

WATAUGA VISTA OWNERS ASSOCIATION

BYLAWS HANDBOOK

&

STANDING RULES

UPDATED JULY 20, 2023

TABLE OF CONTENTS

PART I. ARTICLES OF INCORPORATION

PART II. BYLAWS

	<u>Page</u>
Article 1. Name and Location	8
Sec. 1. Name	8
Sec. 2. Location	8
Article II. Purposes	8
Sec. 1. Purposes	8
Sec. 2. Seal	8
Article III. Shares of Stock and Dividends Prohibited	9
Sec. 1. Stock, dividends; compensation; benefits	9
Article IV. Membership	9
Sec. 1. Qualifications	9
Sec. 2. Admission	9
Sec. 3. Termination	9
Sec. 4. Evidence of Membership	9
Sec. 5. Rights and Privileges	9
Article V. Membership Fees	10
Sec. 1. Initial Membership Fee	10
Sec. 2. Annual Maintenance Fee	10
Sec. 3. Impact Fee	11
Sec. 4. Fee Delinquency	11
Sec. 5. Refundable Cleanup Fee	11
Article VI. Administration	12
Sec. 1. Board of Directors	12
Sec. 2. Officers	12
Sec. 3. Term of Office	12
Sec. 4. Elections	12
Sec. 5. Forfeiture of Office	14
Sec. 6. Quorum	14
Sec. 7. Meetings	14
Article VII. Duties of Officers	16
Sec. 1. President	16
Sec. 2. Vice-President	16
Sec. 3. Secretary	16
Sec. 4. Assistant Secretary	16
Sec. 5. Treasurer	16
Sec. 6. Assistant Treasurer	16
Sec. 7. Annual Reports	17
Article VIII. Committees	17
Sec. 1. Appointment of Chairmen	17
Sec. 2. Appointment of Committee Members	17

Sec. 3. Temporary Committees	17
Sec. 4. Duties of Standing Committees	18
Sec. 5. Quarterly Reports	19
Article IX. Miscellaneous	20
Sec. 1. Fiscal Year	20
Sec. 2. Authority to act for the association	20
Sec. 3. Severability of provisions of the bylaws	20
Sec. 4. Distributions of copies of the bylaws	20
Article X. Standing Rules	20
Sec. 1. Procedure for adoption of Standing Rules	20
Article XI. Amendments to Bylaws	20
Sec. 1. Proposal, submissions, adoption of amendments	20
Sec. 2. Amendment of Bylaws	20
PART III. STANDING RULES	21
Sec. 1. Limitation of Corporate Responsibility	21
Sec. 2. Protection of Property	21
Sec. 3. Safety	22
Sec. 4. Use of Roads	22
Sec. 5. Constructions Activity	22
Sec. 6. Painting and Roofing	23
Sec. 7. Tree Cutting and Removal	23
Sec. 8. Appearance	23
Sec. 9. Signs	23
Sec. 10. Recreation Facilities	23
Sec. 11. Guests and Tenants	24
Sec. 12. Voting and Office Holding Rights	24
Sec. 13. Prohibited Activities	25
Sec. 14. Complaints and Suggestions	25
Watauga Vista Project Report Form	27
PART IV. BUILDING REGULATIONS	28
Sec. 1. Submittal of Plans	28
Sec. 2. Choosing a Builder	28
Sec. 3. Insurance	29
Sec. 4. Water Service	29
Sec. 5. Site Inspection	29
Sec. 6. Building Permit	29
Sec. 7. Pre-construction Inspection	29
Sec. 8. Changes During Constructions	29
Sec. 9. Construction Schedule	29
Sec. 10. Control of the Job Site	30

ARTICLES OF INCORPORATION

PART I

ARTICLES OF INCORPORATION

We, the undersigned natural persons, being of the age of twenty-one (21) years or more, do hereby associate ourselves into a non-profit corporation under the laws of the State of North Carolina, as contained in the provisions of Chapter 55A of the General Statutes of North Carolina, entitled "Non-Profit Corporation Act" and to that end do hereby set forth:

1. The name of the corporation is Watauga Vista Owners Association, Inc.

2. The period of duration of the corporation shall be perpetual.

3. The purposes of the corporation are:

(1) To engage in the business of owning, operating, managing, maintaining and building and paving roads, streets, highways and other related facilities for the better physical and moral welfare of the members thereof to enable the members of this corporation to join together for the mutual benefit and enjoyment of the streets, roads and highways used by them.

(2) To develop within the rural area in which the corporation and its facilities are located, facilities for maintaining said roads, for building said roads and to encourage and promote the building of said roads.

(3) To develop and maintain parks and playgrounds in Watauga Vista, Inc., and Watauga Vista of North Carolina, Incorporation subdivisions and to this end to acquire and hold lands, rights of way easements, leases and interests in land for the purpose of using the same as parks and playgrounds.

(4) To own, operate, develop, lease and manage recreational areas, such as but not limited to, sports areas, including athletic fields and facilities, golf courses, swimming pools, tennis courts, target ranges, picnic areas, fishing waters, boats, docks, hunting areas and preserves, forest trails and natural scenic attractions, ponds and lakes, maintaining and operating stables and horses, as well as renting horses and stables, as well as access roads necessary to connect recreational areas with public and private roads in both Watauga Vista subdivisions and to perform all others acts which may be determined necessary and expedient for the purpose of successful prosecution of the purposes and objects for which the corporation is created. (This section was amended by deleting the original subsection 3 on July 3, 2000).

4. The corporation shall have members which shall be defined as follows: Each corporation member shall be a property owner: that is, the ownership of each lot shall carry with it one membership, so that at no time shall there be more than one membership for any one lot as platted, mapped and recorded in the Macon County Register of Deeds office in various places. One member may be entitled to cast several votes, one for each lot owned by him or her and shall be entitled to cast votes in relation to the number of lots owned by him or her. Membership may be further defined and provided by the board of directors or in some manner provided and described by the bylaws.

5. No part of the net earnings of the corporation shall inure to the benefit of any officer, director or member of the corporation and upon the dissolution of the corporation the assets shall, after all liabilities

and obligations have been discharged or adequate provision made therefor, be distributed to any association or non-profit corporation organized for purposes similar to those set forth in the preceding articles, all as may be more particularly provided for in the bylaws of the corporation.

6. The address and initial registered office of the corporation is 218 Deer Run, Franklin, NC 28734 and the present registered agent at such address is Nancy MacNeill.

7. There shall be nine (9) directors of the corporation who shall be elected in the manner provided by the bylaws.

8. The names and addresses of the incorporators are:

Orville D. Coward
43 West Main Street Sylva, NC

Kent Coward
43 West Main Street Sylva, NC

Robert B. Berg
Watauga Vista Subdivision (No Street Address) Franklin, NC

9. The corporation shall have all the general powers conferred on corporations by Chapter 55A of the General Statutes of North Carolina, all of which powers are by this reference made a part hereof.

10. In connection with carrying out the purposes for which this corporation is organized, this corporation shall have the following specific powers:

(a) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real and personal property, or any interest therein, wherever situated.

(b) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or part of its property and assets.

(c) To make contracts and incur liabilities, to borrow money from any source without limitation as to amount of corporate indebtedness or liability, to issue its notes, bonds, or other obligations by mortgage or pledge of all or any of its property, franchise and income in any manner permitted by law.

(d) To acquire, by purchase, subscription, gift, will or otherwise, and to own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in, and with, shares or other interests in, or obligations of, domestic or foreign business corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any government, state, territory, governmental district or municipality or of any instrumentality thereof.

(e) To lend money for its corporate purposes, invest its funds from time to time, and to take and hold real and personal property as security for the payment of funds so loaned or invested.

(f) To have and exercise all powers, privileges and rights conferred on corporations by the laws of the State of North Carolina and powers and rights incidental in carrying out the purposes for which this corporation is formed except such as are inconsistent with the express provisions of the Act under which this corporation is incorporated.

(g) The foregoing shall be construed both as objects and powers, and the enumeration thereof shall not be held to limit or restrict in any manner the general powers conferred on this corporation by the laws of the State of North Carolina, all of which are hereby expressly claimed.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals, this the 30th day of September, 1968.

Is/

Orville D. Coward (SEAL)

Is/

Kent Coward (SEAL)

Is/

Robert B. Berg (SEAL)

ARTICLES OF INCORPORATION

NORTH CAROLINA
JACKSON COUNTY

This is to certify that on the 8th day of October, 1968, before me, a Notary Public, personally appeared Orville D. Coward, Kent Coward and Robert B. Berg, who I am satisfied are all three (3) persons named in and who executed the foregoing Articles of Incorporation, and I having first made known to them the contents thereof, they did each acknowledge that they signed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the 8th day of October 1968.

/s/ Geneva Pressley
Notary Public

NORTH CAROLINA JACKSON COUNTY

The foregoing certificate of Geneva Pressley, a Notary Public of Jackson County, North Carolina is certified to be correct. This instrument was presented for registration and recorded in this office in Book 4 at page 183. This 23'd Day of October, 1968 at 9:30 a.m.

/s/ Glenn Hughes
Register of Deeds

PART II BYLAWS
ARTICLE I. NAME AND LOCATION

Sec. 1. Name

This organization is incorporated as an association in the name of Watauga Vista Owners Association, Inc., under which name it has authority to do business. WVOA may be used as an abbreviation of the name.

Sec. 2. Location

The principal office and mail address of the corporation is located at 218 Deer Run, Franklin, NC 28734 (Amended 7-1-91)

ARTICLE II. PURPOSES

Sec. 1. Purposes

The purposes of the association, as set forth in the Articles of Incorporation, are:

- (1) To own, operate, build, maintain, and improve roads and related facilities for the use of its members;
- (2) To develop and maintain parks and playgrounds, and to acquire and hold interests in land for this purpose; and
- (3) To own, operate, develop, lease and manage recreational areas and facilities in Watauga Vista. (Amended 7-1-91).

Sec. 2. Seal

The official seal of the association will be inscribed with the name of the association and the words "Corporate Seal" arranged as illustrated in the following diagram:

BYLAWS

The secretary of the association has custody of the seal. The seal may be used by causing it, or a facsimile thereof, to be impressed, affixed, or otherwise reproduced.

ARTICLE III. SHARES OF STOCK AND DIVIDENDS PROHIBITED

Sec. 1. Stock; dividends; compensation; benefits.

This association shall not have or issue shares of stock. No dividends shall be paid and no part of the income of the association shall be distributed to its members, directors, or officers. The association shall pay no compensation to any director or officer for services rendered, but it may reimburse reasonable expenses incurred in carrying out assigned duties for the benefit of the association. The association may confer benefits upon its members in conformity with its purposes, and may make distribution upon dissolution or final liquidation as permitted by Chapter 55A of the General Statutes of North Carolina. (Amended 7-30-2020)

ARTICLE IV. MEMBERSHIP

Sec. 1. Qualifications.

Membership in the association is limited to the owners, their spouses or significant others of lots in the subdivisions known as Watauga Vista, platted by Watauga Vista, Inc. and Watauga Vista of North Carolina, Inc.; i.e., membership is an incident of lot ownership. (Amended 7-3-00)

Sec. 2. Admission.

The owner of a lot in the Watauga Vista subdivision becomes a member automatically upon acquiring title to one or more lots. The purchaser of a lot by contract with Watauga Vista, Inc. shall be entitled to the rights and privileges of membership upon executing the purchase contract and paying the fees required by Article V of the bylaws. (Amended 9-30-80).

Sec. 3. Termination.

Membership in the association terminates automatically upon the loss of eligibility for membership in accordance with the bylaws. (Amended 7-3-00)

Sec. 4. Evidence of Membership.

The association does not have capital stock, nor does it issue membership certificates to its members. Membership is evidenced only by a valid deed of title to one or more lots in Watauga Vista. (Amended 7-3-00).

Sec. 5. Rights and Privileges.

Members in good standing have the right to hold office and to participate in all activities of the association and may enjoy the privilege of using the facilities of the association, subject to the standing rules adopted by the board of directors. The rights of membership include services that may be provided by the association such as road maintenance and security surveillance, among others. Privileges include the use

of facilities such as the community center (also known as the 'clubhouse'), the lake, parks and picnic areas. (Amended 7-1-91).

(a) Voting Rights. With the exception of voting for the election of directors which is covered by Section 4. of Article VI, for the purpose of voting on questions submitted to the membership by mailed ballot or at membership meetings, each member in good standing is entitled to one vote for each lot he/she owns in the Watauga Vista subdivisions and one fractional vote for each fractional ownership of a lot. It is intended that the ownership of one lot includes the right to only one vote, whether held by only one person or divided among two (2) or more people, and that any member owning more than one lot (whole or fractional) is entitled to more than one vote, the number of votes to be equal to the number of lots owned (whole or fractional). This provision does not apply to the members of the board of directors when voting on matters being acted on by the board, in which case each director has one vote.

(b) Suspension of rights and privileges. The association, through its board of directors, after notice and after providing an opportunity for a hearing, may suspend the membership rights and privileges of any person who willfully fails to comply with the requirements of the bylaws, standing rules, or decisions of the board, or who willfully obstructs the purposes or proper activities of the association. Suspension continues in effect until the association or its board of directors by majority vote restores membership rights and privileges. All rights and privileges are suspended automatically for any member who is delinquent in payment of any fees provided by the bylaws or the standing rules or any other indebtedness to WVOA, such suspension to continue in effect until all delinquent amounts are paid in full. Unless his rights and privileges are suspended pursuant to this subsection, each member is considered in good standing. (Amended 9-30-81).

ARTICLE V. MEMBERSHIP FEES

Sec. 1. Initial Membership Fee.

Each lot is subject to a one hundred dollar (\$100.00) initial membership fee to be paid in full to Watauga Vista Owners Association at the time of purchase. This fee applies not only to the original sale of the lot by the developer, but also to each subsequent resale. The initial membership fee does not apply to a lot acquired by a member in exchange for a lot he/she already owns, but it does apply to each additional lot he/she acquires. (Amended 7-3-00)

Sec. 2. Annual Maintenance Fee.

An annual maintenance fee for each vacant lot and each residence shall be paid to the association by the owner thereof. The fee is due and payable on January for the year beginning on that date, and becomes delinquent if not paid before March 1st. The annual maintenance fee may be changed only by majority vote of ballots mailed to all members in good standing not less than 20 days prior to the annual meeting and returned prior to the annual meeting or handed in at the beginning of that meeting. Only vacant lot owners shall be entitled to vote on changes in the fee for vacant lot owners, and only residence owners shall be entitled to vote on changes in the fee for residences. This fee is not refundable but is subject to pro rata adjustment between the seller and buyer upon sale of the real property. The amount of this fee

is two hundred-fourteen dollars (\$214.00) for each vacant lot and one thousand dollars (\$1,000.00) for each residence. (Amended 10-16-78; 8-10-79; 7-4-81; 9-20-89; 7-1-91; 7-6-98; 7-3-00; 7-7-07; 7-5-08; 7-30-2020)

Sec. 3. Impact Fee.

Any lot owner who constructs a building on his lot, or who constructs alterations or additions to an existing building, driveway, wall, retaining wall or structure shall pay the association an impact fee in the amount of four thousand dollars (\$4,000.00) or ten percent (10%) of the project cost, whichever is less. For projects not involving multiple heavy truck or trailer loads, such as decks, roofs, crawl space or second story room additions or driveway re-graveling the impact fee shall be 5% of the project cost or two thousand dollars (\$2,000.00), whichever is less. If the project cost is not provided, the owner will be invoiced the maximum amount (\$2,000.00 or \$4,000.00 as applicable).

(Amended 8-10-79; 9-30-81; 11-30-85; 6-30-88; 7-3-00; 7-5-08; 7-11-09, 7-20-23).

Sec. 4. Fee Delinquency.

Any fees that become delinquent will be subject to a ten percent (10%) or \$20.00 penalty, whichever is greater. (Amended 7-07-07).

Sec. 5. Refundable Damage & Cleanup Fee

Prior to any construction activity a two thousand-dollar (\$2000.00) damage & cleanup fee is due. Any damage to WVOA infrastructure, other property, downed trees and/or construction debris become the responsibility of the owner. Failure of the lot owner to meet this responsibility will result in WVOA using that portion of the fee for necessary repairs, tree removal and/or cleanup and once construction is completed, refunding any monies to the owner. (Added 7-3-00) (Amended 7-11-09)

ARTICLE VI. ADMINISTRATION

Sec. 1. Board of Directors

The government and the management of the funds, properties and affairs of the association are vested in a board of directors, elected by the membership as provided in Section 4 of this article, consisting of nine members of the corporation, at least three (3) of whom shall be owners of completed homes on the lands of Watauga Vista. All past presidents of the association are nonvoting ex-officio members of the board of directors, entitled to notice of meetings and copies of minutes of meetings.

(a) Powers of the board of directors. The board of directors may exercise all powers conferred upon the corporation by Section 15 of Chapter 55A of the General Statutes of North Carolina as amended, and as set forth in the Articles of Incorporation, all of which powers are by reference made a part of these bylaws as though fully set out herein, and any and all other statutory powers. These include the power to borrow money, make or issue bonds, issue notes, buy and sell stock, buy and sell real and personal property. The association or its board of directors may not authorize any expenditure of funds that would result in a deficit in the accounts of the association. The president is authorized to speak in the name of the association in emergencies.

Sec. 2. Officers.

The board of directors will elect from among its members a president, a vice-president, a treasurer, and a secretary. The offices of treasurer and secretary may be combined. The board may elect from the membership at large an assistant secretary, an assistant treasurer, and other officers and assistants thereto as deemed necessary. Officers may be residents of any state. (Amended 7-1-91).

Sec. 3. Term of Office.

The term of office for each director and officer is as follows:

(a) *Directors*. All directors serve for a term of three (3) years so scheduled that the terms of three directors expire at the end of the third quarterly (Annual) meeting of the board of directors, and they hold office until their successors are elected and assume office. (Amended 3-1-81, 7-20-23).

(b) *Officers*. All officers serve for a term of one year ending at the end of the third quarterly (Annual) meeting of the board of directors, and hold office until their successors are elected and assume office. (Amended 7-3-78; 3-1-81, 7-20-23).

Sec. 4. Elections.

The procedure for election of directors and officers of the association is as follows:

(a) *Directors*. At each annual meeting three directors are to be elected for a term of three (3) years to fill vacancies due to expiring terms.

(l) *Nomination*. Nominations for directors are made by a nominating committee. This committee, to be appointed by the president with the approval of the board, consists of five (5) members in good standing, including two (2) members of the board of directors and two (2) members not currently holding

office in the association. The fifth member is the most recent available past president of the association, who serves as chairman. The committee is to be appointed not later than eighty (80) days before the date of the annual meeting. Not later than sixty (60) days prior to the annual meeting date the nominating committee is to agree on and report to the president the name of at least one nominee for each director's office to be filled. In the event the nominating committee is unable to report at least one nominee for each vacant office, additional nominations may be made by any member in good standing during the annual meeting of the membership.

(2) *Voting.* Voting is by secret ballot of homeowner members in good standing. At least twenty (20) days and not more than thirty (30) days before the annual meeting date the secretary will mail to all homeowner members in good standing ballots bearing the names of all nominees and providing space for voters to write the names of any other choice for the respective offices. Each homeowner member will be given one ballot for each lot she/he owns. Only one ballot will be issued for the ownership of any one lot, and the vote on that ballot will be the vote of all individual members who share in the ownership of that lot. Ballots are to be returned to the secretary in sealed blank envelopes enclosed inside pre-addressed mailing envelopes. Homeowner members voting shall sign their names on the back of the mailing envelope. All envelopes will be provided by the association. Only those envelopes returned by homeowner members in good standing to the secretary before the date of the annual meeting, or handed in upon call of the presiding officer during that meeting, will be counted, such date to be specified on the ballot. The qualified unopened ballots will be delivered to the tellers appointed by the president and counted after the polls are closed. The names of the elected directors together with vote tabulations and ballots will be given to the secretary before the end of the meeting, for the announcement of the results of the election. The three (3) candidates receiving the largest number of votes are deemed elected. Notice must be provided to all members of the names and addresses of all officers and directors of the association within thirty (30) days of their election. Additionally, those homeowner members that wish to vote via electronic mail service (Email) hereby understand that there cannot be any secrecy of voting by emailing their vote. (Amended 7-1-91; 7-07-07; 07-30-2020).

(3) *Vacancies.* In the event a vacancy on the board of directors occurs by removal, resignation or death of a director, a successor will be selected (a) by a majority vote of the board present at the next regular or special meeting of the board, provided the selected candidate received the next highest number of votes in the last annual election, or (b) by vote of three-quarters (3/4) of the existing directors present at a board of directors meeting. The successor will serve the remaining term of the director being replaced. (Amended 7-10-95; 7-3-00; 7-5-08).

(b) *Officers.* At an annual meeting of the board of directors the newly elected directors and the directors whose term of office will continue beyond the present year will elect the officers of the association for the next year. The officers so elected will assume office at the end of the fourth quarterly meeting of the board of directors. (Amended 3-1-81; 1-31-84).

(1) *Nomination.* Any member of the board whose term of office begins at or continues beyond the end of the fourth quarterly meeting of the board of directors may nominate candidates for each office. (Amended 1-31-84).

(2) *Voting.* Voting may be by secret ballot or by voice vote in the discretion of the board. The candidate receiving the largest number of votes for each office is deemed elected.

(3) *Vacancies.* If the office of president becomes vacant mid-term, the vice-president will assume the office of president for the remainder of the unexpired term in the same manner as for regular election of officers.

Sec. 5. Forfeiture of Office.

Any member of the board of directors may be removed from office by the board for unexcused absence from two (2) consecutive quarterly meetings of the board. (Amended 7-3-00).

Sec. 6. Quorum.

A majority of the number of existing directors constitutes a quorum at any meeting of the board of directors.

Special meetings of the membership may be called by the president or the board of directors, or by twenty (20) members.

Voting by proxy is not allowed. The vote of a majority of the members in good standing present and voting is necessary for the adoption of any matter voted upon during a meeting of the membership. (Amended 7-1-91).

Sec. 7. Meetings.

Annual meetings of the membership are to be held at the Watauga Vista Clubhouse, Macon County, North Carolina, within the first ten (10) days in July.

Special meetings of the membership may be called by the president or the board of directors, or by twenty (20) members. (Amended 7-3-00).

The board of directors will hold an annual meeting at the Watauga Vista clubhouse immediately following the annual meeting of the membership, and in addition thereto the board will meet at least once quarterly at such time and place as the board may determine. The board may hold special meetings at any time and place, upon the call of the president or any three (3) directors. Meetings of the board of directors shall be open to all members. The minutes of all meetings of the membership and of the board of directors will be kept in a book available for inspection by the members at any reasonable time.

(a) *Notice of meetings.* Membership meetings. Not less than ten (10) nor more than sixty (60) days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be hand-delivered or sent by U.S. Mail to the mailing address designated in writing by the owner, or sent by electronic means, including by electronic mail over the Internet, to an electronic mailing address designated by the owner. The notice of any meeting shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove a director or officer. Meetings of the board shall be held as provided in the bylaws. At

regular intervals, the board shall provide owners an opportunity to attend a portion of board meetings and to speak to the board about their issues or concerns. The board may place reasonable restrictions on the number of persons who speak on each side of an issue and may place reasonable time restrictions on persons who speak. (Amended 7-07-07).

Board of Director's meeting. Notice of meetings of the board will be posted in a central place in Watauga Vista accessible to all members. The secretary will give actual notice of all meetings, both regular and special, to each director at least seven (7) days before the meeting date. When necessary due to time constraint the board may take action by a poll of board members, provided that any action so taken will be by majority vote of the board and the results of the poll are recorded in the minutes of the next meeting of the board. Such emergency action is subject to ratification at the next board meeting. The president may call an emergency meeting of the board of directors upon twenty-four (24) hours notice when necessary to protect the interests of the association and its members, such as when a natural disaster occurs or time limits for action are imposed by law or government regulation. Except for the twenty-four (24) hours notice, emergency meetings are subject to the requirements of the bylaws for special meetings. (Amended 1-31-84; 7-1-91; 7-3-00).

(b) *Special Meetings*. No business will be transacted at a special meeting except that stated in the notice of the meeting.

(c) *Agenda; Order of Business*. In advance of each meeting the president will prepare an agenda listing all items of business to be considered at the meeting. The order of business is as follows:

1. Call to order and roll call;
2. Reading and disposition of minutes of previous meeting;
3. Reports of standing committees;
4. Reports of special committees;
5. Unfinished Business;
6. New Business;
7. Announcements;
8. Adjournment.

(d) *Parliamentary authority*. "Robert's Rules of Order" (latest revision) governs matters of parliamentary procedure not covered by these bylaws at all meetings of the association and of its board of directors.

ARTICLE VII. DUTIES OF OFFICERS

Sec. 1. President.

The president will establish a written agenda for and preside at all meetings of the board of directors and all meetings of the members. S/He sees that all directives of the board are carried out, that all of the officers and the agents of the association perform their duties. S/He signs checks, promissory notes, and other legal documents authorized by the board. The president must obtain approval from a majority of acting board members for the following:

- 1) Any single expenditure in excess of \$500, whether budgeted or not, with the exception of previously approved periodic payments already approved by the board such as payments to a contracted CPA or Accounting firm, a contracted grounds maintenance company, or other such company or individual, etc.
- 2) Any contract or commitment whether financial or otherwise that binds WVOA to any company or individual.
- 3) Any work by a WVOA maintenance employee plus equipment rental that will result in a weekly expense in excess of \$1,000 before withholding and taxes.
- 4) Any gravel, asphalt or other road repairs to any part the road of the President's or any other WVOA Board Member's Watauga Vista home address.

Such approvals may be conducted by e-mail or other electronic means and should be recorded by the Secretary. The president is an ex-officio member of all committees.

Sec. 2. Vice-President.

The vice-president assumes the duties of the president in the absence of the president and succeeds to the office of president if that office becomes vacant prior to the expiration of its term. S/He signs checks, promissory notes, and other legal documents authorized by the board. S/He performs such other duties as may be assigned to him by the president.

Sec. 3. Secretary.

The secretary keeps a record of the minutes of all meetings of the members and of the board of directors, and gives notice of meetings as provided by these bylaws. S/He keeps current a roster showing the names and addresses of all members of the association, and has custody of all books, records and papers of the association, except those in charge of the treasurer or some other person authorized to have charge thereof by the board of directors. S/He is to perform such other duties as may from time to time be assigned by the board of directors. S/He has custody of the corporate seal and affixes the seal on all papers requiring it.

Sec. 4. Assistant Secretary.

The assistant secretary is to perform any duties of the secretary upon delegation of such duties by the board or secretary. (Amended 7-3-00).

Sec. 5. Treasurer.

The treasurer receives and disburses all association funds and keeps an accurate and detailed record of all receipts and disbursements, which records at all times are subject to inspection by any member of the board of directors. S/He will deposit all association funds coming into his or her hands in such banks as are designated by the board of directors. Unless otherwise directed by the board, checks upon such bank accounts are to be signed by the treasurer and countersigned by the president or the vice-president. The treasurer is to be bonded, at the expense of the association, in a sum satisfactory to the board for the faithful performance of the duties of the office of treasurer and the restoration to the association of all books, papers, vouchers, money, and other property of whatever kind in possession of the treasurer or under his or her control which belong to the association. The treasurer is an ex-officio member of the finance and audit committee.

Sec. 6. Assistant treasurer.

The assistant treasurer is to perform any duties of the treasurer upon delegation of such duty by the board or treasurer. (Amended 7-3-00)

Sec. 7. Annual Reports.

At each annual meeting the president, the treasurer and the chairperson of each standing committee will make a full and detailed written report of the business of the association for the preceding year and plans for the next succeeding year, to be filed with the secretary at least three (3) days before the annual meeting.

An annual income statement and balance sheet must be prepared and provided to all owners within seventy-five (75) days of the end of each fiscal year. (Amended 7-3-00; 7-7-07).

ARTICLE VIII. COMMITTEES

Sec. I. Appointment of Chairmen.

The president promptly upon his election will appoint from members in good standing the chairmen of the following standing committees. The chairmen serve at the will of the president.

1. Roads Committee
2. Membership Committee
3. Finance and Audit Committee
4. Insurance Committee
5. Buildings and Grounds Committee
6. Dam/Lake Committee
7. Recreation Committee
8. Planning Committee
9. Security Committee
10. Board of Control (Amended 9-30-80; 7-4-81).

Sec. 2. Appointment of Committee Members.

The chairman of each of the standing committees will appoint two or more members of the association to serve on his or her committee and the committee will serve during the term of office of the officers of the association.

Sec. 3. Temporary Committees.

The president may also appoint temporary committees to perform special duties or tasks assigned by the board. (Amended 7-1-91).

Sec. 4. Duties of Standing Committees.

The minimum duties of the standing committees are those listed below, which may be supplemented by additional duties assigned by the president from time to time:

- (a) The roads committee is responsible for the management of all matters relating to construction, maintenance, repair, and improvement of the roads within Watauga Vista, including the condition of the rights-of-way, drainage, driveway connections to roads, signs, and markings; and it serves as liaison with the North Carolina Highway Commission on these matters. This committee also is responsible for all matters relating to safety and cleanliness of the roads. (Amended 9-30-80).
- (b) The membership committee seeks to encourage all members to remain in good standing and to participate in the activities of the association. The committee keeps a current list of members not in good standing and attempts to help those members achieve good standing. It provides other appropriate services to the membership upon direction of the board of directors, and serves as a source of information about the association for the members. The work of the committee is to be guided by the full understanding that every lot owner of Watauga Vista has the right to belong to and enjoy the privileges of the association.
- (c) The finance and audit committee supervises the financial aspect of the activities of the association. The committee will prepare annually a proposed budget showing its estimate of prospective revenues for the ensuing year together with proposed expenditures, indicating the amounts to be spent in the various categories of operation. It will conduct an annual audit of the association's books of account and report the results thereof to the board of directors.
- (d) The insurance committee is responsible for continuing surveillance of the insurance program of the association to assure it has adequate liability insurance coverage to save the association and its member harmless (insofar as possible) from any civil or criminal liability, to the extent that insurance can provide such protection.
- (e) The building and grounds committee is in charge of maintenance of all community facilities except the roads and security gates. The committee will keep itself continuously informed of the physical condition of all community buildings, the lake, parks, and other lands and improvements thereon, and it will perform or have performed such maintenance work on the facilities (including landscaping and beautification) as is needed for economical preservation and use for their intended purposes. The committee will prepare an annual maintenance program with cost estimates for consideration by the board of directors in adopting its annual budget. The committee supervises the stocking of streams and lakes with fish and makes regulations, subject to approval of the board of directors, for fishing within the framework of the laws of the State of North Carolina. The committee represents the association in any communications in regard to fish and fishing with the North Carolina Wildlife Commission or other governmental agency having jurisdiction thereof. (Amended 9-30-80; 7-1-91).

- (f) The dam committee monitors the operation of the drainage system and lake level and interacts with the State Inspector on his yearly inspection as well as reporting of such monitoring to Association. (Amended 7-3-00; 7-30-2020)
- (g) The recreation committee supervises the use of the clubhouse, including locker rooms, kitchen, and other spaces, and the use of all other recreational facilities, such as the lake and the parks, and all related equipment. The committee has charge for arrangements for all entertainment events provided in the clubhouse and recreation areas, and subject to approval by the board of directors it makes and enforces reasonable rules and regulations for such events and for all other uses. The committee may make and enforce additional rules for this purpose in the interim between meetings of the board, but such new rules are subject to ratification by the board at its next meeting for subsequent application. (Amended 9-30-80).
- (h) The planning committee is responsible for formulating and continuously reviewing and revising a long-range plan to serve as a guide for decisions affecting the present and future welfare of the Watauga Vista community. This committee works together with the other committees and the board of directors to develop courses of action to keep the Watauga Vista subdivision developing as a private sanctuary, and maintaining and enhancing its character as a beautiful mountain setting for the peaceful enjoyment of its residents. (Amended 7-1-91; 7-3-00).
- (i) The security committee is responsible for developing measures for protection of the community against trespass, vandalism, fire, and other hazards, and for continuous surveillance and enforcement of such measures. It is responsible for maintenance and operation of the security gates in accordance with policy set by the board of directors. (Amended 9-30-80; 7-1-91).
- (j) The board of control is responsible for enforcement of the deed restrictions, recorded in Book E-7 at Page 124 in the office of the Register of Deeds for Macon County and at various other places in those public records, pertaining to the use of lands within Watauga Vista, including approval of plans for buildings and additions thereto, cutting of trees to open and maintain views, and other matters fully set out in the deed restrictions. This committee is the successor to the board of control as defined in paragraph 27 of the amendments to the deed restrictions recorded in Book H-7 at Page 273 of the Macon County public records. (Amended 7-4-81).

Sec. 5 Quarterly Reports.

The chairperson of each standing or temporary committee will make a quarterly report in writing to the board of directors describing the status of all pending projects, programs and assignments, and presenting recommendations for action or approval by the board. This report shall be filed with the secretary at least three (3) days before the quarterly meeting. (Amended 7-1-91; 7-3-00).

ARTICLE IX. MISCELLANEOUS

Sec. 1. Fiscal year.

The fiscal year of the association begins on January 1 and ends on December 31.

Sec. 2. Authority to act for the association.

No member of the association, except as an officer thereof, has any authority to act for the association or to bind it to any obligation.

Sec. 3. Severability of provisions of the bylaws.

If any bylaw or part thereof is adjudged invalid, such action does not affect the validity of any other bylaw or part thereof.

Sec. 4. Distribution of copies of the bylaws.

Each owner of property in Watauga Vista is entitled to one copy of these bylaws. (Amended 7-1-91).

ARTICLE X. STANDING RULES

Sec. 1. Procedure for adoption of standing rules.

In addition to the provisions of these bylaws the board of directors may from time to time adopt rules and regulations to govern the use of the association's facilities and the conduct of its members in the interest of protecting all of them in the exercise of their rights and enjoyment of their privileges as members. All rules adopted will be recorded in the minutes and filed together with the bylaws in the association's records, and a copy of the standing rules will be posted in a place accessible at all times for inspection by the members. Changes in the standing rules will be posted promptly.

ARTICLE XI. AMENDMENTS TO BYLAWS

Sec. 1. Proposal, submission, adoption of amendments.

Amendments of the bylaws may be proposed by two-thirds (2/3) of the members in good standing attending an annual membership meeting, or by three-fourths (3/4) of the members of the board of directors at a directors meeting. Amendments proposed under this section shall be submitted to the membership by mail ballot. The affirmative vote of two-thirds (2/3) of a majority of those voting on the mailed ballot shall be sufficient to adopt an amendment. (Amended 7-3-00; 7-7-07).

Sec. 2. Amendment of bylaws.

These bylaws may be amended at any annual meeting of the membership, provided that the notice of the meeting shall contain a copy of the proposed amendment. The two-thirds (2/3) vote of a majority of the members in good standing present and voting shall be sufficient to adopt an amendment. (Amended 7-3-00; 7-07-07).

The foregoing bylaws were adopted by vote of the members attending an annual membership meeting of the Watauga Vista Owners Association, Inc., on July 1, 1977, and subsequently amended from time to time as indicated therein.

PART III STANDING RULES

As authorized by Article X of our bylaws, the board of directors has adopted standing rules, which have been revised from time to time to fit changing needs and conditions as our community grows. These rules are intended solely for the purpose of protecting our health, welfare, and safety as well as the value of our property, both individually owned and owned by the association for our mutual benefit. The WVOA Association requires all members to cooperate in observing the rules. Overt or defiant disregard of these rules will subject members to fines up to \$100 per day until violations are corrected.

Sec. 1. Limitation of corporate responsibility.

No supplies or services will be purchased for WVOA, or will any transaction creating indebtedness of the corporation be entered into except upon the express authority of the board of directors or its agent authorized for that purpose.

Sec. 2. Protection of property.

- (a) No property belonging to WVOA will be taken from the grounds of Watauga Vista by any member or guest. No property belonging to WVOA may be taken from the place where it is usually kept and used except with the permission of the custodian, designated employee, or committee in charge thereof.
- (b) Any member who destroys, defaces, or injures any WVOA property or who is responsible for such damage or whose guest is responsible therefor will pay the cost of repairing or replacing such property unless released from doing so by the board of directors.

Sec. 3. Safety.

- (a) The committee with responsibility for the respective facilities and activities will promulgate and post rules for the conduct and safety of persons using those facilities and areas of responsibility.
- (b) No child under age eighteen (18) and no adult unable to swim is permitted to go in or near the lake except when in the company of a competent adult. In the event such minor person or adult unable to swim does go into the area near the lake, the competent adult accompanying him shall assume complete responsibility for the safety of such person, and it is deemed that the competent adult has assumed such responsibility.

Sec. 4. Use of Roads.

- (a) As owner of the roads and easements therefor in Watauga Vista, WVOA is responsible for maintaining them in a condition suitable for the traffic using them and control of traffic for safety. It is the intention of WVOA to maintain the roads in good condition and to improve them as needed to meet this objective, and this will be done to the extent possible considering the costs and the availability of funds.
- (b) As part of its annual budget the board of directors will adopt a program of road maintenance and improvements after considering the report and recommendations of the roads committee on needs, costs, and relative priorities.
- (c) It is intended that all members may use all roads in Watauga Vista, and the right of such use by members will not be obstructed.
- (d) No motor vehicles of any kind not licensed for use on public roads shall be driven on the roads within Watauga Vista. No person shall drive a motor vehicle on the roads in Watauga Vista unless he has a valid driver's license. Drivers shall not exceed 15 miles per hour speed limit when using roads in Watauga Vista. No vehicle or trailer shall be parked within the easement for any road in Watauga Vista except in case of emergency or for loading or unloading, and then only as long as is reasonably necessary to accomplish the purpose of stopping on the right-of-way.

Sec. 5. Construction Activity.

No work may begin on construction of any improvements, including buildings, fences, driveways, or other structures of any kind upon a lot in Watauga Vista without first complying with the requirements governing such work set forth in the deed restrictions recorded in Book H-7 at Page 273, and Book O-8, Page 254, Macon County Public records, nor until the fees prescribed in Article V, Sections 1, 2, 3, 4, and 5, WVOA bylaws, have been paid.

1. Notify the Watauga Vista Board of Control (BOC) in advance of initiating the following types of work:

- (a) New building construction projects, including outside storage buildings, garages or carports
- (b) Major renovation projects
- (c) Roof replacement
- (d) Exterior painting projects
- (e) Tree clearing and topping
- (f) Driveway construction or repaving projects
- (g) Construction or replacement of retaining walls
- (h) *Drainage projects*
- (i) *Septic system projects*
- (j) *Land excavation or landscaping projects using heavy equipment*
- (k) *Other projects requiring heavy vehicles or machinery larger than a 3/4 ton pickup truck*

2. Complete and submit the form provided by the BOC describing the scope of work. **See Watauga Vista Board of Control Request Form following this section.**

3. Receive BOC approval in writing before starting work on the project.

4. No type of trailer or mobile home may be allowed on any lot except that same shall be parked on the premises of any lot only when it is garaged so that the trailer or mobile home cannot be seen from the outside, in an approved plan set forth in those paragraphs requiring approval plans. No travel trailer or boat trailer shall be placed upon a lot unless it is garaged in a closed garage and approved in the overall plan as set forth in the previous covenants and restrictions.

5. Construction of metal buildings and carports are prohibited. (Amended 10/17/2020)

Sec. 6. Painting and Roofing (Added 10/17/2020)

(a) Exterior Painting: Only earth-tone colors commonly observed in vegetation and land are allowed while bright colors are prohibited. The BOC must be notified for approval of exterior painting projects to maintain a color scheme in harmony with nature.

(b) Roofing: The BOC must be notified for approval of roofing replacement to ensure a natural look in keeping with our wooded environment.

Sec. 7. Tree Cutting and Removal (Added 10/17/2020)

The BOC must be notified of any tree work and these two criteria will be applied for approval.

- Cutting down or trimming trees is limited to the extent required to facilitate views and to maintain safety. The practice of clear-cutting is prohibited.
- The scope of work must include plans for removal, chipping, or concealment of debris to prevent unsightly views from roads and surrounding properties as well as to prevent a fire hazard.

Sec. 8. Appearance

Members must maintain their property to avoid a neglected and run-down appearance even when they are not in residence. When conditions of a property become so poor that neighbors and the community are negatively impacted, the BOC will send a letter of notification to the owner describing the problem and seeking a remedy.

Sec. 9. Signs.

(a) No signs are permitted within the easements for roads except those designating road names, traffic controls, and names of homeowners. Signs within road easements shall be installed only by the roads committee.

(b) No sign offering property for sale or rent and no sign for any commercial purpose shall be displayed anywhere within Watauga Vista, except on the community bulletin board.

Sec. 10. Recreation Facilities.

(a) No use of the clubhouse or other facilities owned or controlled by WVOA is allowed for recreational purposes without prior approval of the recreation committee. Such use is available only to the association, its members in good standing and their guests, and only upon clearing the date with the committee chairman and depositing seventy-five dollars (\$75.00) with the chairmen to cover costs, plus five dollars (\$5.00) electricity service charge. The deposit will be refunded if the premises are left in clean condition; otherwise it will be used to cover the cost of cleaning. (Amended 7-30-2020)

(b) Use of the clubhouse is not available to any organization other than WVOA, or to any individual who is not a member of WVOA. If a member holds a private function in the clubhouse and less than eighty (80) percent of those attending are WVOA members, such use is subject to a non-refundable donation of two hundred fifty dollars (\$250.00) to the recreation fund instead of the deposit specified above. Garbage is to be removed as promptly as possible. All recreational equipment must be returned to its assigned storage space after use. (Amended 10-25-08; 07-30-2020)

(c) The clubhouse will be closed and the water turned off from November 1 to April 15. During this winter period the clubhouse may be used by any member in good standing upon approval by the recreation committee, subject to these rules and to the condition that the member shall, at his expense, employ Norris Clouse to turn the water on and off as necessary to accommodate the requested use. The member will furnish firewood at his own expense, provided that the fireplace is in working condition.

Sec. 11. Guests and Tenants.

(a) Members in good standing may bring guests to the recreation facilities and the guests may use the facilities. No member who is not in good standing will be admitted to WVOA facilities as a guest of a member.

(b) Guests admitted to the use of WVOA facilities or to participate in WVOA functions are subject to payment (by the guest or his host) of the established fee or a pro rata share of the cost of the function.

(c) Members are financially responsible for debts incurred and acts committed by their guests at the recreation facilities or at any other place in Watauga Vista, including roads, rights-of-way, and trails.

(d) Members may rent their homes or allow guests to occupy them in the absence of the owner for single family use only. Members must register with the Chairman of the Short Term Rentals Committee their intent to offer their home for long or short term rental before renting. Owners who intend to rent must provide a contact, either the owner or their representative available 24/7/365 for complaints of violations of the Bylaws or Standing Rules especially with regard to nuisance and noise complaints. Failure to register before renting constitutes a violation of the Standing Rules and may result in a fine(s). Tenants and guests occupying a member's home may enjoy the same privileges that property owners are entitled to under WVOA bylaws and the standing rules, provided the member whose home is thus occupied is in good standing. The homeowner or his representative will inform the tenant or guest that his use of the premises is subject to the bylaws and the standing rules. (Amended 10-12-92; 7-5-94, 7-20-23).

Sec. 12. Voting and Office Holding Rights.

(1) Voting in membership meetings: The chair will make the following determinations:

(a) when votes are not close (typical situation) a simple voice or hand vote will be taken.

(b) when the votes appear close, and a careful count could change the results, the vote will be taken by polling the members present.

(c) an assistant to the chair will have a membership list, listing number of votes than can be cast by each member.

(d) The assistant will tally the votes and report the results to the chair.

When the vote is being taken, any member at any time can call for a tally vote.

(2) Any member in good standing can share the rights of membership with those in his/her household. All can participate in the activities of the association. However, to vote and hold office a person must be a property owner. (Added 10-2-00).

Sec. 13. Prohibited Activities.

Certain activities within Watauga Vista are prohibited by deed restriction in order to preserve the natural beauty of this community, to protect the health, welfare, and safety of the residents and to make sure that the enjoyment of other property by the owners thereof will not be diminished. The following rules are intended to implement those restrictions:

(a) *Hunting.* No hunting or discharging of firearms is allowed. (Amended 7-5-94).

(b) *Camping.* No person shall occupy any property except within a permanent structure conforming to the requirements of the deed restrictions and governmental regulations. This prohibits overnight occupancy in tents, campers, motor homes, trailers, or in any type of shelter that does not have approved sanitary facilities.

(c) *Nuisances.* In consideration of the need of our neighbors for peace and quiet, and to avoid annoyance to others, all residents and visitors are expected to refrain from making unusual or loud noises (particularly after ten o'clock at night); to control household pets by keeping them on their own property; to keep clotheslines out of sight from the street and from neighbor's houses; to keep storage tanks (for fuel and other purposes) out of sight, either in a building or underground; and to prevent any accumulation of junk, debris, or other unsightly condition upon their properties. No trailer, motor home, travel trailer, boat trailer, construction equipment of any kind or unregistered vehicles may be parked on any lot unless it is in a closed garage, so it cannot be seen from outside. (revised 12-14-2021)

(d) *Conflict of Interest.* During his term of office, no member of the board of directors or of any committee shall accept compensation for services rendered to the association or to any member. Violation of this rule will result in forfeiture of office. (Amended 7-7-97).

(e) *Fireworks.* Fireworks are prohibited except for the supervised use of sparklers. (Amended 7-7-97).

(f) *Business.* Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a lot, except that the owners or occupant residing in the dwelling on a lot may conduct such ancillary business activities within the dwelling so long as (a) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the dwelling, (2) the business activity does not involve visitation of the dwelling by employees, clients, customers or suppliers and (3) the activity is consistent with the residential character of the property and does not constitute a nuisance or a hazardous or offensive use, as determined in the Board's discretion. (Added 10-2-00).

Sec. 14. Complaints and Suggestions.

(a) Members' complaints and suggestions concerning the management of the recreational facilities, the maintenance of the roads, or other matters covered by the bylaws must be

in writing addressed to the proper committee and signed by the member or members originating them.

(b) The direction of discipline of WVOA's employees by members is prohibited. (Amended 6-6-83; 7-3-87; 9-4-87).

Sec. 15 Combining Lots

Whereas combining lots for the purpose of reducing the annual maintenance fees for the owner has been allowed in the past at the discretion of and by vote of the board. However, this unfairly reduces the fees for a single owner(s) at the expense of all other owners in Watauga Vista. Therefore, no requests to combine lots will be approved with the sole exception for any lot owner seeking to build on their lot and are required as a condition of their Macon County building permit to include a second lot for receiving the required permits for septic, well, and/or utility easement. In this case a maximum of two adjacent lots may be combined upon receipt of the Macon County building permit and the complete building plans by the Board of Control. Upon approval of combing two lots, the owner(s) voting rights for these two lots will be reduced to one vote for the combined lot. (added 12-14-2021)

Reference

The North Carolina Court of Appeals has decided that it would be inequitable to the owners of other lots within the community who are subject to the Governing Documents if a lot owner could reduce his assessment obligations simply by combining lots.

Watauga Vista Project Report Form

Address of Property where work is to be conducted: _____

Name of Owner: _____

Phone _____ Email _____

Type of Project: (Check all that apply and provide a description of the work on the back of this page. Please provide samples or product brochures if possible)

- New construction: house ___ storage/workshop ___ carport/garage ___
- Major renovation ___
- Roofing ___ Type of material _____ Color _____
- Exterior painting ___ Color _____
- Tree clearing and topping ___
- Driveway construction or repaving ___
- Construction or replacement of retaining walls ___
- Drainage ___
- Septic system ___
- Land excavation or landscaping using heavy equipment ___

Type of Equipment _____

- Other project requiring heavy vehicles or machinery larger than a ¾ ton pick-up truck ___

Contractor(s) Information:

Name of company _____

Name of contact person _____

Phone # _____ email _____

[SEE WORK DESCRIPTION ON BACK]

PART IV
BUILDING REGULATIONS

To: All Watauga Vista Property Owners

Re: Building Regulations

Every lot in Watauga Vista is subject to certain deed restrictions affecting land use. If you intend to build a house on your lot, to alter or enlarge your existing house, or to do any other kind of construction, including clearing, grading, or fencing, you need to know about those rules before you start. Land use restrictions are recorded in Book H-7 at Page 273 in the Register of Deeds office at the county courthouse; however, to make the information more readily available to you, the WVOA board of directors has prepared this explanation.

The principal restriction limits all lots to single-family residential use only. A guest suite or like facility without a kitchen is allowed but such a suite may not be rented except as part of the entire premises for the use of one family and their house guests. Before committing yourself to a contract or commencing construction of any improvements on your lot (even clearing and grading work prior to construction) we ask that you follow the procedure outlined below. This procedure applies not only to the construction of a new house, but also to any alterations or additions to an existing building, and to any improvement activity that involves the use of Watauga Vista roads by heavy vehicles and equipment.

Sec. 1. Submittal of Plans.

Complete plans, in duplicate, must be submitted to the board of control with application for approval. Drawings must be legible, drawn to scale, and fully dimensioned. They must include at least the following:

- +Foundation plan;
- +Elevation views showing type of exterior wall finish and roof; +Intended construction schedule;
- +Selection of Exterior Colors.

Copy of surveyor's plat of the property to be built upon, showing boundary dimensions and describing all corners, prepared by a North Carolina licensed land surveyor;

Plot plan showing lot boundaries and location of all proposed improvements, including buildings, septic tank and drain field, driveway, and any other structures, with dimensions indicating setbacks from lot boundaries to all structures. This plan and the surveyor's plat may be combined in a single drawing. Minimum setback requirements are ten (10) feet from any property line and thirty (30) feet from the center line of any road; Copy of Health Department permit. (Amended 5-22-10)

Sec. 2. Choosing a Builder.

It is wise to check the reputation of a contractor before you hire him. First, be sure he has a general contractor's license, as required by state law, and thereby avoid the risk of loss due to incompetence. Talk to others for whom he has worked to satisfy yourself as to his ability and financial strength. Please notify the board of control the name of the builder you have selected before you sign a contract.

Sec. 3. Insurance.

To protect yourself during the construction period we suggest that you obtain liability insurance covering personal injury and property damage.

Sec. 4. Water Service.

At the present time no water service is available from Carolina Water Service, Inc. It is suggested that you plan for a well on your property prior to construction.

Sec. 5. Site Inspection.

The lot owner will provide clearly visible markers at every corner of his lot, after which a site inspection will be made jointly by the lot owner, the building contractor, and a representative of the WVOA board of control. During the site inspection the location of buildings, driveway, and other improvements will be determined, together with any drainage facilities found necessary for erosion control and roadway drainage. The lot owner must provide a metal culvert under his driveway where it crosses the roadside ditch. The pipe length and diameter will be determined by the board of control during the site inspection. Notations will be made on the plans to record any changes agreed upon during the site inspection, after which one set of plans will be returned to the lot owner and the other set will be retained by the board of control.

Sec. 6. Building Permit.

No work may begin until your plans and construction schedule have been approved in writing by the Board of Control. The WVOA permit will be released after the plans are approved and the owner has paid to WVOA the Impact and Refundable Damage & Cleanup Fee as required by the bylaws. In addition to this permit the contractor (or owner-builder) must obtain all required Macon County building permits. Construction must begin within one year after the Macon County permit is issued; otherwise, the WVOA permit will expire and a new permit will be required.

Sec. 7. Preconstruction Inspection.

After clearing and grading of the site for the building, driveway, septic tank, drain field, and well has been done and the location of these features has been staked out no further work may be done until the Board of Control has inspected the layout. Upon the approval of this inspection by the Board of Control, the project may proceed. (Amended 5-22-10)

THE FOLLOWING POLICIES APPLY DURING THE CONSTRUCTION PERIOD:

Sec. 8. Changes during construction.

If any substantial change in the plans is contemplated during construction the owner must submit to the board of control two (2) copies of drawings meeting the standards set out in paragraph 1 above, showing the proposed changes. No departure from the previously approved plans is allowed until approved in writing by the board of control.

Sec. 9. Construction schedule.

To avoid destruction of roads by heavy use in winter weather, it is necessary to limit construction activities seasonally. No work may begin on building a new house or making major alterations before April 1 nor after September 15. No work requiring the use of Watauga Vista roads by vehicles larger than 3/4-ton load capacity is allowed between November 30 and April 1.

Sec. 10. Control of the Job Site.

The builder will conduct his operations in a manner that will minimize disturbance to others and prevent littering of the neighborhood. No materials may be stored and no temporary structures, equipment, or vehicles may be placed or parked within any road right-of-way, or park or other public area. A reasonable degree of control of scrap materials and debris is required, and all such materials must be removed and disposed of outside the boundaries of Watauga Vista by the builder before he leaves the job. To help prevent erosion, the builder will promptly seed and mulch all cut and fill slopes left by grading, and he will re-seed eroded areas as necessary to gain control. No trees will be removed except as necessary to clear areas to be covered by construction, or to thin growth.

Driveway and lot drainage – During all phases of construction including completion, adequate drainage must be assured and installed to allow all drainage from the driveway or elsewhere from the lot to be properly diverted into the closest roadside drainage ditch on the same side of the road as the ditch. No drainage shall be allowed at any time across the driveway or the road. Temporary ditches shall be kept clear and open. Consult with the Roads Committee Chairman for any questions regarding drainage. (Paragraph added 7-20-23)

Open fires prohibited – No open fires are allowed for any purpose including lot clearing, brush, tree or trash removal or disposal. Any open fires spotted or reported at the Job Site will result in local fire departments be contacted for emergency dispatch. Any and all costs for such fire department actions shall be paid by the contractor or the property owner. (Paragraph added 7-20-23)

In the interest of protecting the high quality of our community and the value of your investment, the board of directors seeks your full cooperation in following the above policy and procedure. It is simple and easy, and it will not cause any delay. Most important, it will ensure you against the disappointment and a waste of money that can happen without adequate planning and construction management.

We also strongly recommend that you use plans prepared by, or at least reviewed by, an architect. There are hundreds of excellent professionally prepared house plans available at very low cost in the mail order industry, so you do not have to employ an architect unless you want a custom-designed house. Considering the total amount you will spend in building your home, it makes sense to pay the insignificantly small cost of professionally prepared plans and thereby protect that investment. (Amended 10-3-86; 10-20-87).