

# CONSOLIDATED RULES Adopted September 19, 2019

## Preamble

The revision of the Initial Rules and the addition of others are a result of the work done by the Governance Task Force created to codify those rules under which the Biltmore Lake Homeowners Association will operate. Unlike the Charter and By-Laws, changes in Rules can be brought about by the Board alone.

In addition to these Rules, Committees and the Board can create Guidelines that are intended to be followed.

These Rules are intended to apply equally to all Association owners, residents and properties.

While Service Areas can create additional rules only for their area, they cannot contradict or replace any of these Rules.

It is the responsibility of the Board and Management to enforce these rules. A failure to enforce any rule shall not invalidate it nor constitute a waiver.

## General

Biltmore Lake common property shall be used only for residential, recreational, and related purposes (which may include, without limitation, an information center and/or a sales office for any real estate broker retained by the Founder to assist in the sale of property described in Exhibit "A" or "B" of the Biltmore Lake Community Charter, offices for any property manager retained by the Association, or business offices for the Founder or the Association) consistent with this Charter and any Supplement.

The following Biltmore Lake rules regulate use of property, activities, and conduct within Biltmore Lake. The Board's adoption of these Rules results in a replacement of both Exhibit "C" Initial Rules, attached to the 2002 Charter, and the Adopted Revisions to the Rules for Biltmore Lake of May 2005.

The word resident includes anyone residing in Biltmore Lake Association.

Failure to comply with these rules shall be addressed as defined in Chapter 8 "Compliance and Enforcement" in the Biltmore Lake Community Charter.

# Prohibited Activities

The following conditions and activities are prohibited in the Biltmore Lake Community:

Initial Rule (Rd)

1. Any activity that violates local, state, or federal laws or regulations; however, the Board shall have no obligation to take enforcement action in the event of a violation but may notify and cooperate with the appropriate authorities.

Initial Rule (Rc)

2. Any activity that emits foul or obnoxious odors outside the Unit or creates noise or other conditions that tend to materially disturb the peace or threaten the safety of the occupants of other Units.

Initial Rule (Re)

3. Pursuit of hobbies or other activities that tend to cause an unclean, unhealthy, or untidy condition to exist outside of enclosed structures on the Unit.

Initial Rule (Rf)

4. Any noxious or offensive activity which in the reasonable determination of the Board tends to cause embarrassment, discomfort, annoyance, be threatening or nuisance to persons using community common areas, residents or occupants of other Units, board of directors, committee members, staff of the management, security guards, or contractors hired by the association.

Initial Rule (Rh)

5. Use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device so as to be excessively audible to occupants of other Units, except alarm devices used exclusively for security or safety purposes (Ref: Buncombe County Code of Ordinances ARTICLE IV. – NOISE Sec. 26-181. – Unnecessary Noises).

Initial Rule (Ri)

6. Use and discharge of firecrackers and other fireworks (Ref: Buncombe County Code of Ordinances ARTICLE IV. – NOISE Sec. 26-181. – Unnecessary Noises).

Initial Rule (Rk)

7. Discharge of firearms; provided, the Board shall have no obligation to take action to prevent or stop such discharge (Ref: Buncombe County Code of Ordinances ARTICLE IV. – NOISE Sec. 26-181. – Unnecessary Noises).

Initial Rule (Pa)

8. Plants, animals, devices, or other things of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of Biltmore Lake. This includes raising, breeding or keeping animals other than as provided in §5.

Initial Rule (Pb)

9. Structures, equipment, or other items on the exterior portions of a Unit which have become rusty, dilapidated, or otherwise fallen into disrepair.

Initial Rule (Rm)

10. Any activities which materially disturb or destroy the vegetation, wildlife, wetlands, or air quality within Biltmore Lake.

11. Any activities which use excessive amounts of community water.

12. Any activities which result in unreasonable levels of sound or light pollution.

2013

13. No gambling for anything of monetary value in the clubhouse or on the grounds around the clubhouse.

# Restricted Activities

Unless expressly authorized by, and then subject to such conditions as may be imposed by the Board, the following activities are restricted within Biltmore Lake:

## 1. Resident Identification

NEW

- 1.1. While on common properties including trails, tennis courts, basketball courts and playground areas, residents shall have their Biltmore Lake Association issued resident pass visibly displayed when possible and always in their possession for presentation if requested.
- 1.2. Residents may lend their resident Identification badge to house guests or in-home care providers to access to amenities. Residents are responsible for any damage or incidents caused by those using their resident identification badge; Residents shall not allow guests or in-home care providers to share their resident badge with others.
- 1.3. The resident identification badge shall be returned to the association office when moving from Biltmore Lake. Failure to return the resident identification badge may result in the new owner being charged a fee for a replacement badge.

NEW

## 2. Use of Amenities

Biltmore Lake amenities include the lake, trails, club house, tennis courts, basketball courts, fire pit, campsites, pavilion, playgrounds, watercraft and personal flotation devices, and other common areas

- 2.1. Residents shall be respectful of community amenities during use. Residents shall not damage amenities or leave common areas in poor condition with trash or other items left behind
- 2.2. Outdoor amenities may be used between 30 minutes before sunrise until 30 minutes after sunset or as otherwise posted.
- 2.3. The Board, at its discretion, may set conditions and restrictions on the use of any amenity.
- 2.4. A reservation is required on the community website for exclusive use of the tennis/pickleball courts, a fire pit or campsites. Anyone using these amenities without a reservation must stop their use if someone with a reservation shows up.
- 2.5. No alcohol is permitted at campsites.

## 3. Parking:

Initial Rule (a)

- 3.1. No parking of commercial vehicles or equipment, mobile homes, recreational vehicles, golf carts, boats and other watercraft, trailers, stored vehicles, or inoperable vehicles in places other than enclosed garages; provided, construction, service and delivery vehicles shall be exempt from this provision during normal business hours for such period of time as is reasonably necessary to provide service or to make a delivery to a Unit or the Common Area;

NEW

3.2. No parking of vehicles between the hours of 12:00 AM and 6:00 AM on private streets, thoroughfares, or Biltmore Lake Community parking lot without permission from the Association office. During the period when on street parking is allowed, no two vehicles shall be parked in a manner which interferes with or impedes the safe passage of road traffic.

NEW

3.3. No on street parking is permitted when snow emergencies are declared by property management

NEW

3.4. No parking in the Biltmore Lake community parking lot without a parking sticker issued by the association. Guests shall have a parking pass. Cars parked in the parking lot shall be within marked spaces and occupy a single space. Parking sticker shall be returned to the association office when moving from Biltmore Lake.

2005 Rule (6)

3.5. No Parking of any vehicles on lawns.

**4. Speed Limit**

NEW

4.1 The Speed Limit on all private streets in Biltmore Lake is 25 Miles Per Hour.

**5. House pets**

Initial Rule (Rb)

5.1. A reasonable number of dogs, cats, or other usual and common household pets may be permitted in a Unit.

5.2. Pets which in the Board's sole discretion, make objectionable noise, endanger the health or safety or constitute a nuisance or inconvenience to the occupants of other Units, shall be removed upon the Board's request. If the pet owner fails to honor such request, the Board may remove the pet.

5.3. Pets shall be kept on a leash, contained or otherwise confined in a manner acceptable to the Board whenever outside the dwelling. All leashes must be visible. (Ref: Buncombe County Code of Ordinances Sec. 3-27)

5.4. Pets shall be registered, licensed, and inoculated as required by law (Ref: Buncombe County Code of Ordinances Sec. 6-56).

5.5. Residents shall clean up their pet waste while outside their property

**6. Outdoor burning**

Initial Rules (Rg)  
  
Design Guide

6.1. Outdoor fires shall be in approved fire pits or fireplaces.

6.2. Fires shall comply with all applicable local or state regulations or prohibitions. Neither the Biltmore Lake Association, nor the Founder shall be held responsible for any damage caused by outdoor fires.

6.3. There shall be no outside burning of trash, leaves, construction debris, plastic, pressure treated wood, or other refuse.

6.4. Outdoor fires shall be extinguished if smoke from the fire is causing a nuisance by blowing into a neighboring property.

6.5. Water shall be readily accessible for extinguishing fires at all times; All fires must be fully extinguished when left unattended.

**7. Trash and yard waste**

Initial Rule (Rj)

2005 Rule 5

- 7.1. Accumulation of rubbish, trash, or garbage between regular garbage pick-ups, shall be in approved containers.
- 7.2. Trash containers shall be stored in a garage or in an appropriate enclosure as approved by the Design Review Committee except for the period of time required for trash to be picked up. Trash containers shall not be visible between 9:00 a.m. the day after the scheduled pick up until 6:00 p.m. the day prior to scheduled pick up. Example: If trash is scheduled for pick up on Monday, trash containers can be out no earlier than Sunday evening and later than Tuesday morning.
- 7.3. Accumulated yard waste shall be stored out of public view between regular pick-ups.

**8. On site fuel storage**

Initial rule (Rl)

- 8.1. There shall be no onsite storage of fuel except a reasonable amount of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment. The Association shall be permitted to store fuel for operation of maintenance vehicles, generators, and similar equipment

**9. Exterior items**

2005 Rule 2  
Design Guide

- 9.1. The aesthetic qualities of items placed in yards can be highly subjective. For this reason, most decorations, ornaments, sports equipment and other items placed outside a home should be kept in areas away from public view. Appropriate screening is therefore required for these items unless specific permission is granted to exclude it.
- 9.2. Lawn furniture shall be restricted to front porches or rear yards unless approved by the Design Review Committee.
- 9.3. Lawn and garden accessories and ornaments, e.g. birdhouses, planters, decorative plaques, decorative wheelbarrows, statues, etc. that can be seen from the public view shall be limited to a maximum of two (2) per lot and shall be no larger than 2 feet by 2 feet in Size.
- 9.4. Porch flags appropriate to a specific season are permitted provided they are in good repair and are only displayed during the specific season.
- 9.5. Holiday decorations are permitted in view but must not be placed more than 30 days prior to the holiday, nor remain in place more than 15 days afterward.
- 9.6. Potted plants are permitted provided they are properly maintained.
- 9.7. Yard maintenance equipment including but not limited to wheelbarrows, hoses, rakes, bagged soil or mulch, etc. shall be appropriately stored out of the public view.
- 9.8. Portable basketball goals are permitted only on an owner’s property provided they are kept out of the public view when not in regular use (e.g. resident is on vacation, during the winter months, etc.). The location of all goals must be approved by the Design Review Committee. Approved colors of goals include gray or black. All other colors must be approved by the Design Review Committee.

2005 Rule 3

2005 Rule 4

- 9.9. For use in fireplaces and wood stoves, cut firewood may be stored in back or side yards. Ends of woodpile should be staked or otherwise constrained to maintain neatness of stack. Woodpile may be covered with structure (subject to DRC approval) or natural colored tarp/covering. Wood may also be stored under decks either neatly stacked or in log hoops.

**10. Signs**

- 10.1. Residents may display political signs not to exceed a maximum dimension of 24 inches by 24 inches as mandated in North Carolina statute §47F-121(2) 24 inches, no more than 45 days prior to any local, state or federal election, Signage must be removed from residence within (1) week following the election date.
- 10.2. Residents may request to the Board of Directors the use of additional signs on their individual property that inform others of the use of certain items on their property (e.g. invisible fences, oxygen, etc.), or Residents and Biltmore Lake Association Committees and Groups may seek permission from the Board of Directors to announce or advertise upcoming events or projects that may be of interest to the community at large. Use of signs will be on a case by case basis and will require permission from the Association prior to installation, and time limits may be enforced by the Association.

- 10.2.1. All requests must be received by the Association office (excluding political signs).
- 10.2.2. Permission must be obtained prior to sign placement one week in advance.
- 10.2.3. If a time limit for the sign is determined, resident, committee or group must have signs removed within that time limit or may be charged for their removal.
- 10.2.4. Signs must be kept in good repair.
- 10.2.5. Signs cannot exceed 3'x3' in size for common areas and 1'x 1' on private property excluding "for sale/for rent" signs which must prescribe to specifications stated in Charter.
- 10.2.6. Location of sign must be approved and must not be considered a nuisance to neighboring homes or a traffic impediment

Resident Sign Usage and Placement 12-2011-05, Revised October 18, 2012

**11. Biltmore Lake Design Guideline Approval**

The following items require approval by the Design Review Committee pursuant to Chapter 5 of the Community Charter of Biltmore Lake and the Biltmore Lake Design Guideline

- 11.1. Modification of anything, permanent or temporary, on the outside portions of a Unit, whether such portion is improved or unimproved, This shall include, without limitation, basketball hoops, swing sets and similar sports and play equipment; garbage cans, woodpiles as approved by the PCDRC, above-ground swimming pools, docks, piers, and similar structures; hedges, walls, dog runs, animal pens, fences of any kind, and satellite dishes and antennas;
- 11.2. Conversion of any carport or garage to finished space for use as an apartment or other integral part of the living area on any Unit.

Initial Rule (Rn)

Initial Rule (Ro)

- 11.3. In order to receive Post-Construction Design Review approval, the size of a satellite dish must comply with Federal Law.

**12. Motorized vehicles on Biltmore Lake community trail system**

**Personal Motorized vehicles**

- 12.1. No personal recreational motorized vehicles, including but not limited to golf carts, Segways, e-Bikes etc., are allowed on the community trail system. Service and Maintenance utility vehicles working on behalf of the association are permitted on the community trail system to perform their duties.

**Access to private property via Community Trail system**

- 12.2. No motorized vehicles are allowed on trails to access private properties without prior written permission from the Association Office. Residents who violate this rule, or who permit their contractors to violate it, will be subject to a \$100 fine by the Association in addition to being liable for damage to the trail and adjacent Association property.
- 12.3. Approval for trail access may be given on an exception basis if access to the resident's property is only possible from the trail. Permission will require payment of a \$500 refundable security deposit that will be used to repair any damage to Association property; and the resident will be billed for any additional amount required to repair damage. After permission is granted, the property manager will evaluate the trail before and after access (including photographs). The extent of damage, if any, and required repairs will be determined by the Association, and repair work will be done by an Association contractor.
- 12.4. Permission must be requested at least 5 business days prior to the expected start of the work. No trail access by motor vehicles is permitted prior to receipt of written permission, pre-evaluation of the trail, and payment of the deposit.

**13. Boathouse/Lake**

- 13.1. The lake is available for watercraft use between sunrise and sunset
- 13.2. Residents and guests shall have a signed wavier on file before using community watercraft.
- 13.3. No gas-watercraft is permitted on the lake.
- 13.4. Use of personal non-motorized or electric powered boats on Biltmore Lake is allowed.
  - 13.4.1. Personal boats may not be stored on Association property (including the lake, shore, dock, and boat house).
  - 13.4.2. Personal boats and kayaks which have been used in other lakes or waters must be rinsed with a hose which is provided at the boathouse. This is required to prevent the introduction of exotic and invasive species into the lake waters.
  - 13.4.3. After boating on the lake, your personal boat must be placed on vehicle or trailer and removed from premises.

July 2016  
BOD meeting  
approved  
personal  
motorized  
vehicle Rule

February  
2017 BOD  
meeting  
approved  
motorized  
vehicle rule

- 13.5. Each user of watercraft must wear a personal flotation device while on the lake.
- 13.6. Watercraft users must keep out of the beach area, floating docks, pavilion, and swimming areas marked by buoys.
- 13.7. Watercraft users should remain alert to threatening weather conditions and exit the lake during severe weather
- 13.8. Fishermen above the age of 16 require a valid NC fishing license and must presented It upon request
- 13.9. Boaters and swimmers must leave the lake immediately when the air horn is sounded.
- 13.10. No alcohol may be consumed on the lake.
- 13.11. No fishing off of either bridge
- 13.12. No climbing on either bridge from water or boat

## Amenity guidelines and rules

These amenity specific guidelines and applicable rules culled from the Consolidated Rules document, are compiled here as the source for community signage and shall be enforced as rules.

### A. Community Trail system

Trail Signage and Trail pamphlet

1. The trail system is open for use 30 minutes before dawn to 30 minutes after dusk. Resident ID is required.
2. Bicyclists should travel slowly (less than 12 mph) and yield to pedestrians, giving an auditory signal when approaching; Pedestrians should be alert to bicyclists.
3. Bicycles, strollers, or other wheeled vehicles should not be used when trails are wet, it causes damage by rutting the soil
4. Pets must be kept on a visible leash and under constant control; Pet owners must clean up after their pets.
5. Remain on trails and respect adjoining private property.
6. Do not disturb plants and wildlife along the trails, protect flowers and plants for others to enjoy
7. No Motorized vehicles are allowed on the trail system

### B. Swimming and Beach

Beach Signage

1. Swimming hours are from sunrise to sunset
2. Swim at your own risk
3. No swimming alone
4. Must enter and exit water from a swim beach.
5. If beach is closed due to poor water quality, then all swimming must be suspended until water is retested and shown to be within state limits.
6. Residents and guests shall have a signed wavier on file before using community beach and lake
7. An adult (18 years or older) must supervise children 12 years old and younger in the swimming area at all times
8. Children 13 years old to 17 years old must have a parent sign a waiver to swim on their own

9. The following rules are strictly enforced:
- a) No profane or abusive language
  - b) No roughhousing or dunking
  - c) No illegal substances
  - d) No loud music
  - e) No pets allowed in the swimming areas
  - f) Proper swim attire must be worn – this is a family beach
  - g) No swimming from dusk to dawn or during severe weather

### C) Tennis Court

Tennis Court  
Signage

1. Courts open daily from sunrise to sunset
2. Tennis / pickleball courts may be used by Biltmore Lake Members & their invited Guests only
3. Children under age 13 must be accompanied by an adult
4. All users of the courts shall respect the rights of others using the courts.
5. Appropriate footwear required
6. No roller blades, skateboards, bicycles, or other wheeled items allowed on the court
7. Activities other than tennis / pickle ball or other racquet sports such as soccer tennis are permitted but only if the participants play their game prudently and do not disturb users of the other court nor engage in any activity that would harm the net.
8. No glass containers allowed inside the fence
9. Please limit playing time if others are waiting for court, (One Hour for singles and Two Hours for doubles)
10. Use courts at your own risk
11. No Pets permitted

### D) Basketball court

Basketball  
Court  
Signage

1. Courts open daily from sunrise to sunset
2. Basketball courts may be used by Biltmore Lake Members and their invited guests only
3. Children must be accompanied by adult
4. Appropriate footwear is required
5. No roller blades, skateboards, bicycles, or other wheeled items allowed on the court
6. No glass containers allowed inside the fence
7. Please limit playing time if others are waiting for courts
8. Use courts at your own risk
9. No pets permitted

### E) Boathouse/Lake

Currently there is no sign at the boathouse

This is a proposed list and suggestion for sign

1. The lake is available for watercraft use between sunrise and sunset
2. Residents and guests shall have a signed waiver on file before using community watercraft.
3. An adult (18 years or older) must accompany children 12 years old and younger in the watercraft at all times
4. No **gas**-powered watercraft is permitted on the lake
5. Each user of watercraft must wear a personal flotation device while on the lake.
6. Watercraft users must keep out of the beach area, floating docks, pavilion, and swimming areas marked by buoys.
7. Personal watercraft that have been in other waters must be rinsed prior to launch.
8. Watercraft users should remain alert to threatening weather conditions and exit the lake during severe weather
9. Fishermen above the age of 16 require a valid NC fishing license and must present it on request
10. Boaters and swimmers must leave the lake immediately when the air horn is sounded
11. No alcohol may be consumed on the lake.
12. No fishing off of either bridge
13. No climbing on either bridge from water or boat

### F) Fire pit

Currently there is no sign at the fire pit

This is a proposed list and suggestion for sign

1. Hours of use 10:00AM to 11:00PM
2. Fire pit must be reserved on Biltmore Lake community website prior to use
3. A fire started in the Fire Pit must be completely extinguished before leaving the area. A water bucket is provided at the Fire Pit for this purpose
4. Users are responsible for picking up and properly disposing of all trash before leaving
5. Groups larger than 25 require prior approval from the Biltmore Lake Lifestyle Director.

## 2018/2019 Consolidated Rules Sources:

- Initial rules from Exhibit "C" of Biltmore Lake Community Charter
- Conduct and use rules extracted from 15 April 2018 Biltmore Lake Design Guidelines
- Adopted Revisions to the Rules for Biltmore Lake October 14, 2005
- Biltmore Lake Association Resident Sign Usage and Placement 12-2011-05, Revised October 18, 2012
- July 2016 BOD meeting approved personal motorized vehicle Rule
- February 2017 BOD meeting approved motorized vehicle rule
- Rules Task force recommended additions and changes
- Posted signage for Trails, Tennis Courts, Basketball Courts, Swimming, and Boathouse