



*BONTERRA*  
VILLAGE

Homeowners Association, Inc  
Indian Trail, NC

PROPERTY OWNER'S HANDBOOK  
of  
Rules and Regulations

Revision 1B  
Published  
February 2023

**Bonterra Village Homeowners Association  
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## I. INTRODUCTION

The Board of Directors of Bonterra Village Property Owners Association (HOA) has adopted the Rules and Regulations in this Handbook to enhance the enjoyment of a 'Village' lifestyle for residents, their families, and guests.

Village living is a relatively new experience for many residents and differs from owning a home in a solely single-family community. This Village consists of single-family homes, garden homes, patio homes, townhomes, Charleston homes, live/work units in Four construction phases.

These rules apply to all residents and guest(s) of units at Bonterra Village, whether they are unit owners or renters. They are designed to assure the safety and well-being of all residents, the proper use of Bonterra Village's common areas, the maintenance of our properties, and the application of city and state safety regulations.

These Rules and Regulations are established under *Article 3 Section 3.2(a)* of the Covenants and will be reviewed as necessary by the Board of Directors, which may alter, amend, revoke or add to them for the preservation of safety and order in the community. If you have any questions about these Rules and Regulations, please contact The Board of Directors/Community Manager.

Board of Directors email. - [Board@bonterrahoea.com](mailto:Board@bonterrahoea.com)

## II FINANCIAL MATTERS

### A. Dues and Assessments

As more fully provided in the Covenants, each property owner is obliged to pay the Association monthly assessments (dues) and any special assessments. Any account in arrears may be forwarded to the Association's legal counsel for collection. The unit owner is responsible for all legal fees and expenses associated with collection. Failure to pay the assessments may result in a lien against the member's property. In addition, access to amenities will be suspended.

### B. Payment

Assessments are due on the first day of the month and considered late if payment is not received by the 15<sup>th</sup> of each month. Payments that are considered late will be assessed late fees which will be added to your account.

### C. Special Assessments

The Association reserves the right to levy special assessments to cover any unforeseen operating expenses. In addition, Bonterra Village Homeowners Association has the right to levy certain assessments for purposes outlined in Article 8 Section 8.2 under the Covenants.

### D. The Association's Financial Statements

Monthly financial statements are available to any Property Owner on the official Bonterra Village website at [www.bonterrahoea.com](http://www.bonterrahoea.com).

### III RULES AND REGULATION - ADMINISTRATION

The creation of rules and regulations are a common tool used by Associations to invest the Board of Directors with acceptable standards designed to enhance enjoyment and living in the community.

#### A. Obeying all Legal Requirements

All residents, their lessees, resident house guests, and other guests are expected to obey all Federal, or State laws, City or County laws and ordinances, as well as the Covenants, Bylaws, and Rules and Regulations of Bonterra Village. The Association will fully cooperate with law enforcement agencies when appropriate.

#### B. Enforcement

The Association through the Board of Directors and its officers shall enforce these Rules and Regulations, and other restrictions set out in the Covenants, through fines, other Enforcement Measures, or appropriate legal action according to current Federal, State and Local Laws.

##### 1. Fines and other Enforcement Measures

- a. Any violation of the restrictions shall be subject to the imposition of reasonable monetary fines, at the discretion of the Board of Directors. Any such fine shall be added to and become part of the assessments against the property of the violating owner. Fines, as well as a lien against the Property, will be the personal obligation of the owner of such property, if not paid.
- b. Suspending an owner's right to vote.
- c. Suspending any person's right to use any recreational facilities and other amenities within the common areas.
- d. See *Article 7 Section 7.5* under the Covenants for a complete list of enforcement measures.

##### 2. Enforcement of Parking and Vehicular Rules

Any resident of Bonterra Village responsible for violating any of Bonterra Parking and Vehicle Rules (*Section IV, C*) of the Property Owners Handbook shall be brought to the attention of any Board member or property manager per (*Section III, C of the Property Owners Handbook*). The resident shall be notified in writing of the violation and provided with a copy of the appropriate rule from this Property Owners Handbook (as amended) and asked to correct the violation. If the violation remains or occurs again, the Board may issue a notice to the unit Owner (and the resident in the case of rented units) and assess a fine against the unit Owner as outlined in (*Section III, B, 1 a*) of the Property Owner's Handbook. The Board may also request the unit owner and/or the offending resident to appear before the Board. If the unit Owner and/or resident appear, before the Board, for a hearing, after which the board will determine if further action is warranted. If neither the unit Owner nor resident appears, the Board shall issue a notice of noncompliance and shall continue to fine the unit Owner.

##### 3. Enforcement of Architectural Review Committee (ARC) Rules

- a. Per *Article 7 Section 7.5(a)vi* under the Covenants, the ARC may require an Owner, at its own expense, to remove the structure or improvements on such Owners Unit in violation of (*Section V*) of the Property Owners Handbook and to restore the Unit to its previous condition. Upon failure of the Owner to do so, the

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Board or its designee shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as previously existed, and such action shall not be deemed a trespass.

### C. Reporting Violations

Any resident may report a violation of a Covenant, a Bylaw, Rule or Regulation, and should do so, preferably in writing, to the Board of Directors/Community Manager. A report should contain sufficient information to allow the Board of Directors/Community Manager to attempt to rectify or address the reported situation.

## IV LIST OF GENERAL RULES AND REGULATIONS

Listed below are Rules and Regulations that pertain to many activities in Bonterra Village Community.

### A. Maintenance

1. Performed by the Association.
  - a. The Association is responsible for maintaining all areas of Common Open Space and amenity areas within Bonterra Village. All such areas are the property of the Association.
  - b. No resident shall cause any object to be affixed to the common property (including the planting of any plant material) or in any manner change the appearance of the common area.
  - c. Any requests, complaints, or suggestions should be submitted to the Board through the Community Manager or to a member of the Board directly, and not to lawn care company personnel.
2. Horse Stable and Pastures:
  - a. The Horse Stable, Arena and pasture are part of Bonterra Village. Ownership and maintenance of this area and any future area is under the ownership of the Bonterra Village HOA.
  - b. See Appendix D: Rules and Regulations for Horse Stable and Pastures.
3. Lawns and Landscaping for Single Family Homes.
  - a. All improvements and maintenance, including landscaping, located upon individual property owners lots are the responsibility of the property owner. Property owners who lease or rent their units to residents should strongly encourage them to water new growth of grass on their lots and to keep their lawns watered during the summer months, unless Union County Water issues a county wide moratorium on lawn watering, to maintain an attractive appearance.
  - b. Owners and residents are required to keep their property maintained in such a manner as to provide a neat and attractive appearance. Owners and residents are to keep curbs and storm water drain grates adjacent to their property clear of leaves, pine straw and debris.
  - c. Trees located between the sidewalks and the street are considered common areas in phases one and two and are maintained by the HOA.
  - d. Trees in those areas in phase three are maintained by Indian Trail. When phase 4 is turned over to the HOA, Indian Trail will be responsible for those trees.

### B. Aesthetics

1. Flags
  - a. One (1) flag up to four feet by six feet (4'X 6') in size attached to a flagpole

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- mounted to the home may be approved. The pole may not exceed four inches (4") in diameter and sixty inches (60") in length.
  - b. A free-standing flagpole must first be submitted and approved by the ARC with size, type, and location.
  - c. After ARC Approval homeowner must call 811 to have power, gas and cable lines marked prior to digging.
  - e. Only official flags of countries, states or universities and seasonal decorative flags may be displayed. Flags which display trademarks or advertising, battle flags and similar flags which, in the Board's judgment, are intended to, or tend to, incite, antagonize, demean or make political statements (other than a statement of citizenship or country of origin of the residence of the dwelling) shall not be displayed.
  - f. Approved flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded beyond recognition.
2. Window Treatments
- a. The following window treatments are not allowed in Bonterra Village:
    - i. Aluminum foil window covers
    - ii. Solid black window coverings
    - iii. Bed sheets
    - iv. Newspapers
  - b. Typical window treatments such as blinds, draperies, shades, and plantation shutters are allowed.
  - c. Window air conditioning units or fans are not allowed.
3. Exterior Holiday Decorations
- a. Holiday house decorations should not be installed more than 30 days in advance of the holiday and must be removed within thirty (30) days after the holiday.
  - b. Christmas lighting is not permitted before Thanksgiving.
  - c. Holiday decorations are to be in good taste and not be excessive or gaudy.
4. Trash Removal
- a. Garbage bins and recycle bins must be stored in one of the following locations (stated in order of preference):
    - i. inside your garage
    - ii. behind your house (screened from street view by your house)
    - iii. storage of trash and recycle bins behind and close to homes along HOA maintained alleyways is permissible.
    - iv. behind an approved screening fence or landscaping on the side of your house.
    - v. Screening fences must be approved by ARC prior to installation (See *ARC guidelines in Handbook Section 5.A.2. Fences*)
  - b. No garbage can or recycle bin should be placed at the curb or rear driveway any earlier than the night before collection and should be removed by midnight the day of collection. Yard waste must be placed in clear plastic bags (not disposed of in common areas or construction sites) and placed with your weekly garbage pickup.
  - c. No refuse containers (of any type) may be stored in the front of your house.
  - d. Bulky Item Disposal
    - i. Bulky items are defined as furniture, electronic equipment such as televisions, computers, A/V Consoles, and other items such as bicycles, that are too large to be placed in roll out containers. The definition also includes appliances such as refrigerators, ranges, washers, dryers, water heaters, dishwashers, and similar items.

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- ii. Please contact the current Indian Trail waste management company to schedule a pickup before placing items on curb.
5. Clotheslines and Laundry
  - a. The hanging out or draping of laundry, towels, or any type of clothing over fences, porch or balcony rails and clotheslines is prohibited in Bonterra Village.

C. Vehicles, Parking, and Speed Limits

1. Street Parking and General Parking Map (See Appendix "F")
  - a. Permanent street parking is only allowed in areas designated for parking.
  - b. Where designated street parking is allowed then it is for no longer than (24) hours to accommodate guest parking when private driveway is at capacity.
  - c. When parking in designated street parking, vehicles must be parked in the direction of traffic.
  - d. Temporary street parking is not permitted under any circumstances in the following areas:
    - i. Blocking USPS access to mailboxes.
    - ii. Blocking handicap access to sidewalks or common areas.
    - iii. Parking on grassy areas or lawns is always prohibited.
    - iv. Parking a vehicle on any street in a manner that impedes another resident's access to their driveway.
    - v. Parking a vehicle on the curb across from a front entrance driveway.
    - vi. Parking in a no parking zone, as Outline on Map in Appendix "F"
    - vii. Parking parallel on the driveway apron.
    - viii. In front of Fire Hydrants at anytime
  - e. No parking allowed in round a-bouts, circles, and cul-de-sacs.
  - f. Village speed limit is 25 MPH on all roads and 8 MPH in alleys.
  - g. Please drive slower than speed limit when residents are visible.
2. Parking of Commercial Vehicles and Trailers.
  - a. Commercial vehicles as defined by the Association are any vehicles with permanent markings and/or attachments which indicate the vehicle is not used primarily for personal use. (Vehicles with removable signs or attachments must remove said items within one (1) hour from the time the vehicle is parked.)
  - b. No parking of vehicles that are larger than a full-size truck or van is permitted. This includes flat beds, dump trucks, moving trucks, box trucks, etc.
  - c. Tractor-trailer "rigs" (also referred to as transfer trucks, etc.) are prohibited.
  - d. No commercial vehicles may be parked in Bonterra Village, except for temporary parking for deliveries, repairs, etc. and for vehicles that are fully enclosed in the attached garage.
  - e. Trailers are only permitted if always fully enclosed in an attached garage.
3. Parking of Recreational Vehicles
  - a. Recreational vehicles may not be parked where they are visible from the street or alley.
  - b. Recreational vehicles as defined by the Association are any vehicles considered a recreational vehicle, including but not limited to campers, RV's, full-size conversion vans, etc.
  - c. Boats and other water sports equipment, all-terrain-vehicles, motorcycles, and other off-road vehicles are not allowed in Bonterra Village unless always fully enclosed in an attached garage.



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- d. The HOA Board may (but shall not be obligated to) grant permission for visitors to temporarily park such vehicles overnight on driveways for a period not to exceed seven days or nights while visiting occupants of a Unit.
  - e. No recreational or commercial vehicle parking at the Gazebo square.
4. Other Motor Vehicle Rules
- a. All North Carolina driving laws including speed limits will apply when driving on community streets unless posted otherwise. This includes pedestrian right-of-way, up to date driver's license, and vehicle registration, inspection, and license tag laws.
  - b. The speed limit on all alleyways is 8 mph.
  - c. Community speed limit 25MPH. Please drive slower when residents are visible.
  - d. Noisy operation of engines or excessive noise by a driver of a vehicle or its occupants is prohibited.
  - e. No activity such as major repair, rebuilding, dismantling, repainting, or servicing of any vehicles shall be performed anywhere on the property (this includes changing of oil or other fluids). Major repairs are prohibited.
  - f. Vehicles positioned on blocks, lifts, or jacks are not permitted on streets or lots except for emergency repairs.
  - g. Vehicles, not legally registered or road-worthy, shall be removed from Bonterra within 10 days of notice and the vehicle will be subject to towing at the owner's expense.
  - h. Oil stains left by leaking vehicles are the responsibility of the vehicle owner and must be cleaned up promptly.

### D. Material Storage

1. Storage of materials of any kind that is visible from the street or neighboring yards is not allowed.
2. Only materials for use in an ARC approved project can be temporarily stored while the project is underway.
3. Weeds, vegetation, rubbish, debris, garbage, or waste materials are not allowed to be accumulated on any corner lot or Common Area with the exception of one (1) compost pile and/or one (1) firewood pile per lot.
4. Firewood piles are limited to two (2) cords, should be stacked no higher than four (4) feet and should be screened from public view.
5. Compost piles are allowed unless the Board determines that such compost pile is unsightly or offensive.
6. Both compost piles and firewood piles on corner lots must be located at the farthest possible point from the intersecting street.
7. Toys should be stored out of sight when not in use.
8. Storage container from PODS or other similar containers may be allowed for up to seven (7) days maximum. They must be placed in the driveway not in alleyways or streets. If container must be stored on the street prior approval must be obtained from the HOA board.

### E. Pets

1. All pets must always be kept under their owner's control and in compliance with Indian Trail Leash Law, MCA2013-1. All dogs which are allowed outside the owner's primary residence shall be required to wear identification. The identification may be in the form of a current rabies immunization tag, a pet registration service tag, or a commercially available tag or collar which identifies either the owner's current address

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or phone number.

- a. All dogs should be contained on the owner's lot or leashed when off of the owner's property.
- b. Owners are responsible for cleaning up and disposing of any mess that a pet creates in any Common Area, as well as on any private property.
- c. Owners are responsible for their animal's actions and are liable for any provable damages to persons or property.
- d. Animals being a nuisance to residents will not be tolerated - this includes issues with noise.
- e. Pets are not allowed in park areas where children's playground equipment is located. At no time are dogs allowed to roam freely (off leash) in common areas.

### F. Common Areas and Amenities

1. Trails
  - a. Trails are for pedestrians, bicycles, and horses.
  - b. Motorized vehicles are not allowed on trails. The only exceptions are as follows:
    - i. Equipment used for maintaining trails and/or ponds.
    - ii. Equipment used in the maintenance or service of the Horse Stables.
    - iii. Emergency Vehicles
    - iv. Permission from HOA Board.
  - c. Any resident caught on trails with a motorized vehicle will be fined. Any non-resident can be considered trespassing and could be prosecuted.
  - d. Capturing, trapping, or killing of wildlife within Bonterra, is prohibited except in circumstances posing an imminent threat to the safety of persons. You can contact Carolina Waterfowl Rescue for removal or relocation at (704)668-9485.
2. Pool- See Appendix "A" for current Rules and Regulations
3. Kiddie Pool- See Appendix "A" for current Rules and Regulations
4. Clubhouse- See Appendix "B" for current Rules and Regulations
5. Parks, Soccer field, Tennis Courts & Playgrounds- See Appendix "C" for current Rules and Regulations.
6. Usage - Common Areas such as the gazebo and playgrounds may not be used for personal functions or parties unless prior approval by the HOA Board.

### G. For Sale, Renting or Leasing Your Home

*Exhibit C Item 4* of the Covenants provides that Owners may not rent their units for transient or hotel purposes. Owners listing their Unit for lease or rental must provide to the new tenant a copy of Bonterra Village Declarations, Conditions and Restrictions, the Bylaws, and this Rules and Regulations Handbook and insure that they have access to the Association's Web site <http://www.bonterrahoa.com/> (Misplaced or lost document copies may be purchased from the Board of Directors/Community Manager.)

1. Owners intending to rent their units must so notify the HOA Board/Community Manager.
2. All leases and rental agreements must be for an initial term of not less than six months, and renewals may not exceed one year.
3. Property Owners must notify The Board of Directors/Community Manager of all rental & lease renewals 30 days prior to the new lease term.
4. A sublet of the unit by the renter/lessee is not permitted and shall be specifically prohibited by the Unit owner in the lease or rental agreement.
5. Owners leasing or renting their units must certify to the Board of Directors/Community Manager her/his receipt of a copy of this Handbook or that

- the renter has been made aware of its availability on the Bonterra Village Web site <http://www.bonterrahoa.com/>
6. The Property Owner shall inform the Board of Directors/community manager of the tenant(s) name, telephone number and email address as well as all necessary information for appropriate notation in the Association's files
  7. Lessees /renters are required to abide by all Association Rules and Regulations. The Property Owner is responsible and liable for the conduct of his/her tenants.
  8. Property Owners are responsible for the timely payment of assessments, dues and fines for the rented unit.
  9. Property Owners should inform the Board of Directors/Community Manager of the pending sale of any property prior to the closing date so that the financial status of all units can be kept up-to-date, and the proper party held responsible for assessments and dues even in the event that the renter has vacated to property.

## V GENERAL POLICIES OF THE ARCHITECTURAL REVIEW COMMITTEE

Pursuant to its authority under the *Declaration of Covenants, Conditions, and Restrictions for Bonterra Village*, the Architectural Review Committee (ARC) of the Bonterra Village Homeowners Association hereby issues the following *standards and guidelines*. These Standards and Guidelines are supplemental to the existing Declarations and are not inclusive of all items upon which the Bonterra Village Architectural Review Committee or the Board of Directors of the Bonterra Village Homeowner's Association may act. It is intended to provide guidance to Owners regarding requirements for additions and modifications to property in Bonterra Village and matters of concern to the Architectural Review Committee in considering applications for approval of such additions and modifications. In addition, it sets forth various restrictions on other matters relating to the overall appearance of property in Bonterra Village.

Compliance with the guidelines and requirements of this Guide is required but does not constitute the sole basis for review of applications for approval under Article VII of the Declaration, nor does it guarantee approval of any application. In reviewing each submission, the ARC may consider any factors it deems relevant. *Decisions may be based on purely aesthetic considerations*. Each owner acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of proposed additions and modifications. To this end, it is important to note that decisions are made on a case-by-case basis, and although a modification or addition may have been approved in one instance, there is no guarantee that it will be approved again.

Unless otherwise specifically exempted by the Declaration or this guide *all proposed modifications and additions to Residential Units within Bonterra Village require application to and prior approval of the ARC*. Where this guide specifically permits an owner to proceed without prior approval, such permission shall only be effective so long as the owner complies with the requirements of this guide.

All requests for modifications and additions must be submitted in writing to the Bonterra Village Homeowner's Association. A copy of the application can be found in the Resource Center on the Bonterra Village Homeowner's Association website ([www.bonterrahoa.com](http://www.bonterrahoa.com)).

### A. Improvements to Lots

#### 1. General Guidelines

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- a. All improvements to lots require specific prior approval by the Architectural Review Committee and will be approved or denied based on compliance with the Declarations, these Guidelines and/or the aesthetic discretion of the Committee.
- b. All projects should be started within thirty (30) days of the application approval unless not feasible due to the magnitude of the project. Any utility additions must be underground and adhere to applicable code for such utilities.
- c. All applications must include a detailed description of the planned project and must contain the following information, as applicable:
  - \* Size of structure
  - \* Height
  - \* Wall material
  - \* Location
  - \* Utilities (water, electric)
  - \* Estimated time length of
  - construction
  - \* Roof design
  - \* Roof material
  - \* Exterior finish
  - \* Quantity
  - \* Detailed Drawing on a Survey
  - \* Landscaping

2. Outbuildings

- a. No prefabricated buildings, including without limitation prefabricated storage sheds, shall be installed or maintained within any Unit. All structures located upon a Unit must have foundations and must be approved by the ARC.
- b. Size: no greater than twelve feet by sixteen feet (12' X 16').
- c. Height: overall no greater than nine feet (9') with a maximum eave height of six feet (6').
- d. Roof Design: single pitch (shed) roofs are not permitted.
- e. Roof Materials: must be constructed of shingles that match those on the home.
- f. Quantity: only one outbuilding per lot is permitted.
- g. Wall Material: exterior walls should be constructed of either hardboard or vinyl siding or brick to match the home, T-111 exterior plywood (or other similar siding) painted to match the home. No particleboard, standard plywood, cinder block, plastic or metal construction is allowed.
- h. Exterior Finish: outbuildings must be trimmed and painted, in their entirety, in the same quality materials and colors of the home.
- i. Utilities: any utility facilities (water, sewer, electric, etc.) providing service to an outbuilding must be underground and adhere to applicable building code for such facilities.
- j. Foundation: only poured concrete foundations are permitted.
- k. Location: outbuildings are to be placed in the rear yard of a lot and are subject to the following restrictions:
  - i. The rear property line must be at least three (3) times larger than the outbuilding dimensions. For example, a 10' X 10' outbuilding requires a minimum thirty-foot (30') rear property line.
  - ii. Outbuildings must be placed at least five feet (5') from any property boundary as provided by zoning regulations and should contain sufficient clearance around all sides to permit appropriate maintenance.
  - iii. Outbuildings should be placed no less than fifty feet (50') from the property line adjacent to the street side of a corner lot.

3. Fences

- a. Fencing must be constructed of aluminum or vinyl.

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- b. Vinyl fencing shall be white.
  - c. Aluminum fencing shall be black or white.
  - d. Wood fencing is prohibited.
  - e. Chain link fencing in any form is prohibited (including dog pens / runs of ANY material).
  - f. Any fencing extending from the rear corner of a Unit to the rear corner of the property line shall not exceed six (6) feet in height unless otherwise specifically required by government authorities having jurisdiction.
  - g. Any fencing extending from the rear corner of a Unit to the front corner of the property line shall not exceed three and one-half (3.5) feet in height unless otherwise specifically required by government authorities having jurisdiction.
  - h. The “finished” side of all fencing must face outward.
  - i. Fencing may not be erected any closer than six (6) inches to the property line. Fences may be installed on the property line with a recorded agreement between the property owners.
  - j. For corner lots, fences may not be erected within the sight triangle of the intersection.
  - k. For safety and clearance of service vehicles, fences running parallel to alleyways shall not be placed in the right-of-way, which is located twelve (12) feet from the center of the alley.
  - l. Fencing may NOT be erected on berm areas of lots. i.e. no fence shall extend any higher on a berm than the “toe” (base) of the berm.
  - m. All fences on Units shall always be maintained, be structurally sound, attractive, and in a good state of repair.
4. Doghouses
- a. Size: may not exceed four feet (4') wide by five feet (5') deep by four feet (4') high.
  - b. Material: must be constructed of the same materials as described for outbuildings (see section 2E, 2G, and 2H of this document). No plastic doghouses are allowed.
  - c. Quantity: no more than two (2) doghouses are permitted on any lot. Doghouses will only be approved if enclosed within a perimeter fence (including invisible fences).
5. Driveway and Walkway Additions
- a. Material: must be constructed of concrete (no asphalt or gravel driveways will be approved). Other materials such as pavers may be used with approval of the ARC.
  - b. Location: a two-foot (2') minimum setback should be maintained from all property lines. Situations not permitting this setback will be reviewed by the Committee on a case-by-case basis. No circular driveways will be approved.
6. Basketball Goals
- a. Material: basketball goals shall be mounted on a metal pole and/or have a fiberglass or Plexiglas backboard. In-ground and portable goals are permitted. Portable goals are permitted provided they are not placed in the street (including at the end of dead-ends or cul-de-sacs), not placed where play would occur in the street. In-ground goals must be set in concrete.
  - b. Quantity: only one (1) goal per lot is permitted.
  - c. Location: must be located at least fifteen feet (15') from the street or alley and at least five feet (5') from the property line. Basketball goals may be attached to the unit above the garage, provided the garage does not face the street. The goal must be oriented so that play occurs on your property.
  - d. Should the basketball goal deteriorate beyond what is considered aesthetically pleasing, it may be requested to have it removed or replaced.

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### 7. Exterior Lighting

- a. Freestanding security lights located in front and side yards may be approved, but are limited to six feet (6') in height.
- b. Freestanding security lights located in rear yards may be approved but are limited to ten feet (10') in height.
- c. Eave-mounted floodlights may be approved.
- d. Landscape lighting may be approved.

### 8. Swimming Pools

- a. Above-ground pools, except for temporary "kiddie pools" in rear yards, are prohibited.
- b. In-ground pools must be approved by the ARC.

### 9. Signage & Displays

Only the following types of signs are permitted on any lot in Bonterra Village:

- a. One temporary sign advertising the home for sale and/or lease, provided the sign has a maximum face area of five (5') square feet on each side and, if freestanding, stands no more than four feet (4') off the ground and placed on a standard wire stand, and must include the Bonterra Village logo (See Appendix "E"). The sign must also be professional and well-maintained while posted. Multiple signs may be used on the day of an open house.
- b. One security service sign located in the front yard and one located in the rear yard, provided the signs have a maximum face area of two (2) square feet.
- c. Notification signage as may be required by legal proceedings or a governmental entity (such as a building permit).
- d. No signs shall be placed in the Common Area other than signs installed and approved by the Association.
- e. No rules shall regulate the content of political signs; however, they must be removed within 48 hours of the end of the political event or election.

### 10. Mailboxes and Address Plaques

- a. All mailboxes shall be uniform as approved by the ARC and shall not be installed or replaced without ARC approval.
- b. In addition, all address plaques located on the exterior of any dwelling unit shall be uniform as approved by the ARC and shall not be installed or replaced without ARC approval.

### 11. Landscaping

- a. Any modifications to or replacement of existing trees, shrubs, or landscaping beds do not require ARC approval. However, any new trees or shrubs not associated with an existing landscaping bed or new landscaping beds shall require ARC approval.

## B. Improvements to Structure

### 1. General Guidelines

- a. ALL improvements to structures require specific prior approval by the Architectural Review Committee, and will be approved or denied based on compliance with the Declarations, these Guidelines and/or the aesthetic discretion of the Committee
- b. All projects should start within thirty (30) days of the application approval, unless not feasible due to the magnitude of the project.
- c. Any utility addition must be underground and adhere to applicable code for such utilities.

PROPERTY OWNER'S HANDBOOK of Rules and Regulations

- d. All applications must include a detailed description of the planned project and must contain the following information, as applicable.

- |                     |                                    |
|---------------------|------------------------------------|
| * Size of structure | * Utilities (water, electric)      |
| * Height            | * Estimated length of construction |
| * Roof design       | * Exterior finish                  |
| * Roof material     | * Quantity                         |
| * Wall material     | * Detailed Drawing on a Survey     |
| * Location          |                                    |

2. Additions

- a. Must adhere to all applicable building codes.
- b. Exterior surfaces must match those of existing structure.

3. Decks / Patios

- a. Must adhere to all applicable building codes.
- b. Patios must be constructed of concrete, stone or brick pavers.
- c. Wooden decks shall be constructed of pressure treated wood and finished with a wood stain or paint.
- d. All construction must be approved whether new or in addition to an existing structure.

4. Satellite Dishes

- a. No more than one (1) satellite dish shall be allowed per unit.
- b. Approved dishes must be mounted to the house in a position not visible from the street (unless approved by the Committee due to reception issues.)
- c. No other types of television or radio pole, antenna, aerial or tower may be constructed, installed, erected or maintained on any lot in Bonterra Village other than those installed by the original Declarant.

5. Exterior Painting

- a. Painting of exterior house surfaces any color that is different than the color that is already on the house will only be approved on a case-by case basis due to lack of color availability.
- b. Painting or staining of porches, balconies, doors, or driveways must be approved by the ARC.

6. Screen and Storm Doors

- a. Screen and/or storm doors shall be either be full glass or a combination of screen and glass.
- b. Screen and/or storm doors shall be constructed of metal, vinyl, or wood and will conform with the exterior appearance of the home.

7. Solar Panels

- a. An ARC approval is required prior to any solar panel installation.

## VI ATTACHMENTS

### Appendix "A"

#### POOL, KIDDIE POOL AND FITNESS CENTER - RULES AND REGULATIONS

##### A. General Rules

1. No children under the age of: (14) fourteen are permitted to swim or loiter around the pool area without a parent or other supervising adult resident (sixteen or older) present.
2. For safety reasons, there can be no running, pushing, jumping on others, dunking or holding others under the water, diving, or loitering in the bathroom areas or pool deck.
3. Appropriate and safe behavior is always expected in and around the pool area. Profanity will not be tolerated and if continued may cause the loss of pool privileges. If asked to leave the pool area by the lifeguard please do so immediately, if not, the lifeguards have the HOA board's permission to contact local law enforcement and have the offender physically removed.
4. Any food items taken into the pool areas are the responsibility of the homeowner. The homeowner who brings the food are expected to clean up before leaving. No glass bottles, chinaware nor items in breakable containers are-allowed in the pool/picnic areas.
5. Smoking, vaping or gum chewing is not permitted in or around the pool area.
6. No alcoholic beverages are allowed.
7. Water wings, children's small round floats, snorkel tubes, face masks and soft plastic balls fewer than 12 inches in diameter are permitted.
8. No pets, bicycles, skateboards, roller blades, scooters or other vehicles are not allowed in the pool area at any time, except for service animals.
9. No one with open or infected wounds will be allowed to swim in the pools.
10. Babies in diapers must also wear rubber pants/swim diapers. Parents and/or guardians are responsible for the proper disposal of the diapers.
11. Cut-offs and other improper swimwear are not permitted.
12. Deck chairs cannot be reserved.
13. Only two guests per household are allowed at the pool at the same time.
14. Kiddie Pool
  - a. A parent or guardian (16-year-old or older) must supervise children in the kiddie pool.
  - b. Kiddie pool is for children 10 years old and under.

##### B. Pool Hours

1. The pool will be open from 9:00AM to 8:30PM daily beginning on the opening date in May to the closing date in September (as determined by the HOA board).
2. A lifeguard is on duty when the pool is open.
3. The lifeguard will close the pool at 8:30 PM. Anyone not obeying a lifeguard's instruction to leave the pool at closing will be considered trespassing and the lifeguard may call 911 for assistance.
4. Pool hours may be changed based on circumstances such as inclement weather and/or equipment and power outages.

##### C. Fitness Center - Rules

1. No children under the age of 16 (sixteen) are permitted to use the fitness equipment without a parent or supervising adult present.
2. Up to two guests per resident are allowed in any one visit.
3. Appropriate and safe behavior is always expected including proper use of all equipment.
4. All residents and guests are expected to clean up (including wiping down used equipment)



PROPERTY OWNER'S HANDBOOK of Rules and Regulations

- prior to leaving the gym including proper disposal any trash.
5. All rules and regulations are posted inside the Fitness Center.
  6. Shirts and shoes required.
  7. Closed toe Yoga socks are fine.

## Appendix "B"

### BONTERRA VILLAGE CLUBHOUSE RULES AND RESTRICTION

Application and Rental Agreement available on Bonterra Village Website:  
[clubhouse@mycmg.com](mailto:clubhouse@mycmg.com).

The Rental Agreement is for the use of the clubhouse and does not include the adjoining deck, nor use of the swimming pool, tennis courts, or basketball court which may not be rented.

The clubhouse is available free of charge to the Bonterra Homeowners, HOA Board and associated advisory committees, Bonterra Homeowner Association (Association) meetings for homeowners and for Association related and sanctioned meetings and functions.

1. For non-Association related activities, Bonterra Homeowners Association dues must be current to rent the clubhouse.
2. The clubhouse may be reserved by any Association member, of at least 21 years of age, for the purpose of hosting a non-Association related event.
  - a. The reserving member must be ALWAYS present!
  - b. To reserve the clubhouse for a meeting, please send a request listing the date, time, and a brief description of the nature of the meeting to – [clubhouse@mycmg.com](mailto:clubhouse@mycmg.com)
  - c. Reserved functions for persons under the age of 21 years must be chaperoned by the reserving resident. The resident will be responsible for any damage.
  - d. Residents will not reserve the clubhouse on a sub-lease basis.
  - e. The Board of Directors has the authority to deny a rental for any reasonable cause, in a uniform and consistent manner.
  - f. Appropriate attire is required. Wet bathing suits are prohibited.
3. All activities are to be kept on the clubhouse grounds.
4. The Renter understands that the clubhouse is located in a residential neighborhood. The renter agrees to respect the property of Bonterra and the clubhouse as well as the peace and quiet of the community. Output of any amplified music or sound equipment will comply with the City noise ordinance and shall not exceed 100 watts. Any noise or activity by renter or his or her guests which disturbs the neighbors within the community will not be tolerated and will be a violation of the terms of the Rental Agreement.
5. The clubhouse has a NO SMOKING policy. The renter will not permit smoking inside the clubhouse.
6. Fire extinguishers have been installed to provide fire protection in the kitchen and clubhouse area. If for any reason the system is manually discharged, the renter will be responsible for clubhouse cleaning and recharging the fire extinguisher as well as any damage caused.
7. The renter will conduct no illegal activity upon the premises and will comply with all applicable laws, rules, and ordinances.
8. The renter will obtain all permits, licenses, etc. necessary and/or required for the rental activity.

PROPERTY OWNER'S HANDBOOK of Rules and Regulations

9. If any alcoholic beverages are to be served during the rental, the renter shall comply with all applicable laws relating to the serving of alcoholic beverages.
  - a. Serving and consumption of alcohol requires a valid insurance rider that is to be presented with the signed rental contract to the property manager or HOA board.
  - b. Proof of insurance is a condition to receive the key for the clubhouse rental.
  - c. Beer and wine are the only types of alcohol that can be consumed, hard liquor is prohibited.
  - d. Alcohol can be consumed only inside the clubhouse.
  - e. Selling of alcohol during rental period is prohibited.
  - f. The renter is responsible for taking reasonable precautions to ensure that their guests do not operate motor vehicles when intoxicated.
10. No birdseed, rice, confetti, Silly String®, glitter or other substitutes are permitted in the clubhouse or surrounding property.
11. No nails, tacks, or pins are permitted in decorating the clubhouse. Only the use of removable tape or sticky tack product is permitted. The renter shall not remove or take down any clubhouse decorations, artwork, etc.
12. Parking must be kept to the clubhouse parking lot.
13. The maximum allowed in the Clubhouse is 100 people.

## Appendix "C"

### PLAYGORUNDS, PARKS, TENNIS COURTS AND COMMON AREAS - RULES AND REGULATIONS

#### A. **Playgrounds and Parks - General Rules**

1. Playgrounds and parks are always for residents and/or guests.
2. For a guest to use an amenity a resident must also be present.
3. Any resident allowing too many guests to use facilities will be asked to leave.

#### B. **All Parks and Playground are off limits after dark.**

#### C. **Playground at Townhomes**

1. Jungle Gym and Playground equipment are for children 10 years and younger.
2. Toddler swings are for toddlers only.
3. Other swings may be used by any age as long as such use does not cause excess wear and tear.
4. Pets are not allowed in playground area.

#### D. **Playground with Basketball Court.**

1. Jungle Gym and Playground equipment are for children 10 and younger.
2. Toddler swings are for toddlers only.
3. Other swings may be used by any age as long as such use does not cause excess wear and tear.
4. Pets are not allowed in playground area.
5. Basketball courts are for the enjoyment of all residents. Rotation of players must be adhered to. A maximum of thirty (30) minutes of play if another group or players are waiting to play.
6. Hours for use are 8AM until sunset.

#### E. **Soccer Field Rules**

1. Hours for use are 8AM until 30 minutes before sunset, unless there is inclement weather. Pets (on or off leash), bicycles, skateboards, roller blades, scooters, golf carts, mini bikes, dirt bikes or any other motorized vehicles are not allowed in the parking lot or on the field, except for service animals and/or service vehicles. The only exception for motorized vehicles in the parking lot is on PRAA game days.
2. Smoking and alcoholic beverages are not permitted at any time.
3. Overnight parking or trailer parking is not permitted unless arrangements are made with Bonterra Village HOA Board.
4. The dumping of garbage and trash in and around the soccer field area is not permitted at any time.
5. It is your responsibility to pick up any trash or debris when leaving.
6. No weapons or fireworks are permitted at any time.

#### F. **Common Areas Rules**

Common Areas include gazebo, playground, basketball court, clubhouse area, around ponds and are for the use and enjoyment of all Bonterra Village residents and their guests

1. Residents and guest are responsible for picking up their pet waste and properly disposing of it.
2. Dogs are always required to be on leash and under owners' control, IAW Indian Trail Leash Law.
3. Skateboards, roller blades, scooters, golf carts, motorized minibikes, dirt bikes or any

other motorized vehicles are not allowed.

4. It is your responsibility to pick up any trash or debris.
5. The dumping of garbage and yard waste in and around the area is not permitted at any time.

Ponds are for aesthetic appearance only and no swimming is allowed at any time.

#### **G. Tennis/Pickle Ball Courts Rules**

1. Tennis and Pickle ball Courts are for the enjoyment of residents.
2. Rotation of players must be adhered to. Maximum of one hour of play if another group is waiting.
3. Court use times are 8:00AM until dark.
4. Up to three guests are allowed per household at one time.
5. Reservation calendar for the tennis/pickle ball courts can be found on the Bonterra website and they can only be reserved for a maximum of two hours per day.
6. It is prohibited to use the tennis courts for teaching of tennis lessons for profit at any time.
7. The use of one court for Pickle Ball is allowed.
8. The combination for the lock is on the Bonterra website and should not be shared with non-residents for their private use.
9. All other rules and regulations are posted at the courts and should be followed.

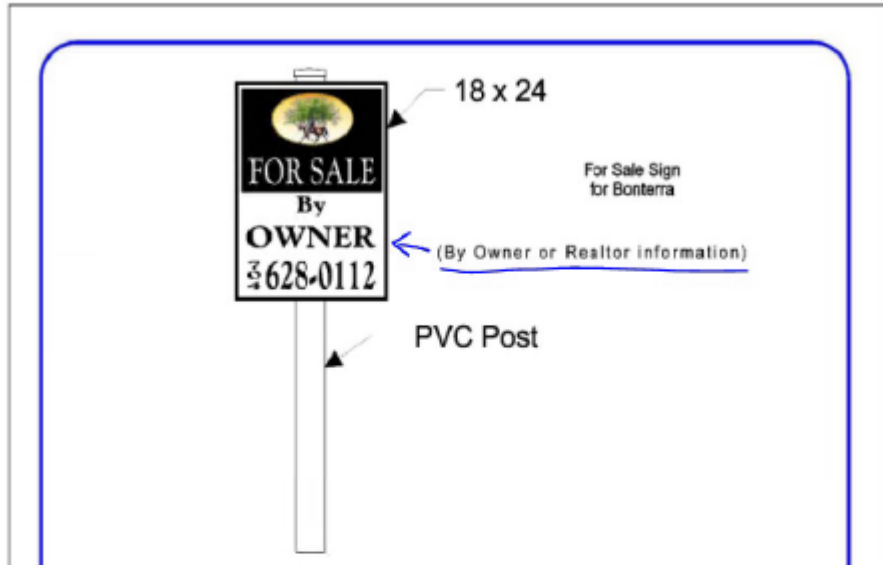
## Appendix "D"

### STABLES AND PASTURE - RULES AND REGULATIONS

#### A. General Rules

1. Horse Stables are for boarders, students and guests of Bonterra Stables, LLC only. Riding Academy only.
2. Guests are welcome and encouraged if accompanied by a boarder, are a registered student or staff of Bonterra Riding Academy Stables.
3. Pastures and arenas are maintained by Bonterra Stables, LLC and are for use of Bonterra Stables Riding Academy only. For the safety of residents and horses no trespassing is allowed.
4. Ponds located in or near the pasture are considered Common areas and are maintained by the HOA.
5. Horses can and will bite. These bites can cause serious injury. For this reason, all children and youth must be accompanied by an adult. Horses may not be touched without the permission of the owner or staff of Bonterra Stables. Riding Academy.
6. Due to delicate nature of the horse's digestive system and sometimes special nutrition requirements, the feeding of horse is strictly prohibited.

## Bonterra Village – Real Estate Sign Information



You may use any sign company of your choosing. However, the vendor below does have the Bonterra Village logo artwork on file.

### All Star Signs



★★★★★ Facebook (10) · Signmaking

Website

Directions

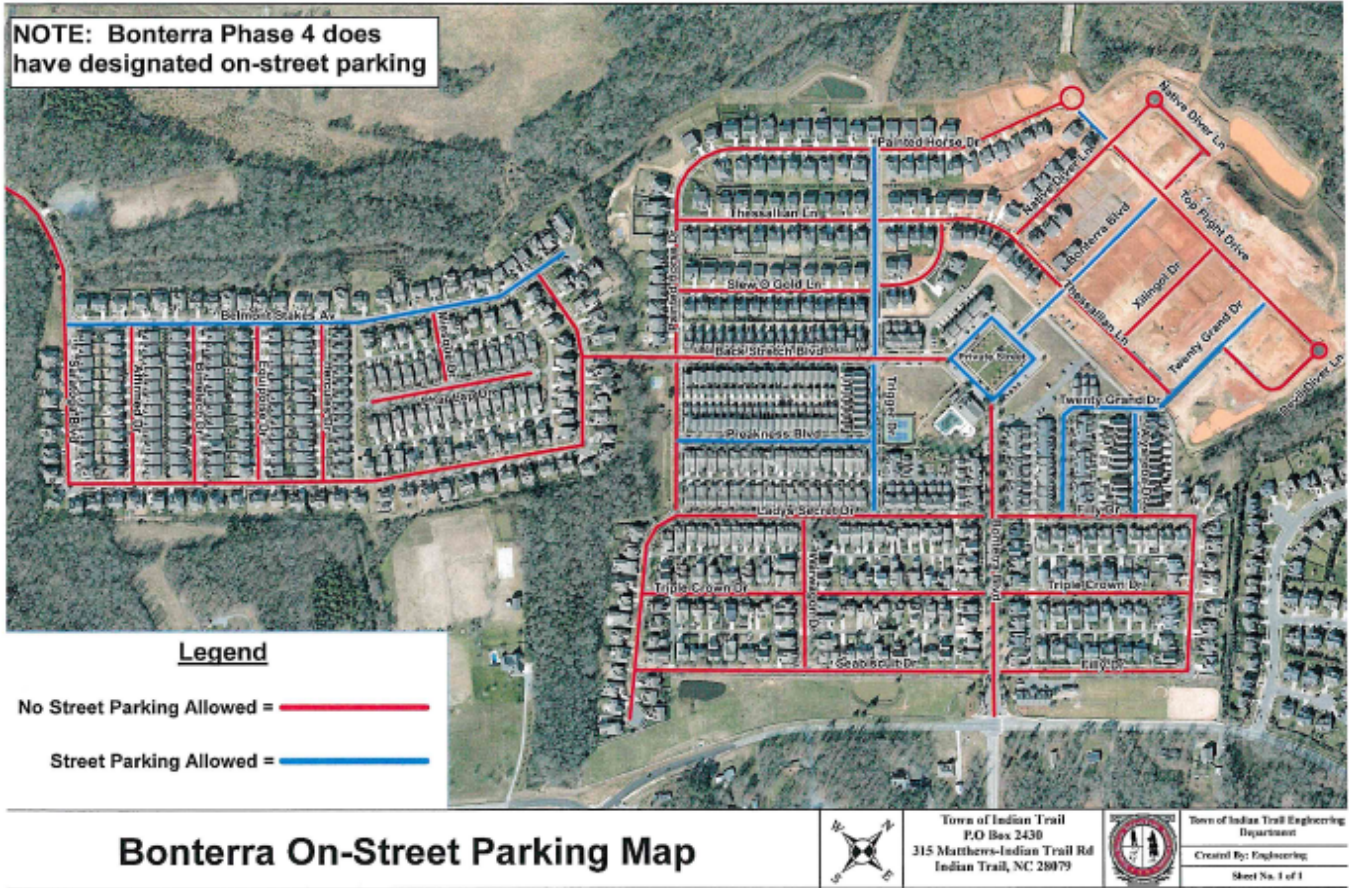
241 Post Office Dr Ste A7, Indian Trail, NC 28079 · ~21.1 mi

(704) 821-4330

Open · Closes 5 PM · Hours or services may vary

## Appendix "F"

### Indian Trail Parking Map for Bonterra Village





STATE OF NORTH CAROLINA)  
TOWN OF INDIAN TRAIL )

ORDINANCE #MCA2013-1

## Town of Indian Trail

### Animal Control Ordinance

#### §92.01 GENERAL PROVISIONS

A. Purpose. Pursuant to the authority granted by the North Carolina General Assembly, this animal control ordinance is enacted and adopted to provide for the health, safety and welfare of the citizens of Indian Trail by regulating, restricting or prohibiting, if necessary, dogs, cats and other animals; by protecting the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; by making unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; by protecting animals from abuse or conditions harmful to their well-being; and by carrying out any other lawful duties authorized by the laws of the State of North Carolina and other applicable ordinances.

It is hereby found by enactment of this ordinance by the Indian Trail Town Council that animals kept or allowed to be in violation of any of the provisions of this ordinance are detrimental to the health, safety and welfare of the citizens of Indian Trail and jeopardize the peace, safety and dignity of Indian Trail.

Nothing in this Ordinance shall be construed to prevent any law enforcement officer contracted for service by the Town of Indian Trail or any other law enforcement officer exercising proper jurisdiction or authority from enforcing any of the provisions of this Ordinance or from exercising their authority as law enforcement officers.

The Town of Indian Trail further authorizes, acknowledges and confirms the previous authority granted to Union County by adoption of its regulatory ordinances to include the Union County Animal Control Ordinance which covers in various respects and details offenses pertaining to the following subjects:

1. Female Dogs and Cats at Large.
2. Animal Waste.
3. Dangerous Dogs.
4. Public Nuisance Animals.
5. Seizure and Impoundment

- 6. Rabies Control
- 7. Cruelty to Animals.
- 8. Wild Animals and Exotic Pets.

The Union County Animal Control Ordinance also addresses the requirements for rabies immunizations, the procedures for seizure and impoundment of animals, and the penalties for violation of the County Ordinance. Nothing in the enactment and adoption of this ordinance shall be construed to limit the authority of Union County, the Union County Sheriff's Department or the Office of Union County Animal Control to enforce the provisions of the Union County Animal Control Ordinance. Furthermore, the Town of Indian Trail continues to request and require the enforcement of the county animal control ordinance by the authorities referred to herein above.

B. Jurisdiction. This Ordinance shall be applicable within the corporate limits of the Town of Indian Trail, North Carolina.

**§92.02 RESTRICTIONS AND PROHIBITED ACTS**

- A. Identification. All dogs which are allowed outside the owner's primary residence shall be required to wear identification. The identification may be in the form of a current rabies immunization tag, a pet registration service tag, or a commercially available tag or collar which identifies either the owner's current address or phone number.
- B. Dogs and Cats as Nuisances. It shall be unlawful for any person to own, keep, possess or maintain a dog or cat in a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of a dog or cat are hereby declared to be a public nuisance and are therefore unlawful:
  - 1. Allowing or permitting the dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables; or
  - 2. Failing to remove feces deposited by any dog or cat on property other than the owner's by any dog or cat of which the person has ownership, possession, charge, control or custody; or

3. Maintaining a vicious dog or cat as described by the laws of the State of North Carolina or Union County; or
  4. Staking or tying any animal where it can get upon public sidewalks or streets in the town; or
  5. Maintaining dogs or cats in an environment of unsanitary conditions which results in offensive odors or is dangerous to the dogs or cats or to the public health, welfare or safety; or
  6. Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the dogs or cats on the property; or
  7. Allowing or permitting the dog or cat to bark, whine or howl in an excessive or continuous fashion or make noise in a manner or at the times so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises; or
  8. Maintaining a dog or cat that is diseased and dangerous to the public
  9. Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles; or
  10. Failing to confine a female dog while in heat in a building or secure enclosure in a manner that she will not be in contact with another dog or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.
- C. Restraint of Dogs. It shall be unlawful for any person owning or having possession, charge, custody or control of any dogs to allow his or her animal to run at large within the corporate limits of the Town. Dogs which are not in a properly secured private property or vehicle shall be restrained by a leash, secure enclosure, fence, invisible fence or similar effective device unless said dogs are on the owner's property and are under the continuous supervision and control of the owner or members of the owner's family.

**§92.03 FEES, ENFORCEMENT AND FINES**

- A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to civil penalties as set forth below. If the offender fails to remedy the

violation and pay any civil penalty within ten (10) days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.

- B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this Ordinance or by injunctive relief, whether or not there is an adequate remedy at law.
- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation. Any person violating the restrictions, and prohibited acts of Section 92.02 of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedule:
  - 1. First Offense:           \$25
  - 2. Second Offense:       \$50
  - 3. Third and continuing offenses;       \$100
- D. Any, all, or any combination of the foregoing penalties and remedies within this entire Ordinance may be used to enforce this Ordinance.
- E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

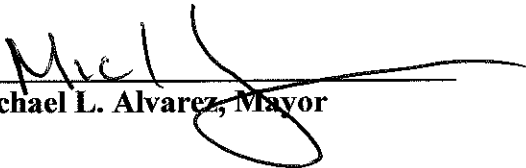
**§92.04     ALTERNATE REMEDIES FOR ENFORCEMENT.**

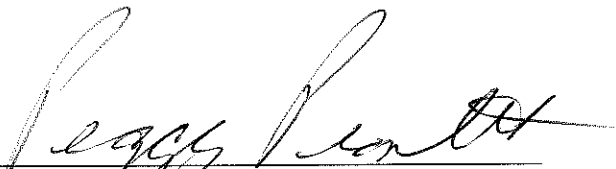
In addition to the foregoing provisions, any provision of this or any other ordinance of the Town of Indian Trail may be enforced by any one or more of the remedies authorized by G.S.

160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

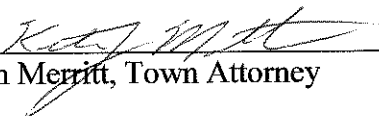
This Ordinance shall be effective April 1, 2013.

Adopted this the 12<sup>th</sup> day of February, 2013.

Approved:   
Michael L. Alvarez, Mayor

Attest:   
Peggy Piontek, Town Clerk

Approved as to form:

  
Keith Merritt, Town Attorney