

# Rules and Regulations for the Avalon Community



Effective April 15, 2023



Avalon South Owners Association, Inc.



## **Rules and Regulations for the Avalon Community**

Users of this RULES document should understand that Avalon is a dynamic community and, as such, many influences (e.g., local/state/federal laws) have the potential to require changes to sections of the Rules and Regulations.

### **Preface**

These duly adopted Rules and Regulations by the Board of Directors of Avalon are applicable to all common facilities and all residential property within the development. The Architectural Standards Committee responds to submissions pertaining to architectural design.

These Rules and Regulations, their limitations, restrictions, covenants and conditions are binding upon all entities (property owners, tenants, transients, invitees, and guests) who have or may acquire an interest in the property identified within Avalon and its amendments and who have the right to use the common facilities within the development. If there is any conflict between these Rules and Regulations and Covenants, By-Laws, the Covenants shall prevail. Failure to follow the Rules and Regulations may result in loss of common area use and fines.

All local, state, and federal laws take precedence over the Avalon Rules and Regulations. The Board of Directors may add, amend, or repeal any portion of this document. Any building or improvement to be rebuilt must comply with the Architectural Guidelines. Upon failure or refusal of a property owner to comply with the provisions of this paragraph, after notice and procedure, Avalon may proceed to contract with any appropriate service or contractor to bring the property in compliance with these Rules and Regulations and bill the property owner. The costs to Avalon HOA for bringing the property into compliance shall be a lien against the property filed in accordance with the covenants and North Carolina Statutes. Any building or improvement to be rebuilt must comply with the Architectural Guidelines.

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**Table of Contents**

1. USE OF MOTOR VEHICLES, STORAGE, PARKING, AND STREETS: ..... 4

2. STORAGE, PARKING AND STREETS:..... 5

    A - STORAGE..... 5

    B- LOADING/UNLOADING ..... 6

    C - CONSTRUCTION..... 6

    D - OVERNIGHT & UNLICENSED & NON-WORKING VEHICLES:..... 6

    E - GUESTS..... 6

3. SOLICITATION:..... 6

4. YARD/GARAGE SALES:..... 6

5. APPLICABLE ORDINANCES: ..... 6

6. PROPERTY USE: ..... 7

    A - DEFINITION..... 7

    B - HOME OFFICE ..... 7

    C - COMMERCIAL ACTIVITY..... 7

7. DETACHED STRUCTURES: ..... 7

8. CONDUCT: ..... 7

9. DISTURBANCE OF NATURE: ..... 7

10. FIREARMS: ..... 8

11. FIREWORKS: ..... 8

12. OUTSIDE BURNING: ..... 8

13. PROPERTY MAINTENANCE LANDSCAPING: ..... 8

14. EXTERIOR LIGHTING:..... 8

15. DAMAGED AND REBUILT IMPROVEMENTS:..... 8

16. REAL ESTATE RESALES SIGNS: ..... 8

17. POLITICAL SIGNS: ..... 8

18. EXTERIOR AMENITIES: ..... 9

19. PAINTING AND EXTERIOR ALTERATIONS:..... 9

20. SCREENING: ..... 10

21. GARBAGE, TRASH AND RECYCLING DISPOSAL: ..... 10

22. WATER RUN-OFF: ..... 10

Avalon Homeowners Association, Inc.

23. PETS: ..... 10

24. RENTERS CONDUCT AND PROPERTY RENTAL: ..... 10

    B - RENTAL USE DESCRIPTION ..... 10

    C - RENTER RESPONSIBILITY ..... 10

25. OWNER GUESTS:..... 11

26. USE OF COMMON FACILITIES: ..... 11

    A - COMMON AREA USAGE..... 11

    B - CLUBHOUSE RESERVATIONS ..... 11

    C. SMOKING ..... 11

    D. COMMUNITY BULLETIN BOARD..... 11

    E. ALCOHOL POLICY..... 11

    F. COMMERCIAL SOLICITATION ..... 12

    G. SKATEBOARDING & ROLLER BLADING ..... 12

    H. KAYAKING & BOAT USE..... 12

27. FITNESS CENTER: ..... 12

    A - OVERVIEW ..... 12

    B - USAGE ..... 12

    C - ATTIRE ..... 12

    D - CLEANLINESS ..... 12

    E - FOOD ..... 12

    F - COURTESY ..... 13

    G - MISUSE..... 13

28. POOL AREA: ..... 13

29. PICKLEBALL COURT: ..... 14

30. HORSESHOE AND BOCCE BALL COURT: ..... 14

31. FIRE PIT: ..... 14

32. RECORDATION ..... 15



## **Rules and Regulations – Overview and Requirements**

### **1. USE OF MOTOR VEHICLES, STORAGE, PARKING, AND STREETS:**

#### **MOTOR VEHICLES:**

Golf carts and mopeds which comply with North Carolina statutes for street operation are permitted on private streets. Dirt bikes, all-terrain vehicles, Go Karts, or similar off-road vehicles that are not properly licensed, registered, and insured as required by North Carolina statutes may not be operated within Avalon. Exhaust systems shall be muffled so as not to create a nuisance. No vehicle can be parked or driven in grass areas, to include sidewalks in front of homes.

No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads, and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must always carry their driver's license on their person while operating a golf cart on private roads.

An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.

#### **COMMERCIAL VEHICLES:**

A commercial vehicle is defined for the purposes of these guidelines as a vehicle designed specifically/configured for commercial use or has a carrying capacity of at least two (2) tons or has equipment racks with equipment attached externally. Examples are school buses, taxis, labor trucks, vehicles with lettering that is not removed while in the Community, vehicles with racks and equipment attached. Commercial Vehicles are not allowed to park within the community overnight or for more than twenty-four (24) hours except to load or unload or while performing services on property. Commercial vehicles may be covered with a full coverage vehicle cover which extends below the bottom of the vehicle body, may be parked on property without prior Farm at Timberlake Board approval. Cars, SUVs, Trucks, Passenger Vans, or similar standard passenger vehicles with "body wraps" or similar commercial/business logos may be parked on property with prior Board approval. Standard passenger vehicles may have racks or other devices for carrying cargo or sporting equipment if cargo or equipment is not stored on the vehicle for more than twenty-four (24) hours. Vehicles that are in disrepair, not operable or properly licensed, tagged, and registered are not allowed to park within the Community. Vehicles that are stored completely inside a garage with the garage door closed are allowed regardless of type. Construction vehicles and trailers associated with the Declarant's construction on the

## Avalon Homeowners Association, Inc.

Property are also exempt from these regulations. The Board shall have the right to grant variances from the foregoing restrictions in cases of hardship which variance may be granted upon such terms and conditions deemed appropriate by the Board.

No inoperable vehicle of any kind and no passenger vehicles or other vehicles not currently licensed shall be parked or stored on any driveway. No vehicle of any kind shall be repaired or rebuilt anywhere within a Lot other than within the garage, which screens the sight and sound of the activity. This includes maintenance (other than washing and polishing vehicles), servicing, repair, dismantling, or repainting of any type vehicle, boat, trailer, machine, and similar types.

### **RECREATIONAL VEHICLES, TRAILERS, BOATS, and WATERCRAFT:**

Parking any vehicles on streets or thoroughfares within the Community or parking of commercial vehicles or equipment, mobile homes, recreational vehicles, golf carts, trailers, stored vehicles, or inoperable vehicles in places other than enclosed garages; however, construction, service, and delivery vehicles shall be exempt from this provision during daylight hours for such period of time as is reasonably necessary to provide service or to make a delivery to a Lot or the Common Area.

A Commercial Vehicle shall mean any vehicle whose title is placed in the name of a company or corporation or any vehicle that is required to be licensed as a commercial vehicle by the North Carolina Division of Motor Vehicles. Recreational vehicles of all types, to include recreational vehicles (RVs), trailers of all types (either with or without wheels), campers, camper trailers, house trailer, horse trailer, motor home, all-terrain vehicles, or any similar vehicle shall not be stored on or at any lot unless completely enclosed within a garage so as to be not visible from the streets or other lots. These types of vehicles may be brought to the residence for loading and unloading but may not be parked/stored overnight.

No vehicle, trailer of any kind may be parked on front lawns and/or Common Areas. Boats and other watercraft (i.e. jet skis), are permitted in the Community with the approval of the ARC, with said approval to be in the sole discretion of the ARC based on boat type, size, their proposed storage location of the boat, and other factors deemed relevant by the ARC.

### **SPEED LIMIT:**

Drivers are to drive cautiously on all roads throughout the community and obey the speed limit of eighteen (18) miles per hour unless otherwise posted. If you see drivers speeding in our community, report them along with a good description to the sheriff's department.

## **2. STORAGE, PARKING AND STREETS:**

### **A - STORAGE**

Storage and/or parking of a mobile home, trailers (with or without wheels), motor homes, tractors, trucks (other than pick-up trucks), commercial vehicles of any nature, campers, motorized campers or trailers, recreational vehicles, boats or other watercraft (motorized or not), boat trailers or any related forms of transportation devices is prohibited.

# Avalon Homeowners Association, Inc.

## **B- LOADING/UNLOADING**

For purposes of loading or unloading, the foregoing vehicles may be temporarily parked on an owner's property for a period of two (2) consecutive days and one night per ARC Guidelines. Storage spaces commonly referred to as "PODS" are permitted, not to exceed seven (7) days without specific approval. (See **Architectural Guidelines, page 37** for more information on PODS).

## **C - CONSTRUCTION**

During active construction on a residential property, commercial vehicles required to remain in connection with that construction (e.g. dumpsters) may remain on the site of the construction for only so long as may be reasonably required to complete the construction.

## **D - OVERNIGHT & UNLICENSED & NON-WORKING VEHICLES:**

No vehicle shall be parked overnight within any street right of way. No unlicensed, stripped, partially wrecked or junked vehicle or part thereof may be visible to the public on any property, street, or street right-of-way.

No vehicles shall be parked on the lawn of any residential property or on any vacant lot or vacant property. No vehicle displaying advertising that it is For Sale shall be parked anywhere, including privately owned residential units, on any property within the community.

## **E - GUESTS**

Guests may use the parking spaces at the dog park area for up to seven (7) days without HOA approval. There is no overnight parking on the streets.

## **3. SOLICITATION:**

Solicitation within the development is prohibited.

The solicitation of contributions of money or property or otherwise canvassing for the contributions of money or property, offering of goods for sale by calling out in the street, and the selling, bartering, exchanging or the offering for sale of any tangible personal property along the streets or from private property, or from any wagon, truck, pushcart, concession stand, tent, or other moveable receptacles of any kind is prohibited. The distribution of pamphlets, brochures, or handbills for the purpose of soliciting or advertising business is prohibited.

## **4. YARD/GARAGE SALES:**

Yard, estate and/or garage sales are strictly prohibited. (The only exception is the two (2) Association Community Yard Sales per year sponsored by the Avalon Social Committee)

## **5. APPLICABLE ORDINANCES:**

Per Brunswick County Article VIII- Noise Ordinance, quiet hours in the community are 11:00 pm to 7:00 am.

# Avalon Homeowners Association, Inc.

Refer to the counties site for all other Ordinances, along with the City of Bolivia, and the State of North Carolina.

## 6. PROPERTY USE:

### A - DEFINITION

Individually owned residential property, shall be used solely for single family residential living.

### B - HOME OFFICE

A home office is permitted.

### C - COMMERCIAL ACTIVITY

No other commercial activity is permitted unless such activity complies with the following:

- The existence or operation of the activity is neither apparent nor detectable by sight (including signs), sound, or smell from the exterior of the residence.
- The activity does not require regular visitation to the residence by clients, customers, employees, agents, suppliers or other business invitees, or the solicitation of other residents.
- The activity is consistent with the residential character and does not constitute a nuisance, hazardous or offensive use or threaten the security or safety of other residents.

## 7. DETACHED STRUCTURES:

All tents, trailers, mobile homes, or any other structure, permanent or temporary, except as otherwise provided within these Rules and Regulations are prohibited on any member's property without the prior approval of the Board of Directors. (Refer to **Architectural Guidelines**)

## 8. CONDUCT:

All residential property owners, tenants, guests, and invitees shall conduct themselves with respect and regard toward all members of the community. All noxious, vulgar, offensive, or illegal activities are prohibited. No residential property owner, tenant, guest, or invitee shall engage in any conduct which constitutes an unreasonable annoyance or nuisance to any person within Avalon.

## 9. DISTURBANCE OF NATURE:

Activity that materially disturbs or destroys vegetation, wildlife, water, or air quality is prohibited.

**10. FIREARMS:**

Discharging of any firearm as defined in the statutes of the State of North Carolina, including, but not limited to, handgun, long gun, BB gun, airsoft, and paintball gun is prohibited within the Avalon community.

**11. FIREWORKS:**

Discharging of fireworks and/or any incendiary device within Avalon is prohibited.

**12. OUTSIDE BURNING:**

A Fireplace/Fire Pit cannot create an unreasonable level of disturbance to adjacent property owners. Care shall be taken by the owner to not burn during high wind events or during any Brunswick County declared “No Burn Event”. (Refer to the Architectural Guidelines for more information Page 26)

**13. PROPERTY MAINTENANCE LANDSCAPING:**

Property owners shall maintain all homeowner installed landscaping on their property at the level specified in the Architectural Guidelines.

Accumulations of trash, debris, and/or other unsightly litter is prohibited. Depositing or dumping of any yard waste (such as grass clippings, shrubbery clippings, tree branches, etc.) on any improved or unimproved lot by the property owner or on any common area within the Avalon Community is prohibited.

**14. EXTERIOR LIGHTING:**

Refer to the Architectural Guidelines.

**15. DAMAGED AND REBUILT IMPROVEMENTS:**

The residue of any building or improvement must be removed within a reasonable amount of time as determined by the Board of Directors.

**16. REAL ESTATE RESALES SIGNS:**

Refer to the Architectural Guidelines, page 40

**17. POLITICAL SIGNS, BANNERS and FLAG DISPLAYS:**

Refer to the Architectural Guidelines, page 39 under “Signs”.

IMPORTANT: All political candidate(s), referendum and related political signs in the community are subject to and are required to adhere to current Brunswick County and City requirements and provisions (and any Avalon HOA policies in place, where applicable) for the allowable size, placement, and timeframes for the display of such signs, banners and flags.

## Avalon Homeowners Association, Inc.

Under no circumstance, no sign, banner or flag (political or otherwise) may be displayed on the owner's property containing any vulgarity, obscenity and/or offensive material.

### **18. EXTERIOR AMENITIES:**

#### **Portable Basketball Goals**

Portable basketball goals are permitted. The goal must be weighted per manufactures instructional manual. The goals are permitted to be kept by the street during active use. Active use shall mean the immediate period of time during which there is play. Use of such items shall be limited to the hours of 8:00 am to 9:00 pm. The portable unit cannot be placed in such a manner that it blocks sidewalks and pedestrian walkways. Portable unit should not be placed in any public streets or roadway potentially obstructing traffic patterns.

When the basketball goal is not in use it must be pulled away from the street and kept on the owner's property not within the common areas (such as sidewalks). In the event of storms that can carry high winds the goals must be laid down and stored within the owners back yard or other area that would prevent the goal from causing harm to another property.

Refer to the **Architectural Guidelines** for the following:

- Play and Recreation page 37
- Statues and Fountains page 40
- Storage Shed page 40
- Hot tub page 29
- Gazebo page 28
- Flowerpots page 27
- Flags and Flag Poles page 26-27
- Holiday Decorations page 29

### **19. PAINTING AND EXTERIOR ALTERATIONS:**

Refer to the **Architectural Guidelines** for the following:

- Garage Screens page 27
- Generators page 28
- Gutters page 29
- Hurricane/ Storm protection page 30
- Patios, pavers, and covers page 36
- Screen doors page 38
- Shutters page 39
- Fencing page 24-25

**20. SCREENING:**

Refer to the **Architectural Guidelines for Air Conditioning, page 17.**

**21. GARBAGE, TRASH AND RECYCLING DISPOSAL:**

All trash totes must have a cover that is resistant to animals and be kept within an enclosed structure. The trash tote may be placed at the curb at such times as may be necessary to permit garbage and trash pickup.

Trash totes may not be placed at the curb prior to the evening before collection and must be returned to the enclosed structure or inside the garage the day of collection. (See **Architectural Guidelines for placement and storage of trash totes, page 28**).

**22. WATER RUN-OFF:**

Refer to the Architectural Guidelines

**23. PETS:**

No animals, livestock or poultry of any kind shall be kept or maintained on any lot or in any dwelling except that dogs, cats, or other household pets may be kept or maintained provided they are not kept or maintained for commercial use and provided further that they are not allowed to run free.

All dogs must have their waste cleaned up by the owner, whether on their own property, other people's property, or common area. County ordinance requires this as well. Maximum of three (3) pets per home unless approved by the Board of Directors. No obnoxious barking, or noise making.

**24. RENTERS CONDUCT AND PROPERTY RENTAL:**

Tenants, Transients, Invitees, and Guests.

**A - RENTAL TIME LIMIT**

The rental of a Single-Family Residence shall not be for a period of less than one (1) year. This includes individual rooms as well as the entire home.

**B - RENTAL USE DESCRIPTION**

All rental agreements are subject to Avalon HOA, City of Bolivia, Federal and North Carolina State regulations. For purposes of these Rules and Regulations, a tenant shall be defined as anyone in possession of a property owner's residential unit in exchange for any sort of consideration for not less than one (1) year.

**C - RENTER RESPONSIBILITY**

Property owners shall be responsible for the actions of their tenants while they are at Avalon. The owner shall be held responsible for their conduct and any damage to the

## Avalon Homeowners Association, Inc.

common areas, facilities and equipment or furnishings of the common facilities, violations of the Rules and Regulations. It is the owner's responsibility to notify and ensure compliance and correction of any noted violations on the property created or caused by the tenant(s).

### **25. OWNER GUESTS:**

Property owners shall be responsible for the actions of their guests while they are at Avalon, and shall be held responsible for their conduct and any damage to the common areas, facilities and equipment or furnishings of the common facilities, violations of the Rules and Regulations. Guests shall not be entitled to reserve any of the common facilities.

### **26. USE OF COMMON FACILITIES:**

#### **A - COMMON AREA USAGE**

The common facilities are established and maintained for the benefit of the residential property owners. Anyone using the Avalon common facilities, or any of their components, shall do so at their own risk. Common areas are described as the swimming pool, club house, pickleball courts, playground, and all common areas.

#### **B - CLUBHOUSE RESERVATIONS**

Reservation of the club house is for owners only. Permission is required by the Board of Directors. Contact the management company for instructions. Avalon reserves the right to deny reservation rights to any property owner for any event it determines in its sole discretion to be an event not within the intent and purpose of the existence of these common facilities. The reserving owner is responsible for all damage to the clubhouse and grounds. The renter is required to ensure that the club house is cleaned and free of all garbage at the end of the event. The owner will incur fees to clean the club house if it is not returned to a state of order.

#### **C. SMOKING**

Smoking, vaping or use of chewing tobacco at the club house, pickleball courts, playground or pool areas are prohibited.

#### **D. COMMUNITY BULLETIN BOARD**

A bulletin board is provided in the club house for the sole purpose of posting information of interest to property owners. Posting or circulation of commercial advertisements on the bulletin board is prohibited.

#### **E. ALCOHOL POLICY**

The responsible consumption of alcoholic beverages by those of legal age is permitted in the club house and at the pool area. The statutes and regulations of the State of North Carolina dealing with alcohol, smoking, use of controlled dangerous substances and illegal

## Avalon Homeowners Association, Inc.

drugs are applicable and any conduct which would constitute a violation of those statutes and regulations is prohibited.

### **F. COMMERCIAL SOLICITATION**

Commercial solicitation and/or sales are prohibited in all the common facilities.

### **G. SKATEBOARDING & ROLLER BLADING**

Skateboarding and roller skating is prohibited at all common facilities to include the pickleball court.

### **H. KAYAKING & BOAT USE**

No gas-powered boats or kayaks are to be used in the pond. All kayaks and boats for the use of the pond must be stored on your property behind a fence or in a garage, so it is out of view.

## **27. FITNESS CENTER:**

### **A - OVERVIEW**

To use the Fitness center, individuals must be at least sixteen (16) years of age; anyone between the ages of 16 and 18 must be in the presence of a responsible individual at least eighteen (18) years of age. The special age requirements are posted at those facilities. Individuals under sixteen (16) years of age are not permitted in the Fitness Center for any reason and may be asked to leave for safety purposes.

Anyone using the Fitness Center is responsible for his/her own safety. There is no attendant on duty. Avalon is not responsible for any injuries.

Persons using the Fitness Center shall be subject to the following rules, regulations, policies, and procedures:

### **B - USAGE**

- All equipment is on a first come, first served basis. Equipment may not be reserved.
- Instructions posted on or in proximity to each piece of equipment must be followed.
- Use of cardio equipment is restricted to thirty (30) minutes when others are waiting.

### **C - ATTIRE**

Proper attire must be worn while using the exercise equipment. Shirts and proper athletic footwear are required. Wet swimwear and flip-flops are prohibited.

### **D - CLEANLINESS**

Contact surfaces (anything you touch) on or near equipment shall be wet wiped after use.

### **E - FOOD**

Eating in the Fitness Center is prohibited.

## Avalon Homeowners Association, Inc.

### F - COURTESY

Individuals using the Fitness Center shall be considerate and respectful of other users.

The volume of any electronic device, including the television, radio, recorders, and music players shall be kept at a level not to interfere with the peaceful enjoyment of others.

### G - MISUSE

Misuse of equipment may result in possible rules violations and fines. All hand weights, mats and balls are to be returned to their respective places when through with them. No equipment is to be removed from the Fitness Center.

## 28. POOL AREA:

The Avalon pool is for the exclusive use of members and their invited guests. The host member must accompany their day guest to the pool. Every resident or owner must present their Linear Smart Card to gain entry to the pool. **No access card = no entry, no exceptions.**

1. Shower before entering the pool. (This rule is required by the Brunswick County Health Department).
2. Use the Buddy System and never swim alone.
3. Members and their guests are expected to comply with all NC state laws.
4. Persons under the age of sixteen (16) years must have adult supervision in all pool areas at all times. This adult must be an Avalon resident or an approved childcare provider. Unaccompanied persons under the age of sixteen (16) will be asked to leave the facility.
5. The pool will be more enjoyable for all members provided everyone is courteous of other members and their guests.
6. Unacceptable behaviors, regardless of age, will be grounds for immediate dismissal/removal from the area. Unacceptable behaviors include but are not limited to, abusive language, intoxication, running, pushing, or shoving, and engaging in unsafe or boisterous behaviors.
7. Proper swimming attire is required. Babies that are not potty-trained should wear special disposable diapers made specifically for swimming covered by a rubber/plastic panty. Cut-off jeans, disposable diapers, or any other filter-clogging clothing is not allowed.
8. The pool is too shallow for diving; therefore, diving is prohibited.
9. The following items are prohibited in the pool and pool area at all times:
  - Glass or other breakable objects; personal cooking grills; remote controlled toys; loud playing of radios or other amplification equipment; pets; water balloons; boogie or body boards.
10. Permitted pool items include, but are not limited to:

## Avalon Homeowners Association, Inc.

- Goggles, masks, snorkels, inflatable pool toys, floats (not larger than 30" x 48"), inflatable arm "floaties" and/or other swim "help" items.
11. Food is allowed within the pool area; however, it is limited to the table areas only.
  12. Drinks are allowed in the pool area; however, they are not allowed in the pool. All drinks must be contained in a non-glass container.
  13. Please remove all trash and personal items when you leave the pool area. If you have a large amount of trash, please use the dumpster behind the pool and do not just fill up one of the small pool trash containers.
  14. No chairs, lounge chairs, or floating lounge chairs are allowed in pool.
  15. The saving of chairs, tables, and chaises when patrons are not present is not permitted.
  16. Please help to lower the umbrellas each evening to prevent damage.
  17. No smoking within 100 feet of the pool, which includes the entire pool apron and the playground, except in a designated smoking area

### 29. PICKLEBALL COURT:

**Play at your own risk!** Participation in recreational activities always involves some degree of risk. All participants assume full responsibility for and risk of bodily injury arising out of or in any way connected with participation or involvement in or presence at the Avalon Common area activities.

The courts shall be open Monday through Sunday 7:00 am until dusk. Proper attire shall be worn at all times on the court. The courts shall be used for pickleball only, no skateboards, skates, bikes, or other no Pickle Ball equipment is allowed on the court. There is no reserving the courts.

### 30. HORSESHOE AND BOCCE BALL COURT:

**Play at your own risk:** Participation in recreational activities always involves some degree of risk. Participants assume full responsibility for and risk of bodily injury arising out of or in any way connected with participation or involvement in or presence at the Avalon Common area activities. Horseshoe and Bocce Ball Courts are meant for the use of only Horseshoe and Bocce Ball, Courts will be open Monday through Sunday, 7:00am until dusk. Proper attire will always be worn wall on the courts.

### 31. FIRE PIT:

There must be an adult present at all times when a fire is burning. The following measurements must be in place to have a fire going at any given time:

- Only burn seasoned, dry wood, which burns hotter and cleaner.
- Use a moisture meter to check firewood; moisture content is best at about 20 percent.
- Cover stacked wood but allow good air flow so it can dry.
- Never burn wood during air quality alert days when air pollution is already higher.

Avalon Homeowners Association, Inc.

- Never burn green wood, construction waste, plastic, garbage, or yard waste. They create more smoke and can be toxic.

**32. BOARD APPROVAL and RECORDATION**

These design standards were initially adopted by Avalon South Board of Directors on the **19th day of November 2020 and are now amended with changes/revisions/edits this 8th day of March 2023.** As provided in the Declaration and as provided in this document, these Rules and Regulations are subject to amendment by the Committee with the advice and approval of the Avalon South Board of Directors.

AVALON SOUTH OWNERS ASSOCIATION, INC.,  
a North Carolina non-profit corporation

*Kyle J. Berzina*

\_\_\_\_\_  
Kyle J. Berzina, HOA Board President,  
Avalon South Owners Association, Inc.

March 8, 2023

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Date