent to the homeowner. This notice will allow for the

homeowner to correct the violation in a reasonable amount of time. It will also provide a

date, time and place for the homeowner to attend a hearing before the board of directors. At

this hearing the owner would have a right to contest the violation as well as present evidence

in support of their position. If the violation is corrected before the hearing, the matter would

be considered closed and there would be no hearing.

2. The hearing will take place.

3. Immediately following the hearing, a notice of the outcome of the hearing will be sent to

the owner. If the violation is determined to exist, this notice will state that the owner has five

days to correct the situation or begin incurring fines of $150 per month beginning on the

sixth day after the notice is issued and added to each month the violation continues.

4. In certain situations the HOA may take action to correct the violation. Any fees incurred

by the HOA to correct the violation will be billed to the homeowner.

5. Unpaid fines (#3) or unpaid bills of service (#4) will be treated as any other unpaid

assessment and could result in a lien against the property until the fines or costs to rectify are

remitted and the matter is settled.

6. Repeated violations of the Rules or OBHOA By-Laws may, by vote of the Board of

Directors, result in suspension of use of all common areas by the offending party.