

**TRAILWOOD HILLS HOA**  
**Raleigh, North Carolina**

The Board of the Trailwood Hills Homeowners Association has created this document in response to the most frequently discussed neighborhood issues. This document contains the following items:

**ITEM A** Language contained in our HOA Covenants that is the process the Board is required to follow under the Covenants regarding letters and fining with respect to incidents that are reported to us and/or the Property Manager.

**ITEM BA** chart setting out whether an action is a violation under our HOA Covenants or whether it is covered by a City ordinance (or both), and your options as a homeowner/tenant with respect to that issue.

Our Covenants and Architectural Guidelines can be viewed in their entirety at [www.trailwoodhills.com](http://www.trailwoodhills.com).

The Raleigh City Codes can be viewed in their entirety at: [http://library8.municode.com/gateway.dll/NC/north%20carolina/1387?f=templates&fn=default.htm&npusername=10312&nppassword=MCC&npac\\_credentialspresent=true&vid=default](http://library8.municode.com/gateway.dll/NC/north%20carolina/1387?f=templates&fn=default.htm&npusername=10312&nppassword=MCC&npac_credentialspresent=true&vid=default)

**ITEM C** Noise and Nuisance Parties

**ITEM D** Probationary Rental Occupancy Permit (PROP) - FAQs Regarding PROP

**ITEM E** Important Contact Numbers

## ITEM A

### HOA Covenant Language

#### COVENANTS

Definition: Penalty is defined as up to \$150 per day based on violation.

When a violation is determined the following steps shall be taken:

##### ***Step One***

A letter will be issued to the owner noting the violation with a request that it be brought into compliance within five (5) or thirty (30) days, depending on the violation. A written response to Management's office from an owner expressing a good faith effort to resolve will result in a reasonable extension.

##### ***Step Two***

Upon expiration of the compliance deadline, the owner will be invited to a hearing; prior to being assessed a penalty. The homeowner will receive a letter stating the time, date and location of the hearing. This hearing will be with the Board of Directors, for the homeowner to be heard and to present evidence. Failure to appear will result in the fine beginning to accrue on the day after the hearing. Of course, if your violation is brought back into compliance with the Declaration and/or rules and regulations prior to that date, no hearing will be necessary.

##### ***Step Three***

After the hearing the Board will respond in writing within five (5) days. The amount of the penalty and the date it will start or have started will be stated in the letter. The penalty will continue until the violation is corrected. Be advised that with respect to vehicles parked on the lawn, fines will assess at \$50 per incident. Statement is made that the Association will continue action via applying penalty and, where appropriate, through court action or direct action by HOA to correct violation.

*\*It is noted that anywhere during the process owners are strongly encouraged to contact the Association to discuss and/or arrange for compliance.*

**ITEM B**

**Violations Chart**

Issue	Covered by City Ordinance	Covered by Trailwood Hill HOA Covenants and Architectural Guidelines	Action Options
Cars Parked in Yards	No	Yes	<ul style="list-style-type: none"> <li>• Please contact our Property Manager (847-3003) and provide the date of the offense, the property address, and the license number of the vehicle (if easily accessible). A photo of the vehicle parked on the lawn is very helpful. After due process is followed, the fine for parking in yards is \$50 per incident.</li> </ul>
Cars Blocking Sidewalks (see also Street Parking below)	Yes	Yes	<ul style="list-style-type: none"> <li>• Contact the Raleigh Police (911), report the specifics to them and have the car ticketed.</li> <li>• Please also notify our Property Manager of the specifics of such an incident (date of the offense, the property address, and the license number of the vehicle—if easily accessible).</li> </ul>
Street Parking	Yes	No	<ul style="list-style-type: none"> <li>• Contact the Raleigh Police (911), report the specifics to them.</li> <li>• The following are subject to fines from \$10 to \$250:               <ul style="list-style-type: none"> <li>• parking in the wrong direction/wrong side of the street</li> <li>• parking too close to the corner/intersection (that means stay 25 feet from the corner)</li> <li>• parking on a crosswalk</li> <li>• storing/abandoning your vehicle on the street (this includes parking on private property without the owner's consent)</li> <li>• parking over 12 inches from the curb (surely you don't want to get sideswiped and you do want emergency vehicles to be able to drive down our street)</li> <li>• double parking</li> <li>• parking too close to a fire hydrant (within 25 feet)</li> <li>• parking in a bus zone</li> <li>• parking so as to block a driveway —<b>it is a violation to park within 5 feet on either side of the driveway</b> or in such a manner as to block the passage of vehicles to and from the driveway</li> <li>• parking on sidewalks</li> <li>• Truck parking - it is a violation to park any motor truck or tractor trailer of any kind, including house trailers, on the</li> </ul> </li> </ul>

Issue	Covered by City Ordinance	Covered by Trailwood Hill HOA Covenants and Architectural Guidelines	Action Options
			<p>public streets of the City except for loading and unloading passengers. (This ordinance does not apply to trucks of ¾ ton capacity or less or city owned buses).</p> <ul style="list-style-type: none"> <li>• parking in a Handicapped Zone</li> <li>• parking blocking mail boxes</li> </ul>
Stored Vehicles at the Pool Parking Lot	No	Yes	<ul style="list-style-type: none"> <li>• Contact Ace Towing as indicated on the signs at the pool. You may also contact the Property Manager (847-3003) and have her contact the Board.</li> </ul>
Noise (See the first paragraph of Item C for a description of the noise that is not allowed at any time)	Yes 11 pm—7 am	No	<ul style="list-style-type: none"> <li>• Call the Raleigh Police (911). Also, please request that the police keep of record of/log your call and any action taken.</li> <li>• It would also be helpful if you notified the Property Manager (847-3003) that you had to call the police so we can also maintain a record of reported violations.</li> </ul>
More Than Four (4) Unrelated Adults Per House	Yes	No	<ul style="list-style-type: none"> <li>• Keep a log each morning and afternoon of the license plates of each vehicle at the property. Do this for two weeks. Give this list to City of Raleigh Zoning Department (516-2555).</li> <li>• Please send a copy of any such correspondence to the Property Manager for the Board's records.</li> </ul>
Lawn Maintenance	Yes (is not to be over 8 inches tall)	Yes (is not to be over 4 inches tall)	<ul style="list-style-type: none"> <li>• Contact the Property Manager (847-3003) and give her the address of the property and describe specifically the violation.</li> <li>• The Board will get the City involved as needed.</li> </ul>
Overall Yard Maintenance (i.e., shrubs and other vegetation maintained and kept neat)	Yes	Yes	<ul style="list-style-type: none"> <li>• Contact the Property Manager (847-3003) and give her the address of the property and describe specifically the violation.</li> <li>• The Board will get the City involved as needed.</li> </ul>
Maintenance of Premises (house)	Yes (kept clean, safe, and sanitary—much less stringent than HOA Covenants)	Yes (includes paint, shutters, overall appearance of premises)	<ul style="list-style-type: none"> <li>• Contact the Property Manager (847-3003) and give her the address of the property and describe specifically the violation.</li> <li>• The Board will get the City involved as needed.</li> </ul>
Party Trash (cans, bottles, etc.)	Yes	Yes	<ul style="list-style-type: none"> <li>• Call 911 during the party if possible, as this is a City violation.</li> <li>• If the trash is noticed the following day, contact the Property Manager (847-3003) and give her the address of the property and describe specifically the violation.</li> </ul>

Issue	Covered by City Ordinance	Covered by Trailwood Hill HOA Covenants and Architectural Guidelines	Action Options
Trash Violations (garbage cans being left out, debris at the road, yard waste)	Yes (when not set out for pick-up, garbage can must be at side or back of house—or in garage)	Yes (when not set out for pick-up, garbage can must be at side or back of house—or in garage)	<ul style="list-style-type: none"> <li>• Call the Raleigh City Inspections Department, Housing/Environmental (807-5110) and report the violation.</li> <li>• <b>FYI</b>—Garbage cans and recycling bins should be placed at the curbside by 7 a.m. on your collection day. Retrieve the cart and bin from the curb by dusk of the day following your collection. <i>Our garbage, recycling, and yard waste pick-up day is every Thursday</i> (you can go to <a href="http://www.raleigh-nc.org">www.raleigh-nc.org</a> for more details regarding waste disposal). The number for special pick-up is 831-6880.</li> </ul>
Dogs at Pool	Yes	Yes	<ul style="list-style-type: none"> <li>• By state, county, and HOA rules, dogs are not allowed in the pool or even in the pool area. Please contact the property manager and advise of the date and time the dog was seen at the pool. There is \$100 fine for having a dog in our pool area.</li> <li>• You may also call the police if there is a dog in the pool area.</li> </ul>
Mail Box Destruction	Yes	No	<ul style="list-style-type: none"> <li>• Call the Raleigh Police (911) and report the location, date, and description of damage.</li> <li>• Also report to the Postal Inspection Service (704-329-9120)</li> </ul>

You may also contact the Property Manager at [tweathersbe@charlestonmanagement.com](mailto:tweathersbe@charlestonmanagement.com).

## ITEM C

### Noise and Nuisance Parties

The noise ordinance ([RCC 12-5007](#)) is in effect from 11 p.m. to 7 a.m. (nighttime hours), local time. This covers any noise that is unreasonably loud such as amplified music, shouting, firearms, building construction, or animals (with habitual or frequent sounds like crying, howling, or barking). There is a 24-hour loud noise ordinance ([RCC 12-5006](#)), however, a police officer must receive information as to how the disturbance is specifically being a “*detriment to the life or health*” of the complainant. This makes it more difficult to enforce before 11 p.m.

Any nuisance party is enforceable 24×7. [RCC 13-3017](#) defines a nuisance party as the following:

A nuisance party is a party or other social gathering conducted in the City and which, by reason of the conduct of those persons in attendance, results in any one (1) or more of the following conditions or occurrences:

- unlawful public possession or consumption of alcohol, unlawful drunken and disruptive conduct; public urination or defecation; the unlawful sale, furnishing, or consumption of alcoholic beverages;
- the unlawful deposit of trash or litter on public or private property;
- the unlawful destruction of public or private property;
- the generation of pedestrian or vehicular traffic caused by those invited to or allowed to attend which obstructs the free flow of residential traffic or interferes with the ability to provide emergency services;
- excessive, unnecessary or unusually loud noise which disturbs the repose of the neighborhood;
- public disturbances, brawls, fights or quarrels;
- or any other activity resulting in conditions that annoy, injure or endanger the safety, health, comfort or repose of the neighboring residents, or results in any obscene conduct, or results in any immoral exhibition or indecent exposure by persons at the gathering.

#### ***Citizen action***

If your quality of life is being threatened by a noise violation or a nuisance party and you want police action, call 9-1-1. Other remedies include neighborly approaches such as contacting the property owner or notifying those in violation. Do not put yourself in any harmful situations. If you suspect the consumption of alcohol is involved, it may be in your best interest to contact 9-1-1 to not endanger yourself or provoke any unwanted actions. Additionally, contacting 9-1-1 will keep a record of any of these violations. **Tip:** You may want to get another neighbor to call 9-1-1 as well if you think they are being disturbed.

When you contact 9-1-1, give the communications specialist your name, address, and phone number as well as the violation type and location of the complaint. As I understand, it is not the practice of the police department to release your information to the subject you are complaining against. You can, however, request to remain anonymous. You can also request a call back from the officer after the call has been responded to.

#### ***Frequently asked questions***

*What happens when you call 9-1-1 to report a noise violation or nuisance party?*

The communications specialist will collect the information and the complaint will then be dispatched to RPD. Both noise and party violations are priority four (P4). This means that a priority one call, such as an accident or a life-threatening situation will take precedence over a noise or party complaint. The upside though is that by September 2009, all officers will be trained on the recent amendments to the noise ordinances and nuisance party (source: [Police Officers Receive Training In Housing Code Violations](#)).

*What are the penalties for a noise violation or nuisance party?*

The penalties for these violations have changed as of July 2009 (source: [Parties Could Get Pricey](#)). Violators are

now subject to a civil penalty of one hundred dollars (\$100.00). If there are more than one violation within a 12-month period, the civil penalty increases to three hundred dollars (\$300). Criminal penalties (misdemeanor) can also apply if convicted.

*What if I'm the only person being disturbed by a nuisance party?*

The way the ordinance reads, the nuisance party must have “*excessive, unnecessary or unusually loud noise which disturbs the repose of the neighborhood.*” Because it says *neighborhood* and not *neighbor*, it must be more than one residence being disturbed. A good rule of thumb is to walk down two houses. If you can hear the violation from more than two houses away, this in fact, is disturbing the neighborhood.

*Do I need to get a neighbor to call too?*

RCC 12-5006 and RCC 12-5007 both use a two complainant standard. A police officer can be one of the complainants if, when they arrive on scene, can confirm the violation. The second complainant needs to be the original subject who called 9-1-1. If a complainant calling 9-1-1 does not leave their information with emergency communications, the complainant has possibly limited the officer's enforcement actions to a warning. Additionally, a second complainant can be another person who is being disturbed by the violation.

*Is a nuisance party a two complaint standard?*

RCC 13-3017 is not a two complaint standard like the noise ordinance. However, if an officer arrives on scene and the nuisance party is only a noise complaint, it will have to meet the requirements of disturbing the neighborhood as mentioned above.

*What if the party continues after the police have made a visit?*

Call 9-1-1 again, inform the communication specialists that you believe an officer has already made one visit, but the violation is continuing.

*Should I call the non-Emergency number instead?*

I do not recommend that you contact the non-Emergency number for a noise violation or nuisance party. The communications specialists who answer 9-1-1 also answer the non-Emergency line. When you call 9-1-1 your call is recorded and dispatched

*August 27, 2009 Lineberry Blog*

## **ITEM D**

### **PROP**

In an effort to strengthen enforcement laws and improve neighborhoods, the City of Raleigh has expanded its Probationary Rental Occupancy Permit (PROP) ordinance. The PROP ordinance serves as a tool to address rental property owners whose property is found to violate minimum housing, zoning and nuisance laws or have demonstrated a pattern of criminal convictions for noise and nuisance party violations. Under the expanded rules, activities resulting in a third conviction within a two-year period of certain behavior will result in the landlord being required to obtain a PROP. This ordinance is effective Jan 1, 2009. The City of Raleigh has added the following crimes to the PROP ordinance:

- Prostitution;
- Possession of stolen goods;
- Violations of certain state alcohol and liquor regulations;
- Unlawful weapons;
- Unlawful possession of a firearm by a felon;
- Gaming violations; and
- Disorderly conduct.

The landlord placed in the PROP program must pay \$500 per year for the two-year permit to cover the cost of administering the permit. The landlord must also attend a residential management course that is offered by or approved by the City of Raleigh. A landlord cited for a second code violation during the two-year probationary period could lose the rental permit for the property for two years. A third code violation could lead to a two-year revocation of PROPs issued for all other property rented by the landlord. The landlord would also be ineligible to apply for a new permit for two years.

### **FAQs Regarding PROP**

Q: Does the PROP ordinance require that all rental properties get a permit?

A: *No. A permit is only required for INDIVIDUAL UNITS (not an entire apartment house or complex) where a problem has been identified, and that problem has not been resolved within the "grace period", or where a pattern of repeat violations is established. Rental complexes that include more than 20 units are exempt from the PROP, unless a pattern of regular resistance to compliance is identified by the Inspections Director at a unit in such a development, and the City Council agrees to allow a PROP to be required on that unit. The PROP does not apply to rooming houses, rest homes or hotels.*

Q: Does the PROP ordinance apply to owner-occupied dwellings as well?

A: *No. The PROP ordinance specifically applies only to units offered for rent.*

Q: When is a PROP required?

A: *If a violation of any of the City's nuisance or housing regulations is identified (overgrown vegetation, trash, housing code violations, more than one unlicensed vehicle stored on property, etc.), a citation is issued and sent to the property owner, and the owner is given 10 days to fix the problem. If they fail to do so, a PROP will be required for that property. Also, if two citations are issued by the Police for a nuisance party or noise violation at a single address in a 24-month period, and these citations result in convictions, a PROP is required for that address. Also, if, within a 24-month period, a pattern of three instances of citation followed by remediation of the problem within the grace period happens at a single address, a PROP will be required at that address.*

Q: What happens when a PROP is required?

A: *A letter is issued to the property owner requiring them to complete a form to register for the permit and pay a \$500 fee within 10 days of notice, plus notify any tenants of the requirement for a PROP. The permit will "sunset" or become void in two years if no further violations occur at the property. There is a \$500 per year fee due during the permit period. The landlord is expected to attend a Landlord Training Program within the first year of the permit period.*

Q: What happens if there are more violations at the same address during the permit period?

A: *The two-year permit will be extended for an additional two years from the date of any violation. The first violation results in an immediate \$50 fine plus \$50 per day until it is resolved, plus a warning that the second violation may result in suspension of the property owner's right to rent that unit. A second violation at the same address during the permit period results in a \$250 immediate fine plus \$250 per day until the problem is resolved, plus the permit at that address is then revoked for two years, meaning that the property owner cannot rent that unit for two years. A third violation again results in a \$250 fine plus \$250 per day until the problem is resolved, plus, permits for ALL of the units owned by that property owner that are subject to a PROP throughout the city are revoked for two years.*

Q: Is there any avenue of appeal from a violation or the revocation of a PROP?

A: *Yes. The property owner may appeal first to the inspector who issued the citation, and then to the Inspections Director, and ultimately to the City Council if relief is not forthcoming from the staff appeal.*

Q: What is the intent of all this?

A: *The PROP ordinance is intended to address "problem rental properties" in established neighborhoods, and is targeted toward properties where violations occur, not all rental properties. The goal is that no PROP will ever be issued, because if this is the case it means that rental property owners throughout the city are ensuring that their properties are well-kept, up to City code, are well-monitored and their tenants are respectful of their neighbors.*

Q: How is a problem identified?

A: *Inspectors may identify a problem that is obvious outside the unit just by driving j by, such as overgrown vegetation or more than one unlicensed vehicle on the property. In order to enter a unit and inspect for housing code violations, inspectors must have probable cause evidence, or a search warrant must be issued by the courts. Inspectors will respond to complaints issued by neighbors, but depending on the nature of the problem, there may be no violation of City code, and no citation will be issued in that case. Also, calls to the District police office will result in response by uniformed police officers, if the problem is a criminal violation of the nuisance party or noise ordinances.*

Q: Why aren't tenants held responsible?

A: *Tenants are responsible if a criminal citation is issued, but ultimately the condition of the property and the activities of the tenants must be closely monitored by the property owner. Property owners are expected to write clear expectations of tenant behavior relative to neighbors into leases, and take action to encourage tenants to comply with these expectations or seek evictions of problem tenants. The PROP ordinance allows the Inspections Director to apply the ordinance reasonably and to grant extra time to comply or waivers of ordinance requirements to those property owners who are taking every possible measure to deal with problem tenants.*

Q: How will we know if this program works?

A: *When the City Council approved the ordinance, they called for a substantial review of its effectiveness one year and two years from the effective date of the ordinance. At this point, citizens who participated in the development of the program, those who have been affected by it and City staff will provide input and develop recommendations for adjustments to the ordinance.*

Q: What other measures are being taken to address problem rental properties?

A: *The City Council considered the recommendations of the Neighborhood Preservation Task Force, a group of citizens whose charge was to create an overarching set of actions to address this issue. A substantial education program is part of this strategy, to allow tenants and landlords to understand their legal responsibilities. The City has partnered with industry organizations and with colleges and universities to distribute this information. The City Council has authorized 4 new positions in the Inspections Department to help make the PROP system more effective and has raised fees and fines associated with violations. A new Landlord Training Program has been developed by the Police Department, and the City Council is looking at its homeownership encouragement strategies to consider strengthening them.*

## **ITEM E**

### **Important Contact Numbers**

Trailwood Hills Property Management Company: 847-3003

Raleigh Police: 911

Police Non-Emergency: 831-6311

- Use this number only to obtain status of pending police matters or follow-up on prior 911 calls. You need to use 911 to ensure that there is a record of your call and its outcome.

Lt. Draughon, District 26: 996-1397

- City of Raleigh PROP Officer - handles most noise and party disturbances.

Capt. Joseph Perry (District 2600- R.P.D.): 996-1388

City Council Office: 996-3050

City Manager's Office: 996-3070

Crime Stoppers: 834-4357

Crime Prevention/Community Relations: 996-3335

Curbside Garbage, Recycling, Yardwaste Pickup: 996-6890

Inspections Department: 806-5162

Gang Tip Hotline: 890-3904

Graffiti Hotline: 996-6001

Parks and Recreation: 996-3285

Wake County Public Schools: 850-1600

Yard Waste Center: 250-2728